



Malaysia

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Malaysia is a federation of 13 states and 3 federal territories with a parliamentary system of government based on periodic multiparty elections in which the ruling National Front coalition has held power for more than 40 years. Opposition parties actively contest elections, but face significant obstacles in competing with the long-entrenched ruling coalition. However, in the November 1999 elections, opposition parties won roughly 25 percent of the seats in the Federal Parliament, and an opposition party also retained control of one state government and gained control of another. The Constitution provides for an independent judiciary; however, government action, constitutional amendments, legislation, and other factors undermine judicial independence and strengthen executive influence over the judiciary. The impartiality of the judiciary continued to be a concern during the year, although the December appointments of a highly regarded new Chief Justice and Attorney General were viewed with optimism by most observers.

The Royal Malaysian Police have primary responsibility for internal security matters. The police report to and are under the effective control of the Home Minister. Some members of the police committed human rights abuses.

Malaysia is an advanced developing country with an estimated per capita gross domestic product of \$3,640 and an unemployment rate of 3.0 percent. Following nearly a decade of strong economic growth averaging over 8 percent annually, it was hit hard by the 1997 regional financial and economic crisis. After contracting by 7.5 percent in 1998, the economy began to recover in 1999, during which it posted a 5.8 percent growth rate. Analysts predicted a 7 to 8 percent growth for the year. During 1998 the Government adopted stimulative fiscal and monetary policies to promote economic recovery and established institutions to recapitalize distressed financial institutions and to remove nonperforming loans from the banking system. It also enacted selected capital controls to eliminate offshore trading in the local currency (ringgit) and to insulate the domestic economy from the effects of short-term, speculative capital flows. The Government takes an active role in the development of the export-oriented economy. Manufacturing accounts for 30.0 percent of GDP, services for 54.3 percent, agriculture for 9.4 percent, construction for 3.6 percent, and mining for 7.2 percent. Principal manufactured products include semiconductors, consumer electronics, electrical products, textiles, and apparel. Palm oil exports and production of natural rubber, cocoa, and tropical timber also are significant.

The Government generally respected its citizens' rights in some areas; however, its record was poor in a number of other areas, and significant problems remain. Police committed a number of extrajudicial killings; however, authorities prosecuted the perpetrators in some of these cases. Police on occasion tortured, beat, or otherwise abused prisoners, detainees, and demonstrators. The former chief of police was sentenced to 2 months imprisonment for having beaten the handcuffed and blindfolded former Deputy Prime Minister Anwar Ibrahim in 1998. In 1999, an Inter-Parliamentary Union (IPU) delegation found that prison conditions were not in accord with international norms; the Government subsequently took some steps to improve prison conditions. Conditions in the detention facilities of illegal aliens continued to pose a threat to life and health, although marginal improvements in food and water rations were reported. The trial of a prominent human rights activist on charges arising from her criticisms of such conditions continued. Police continued to use several statutes to arrest and detain many persons without charge or trial. Prolonged pretrial detention is a serious problem. Detained criminal suspects often were denied access to legal counsel prior to being charged formally. Many observers expressed serious doubts about the independence and impartiality of the judiciary, especially in high-profile cases. Former Deputy Prime Minister Anwar was charged with corruption in 1998 for political reasons, and was convicted and sentenced to 6 years in prison in April 1999. In August he was convicted of sodomy and sentenced to 9 years, to be served consecutively with the earlier 6-year sentence. Improper conduct by the police and prosecutors, along with many questionable rulings by the judge, denied Anwar a fair opportunity to defend himself. Anwar remained in prison at year's end, but he was transferred to a

hospital in December to receive treatment for a slipped disk in his back. Politically motivated, selective prosecution continued to be a concern during the year. The courts continued to defy most of a 1999 International Court of Justice (ICJ) ruling that a U.N. Special Rapporteur was immune from several libel suits. Authorities infringed on citizens' privacy rights in some instances.

Government restrictions, pressure, and intimidation led to a high degree of press self-censorship. The Government raided newsstands that sold an opposition party newspaper, limited its publication, and refused to renew the publication permits of several other political weeklies. Independent on-line newspapers operated without government interference. In 1999 a U.N. Special Rapporteur reported that the Government systematically curtailed freedom of expression. The Government did not respond to the report by year's end. Proliferating slander and libel suits threatened to stifle freedom of speech. The Government placed some restrictions on freedom of assembly and some peaceful gatherings. The Government continues to restrict significantly freedom of association. The Government continued to prohibit students from participating in some political activities. The Government places some restrictions on religious freedom, in particular the right of Muslims to practice teachings other than Sunni Islam. In addition the right of Muslims to change their religion was hindered by many practical obstacles. The Government continued to impose some restrictions on freedom of movement. Government policies create significant restrictions on opposition parties' ability to compete effectively with the ruling coalition. The Election Commission's lack of independence impedes it from effectively enforcing election results and monitoring elections. The Government continued to criticize harshly human rights NGO's, but also met with several such groups during the year. The Government established a National Human Rights Commission in April. Despite some limitations on its scope, the Commission established several human rights working groups, publicly supported the right of peaceful assembly in certain instances, and in December opened a public inquiry into alleged police misconduct during a November 5 opposition gathering. Despite government efforts, societal violence and discrimination against women remain problems. Sexual abuse of children is a problem, although it is punished severely. Indigenous people face discrimination and often are exploited, especially in regard to land issues. Longstanding policies give preferences to ethnic Malays in many areas, and ethnic minorities face discrimination. Some restrictions on worker rights persist. Child labor persists, although the Government has taken vigorous action against it. The country is a source, transit, and destination country for trafficking in women and girls for the purpose of forced prostitution.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings; however, police committed a number of extrajudicial killings. Police leadership continued efforts to curb such abuses during the year, including by inviting the U.N. Human Rights Commission to provide human rights training to police officers.

At year's end, the press reported that the police had killed 49 persons (in 27 separate incidents) during the course of apprehension. Press accounts suggested that police conduct was appropriate in a number of these incidents; however, several cases raised concerns.

In January 1999, the Bar Council called on the police to implement a standard procedure to investigate every lethal shooting by police; however, the police did not implement such a procedure. By year's end the Government had not formed an independent commission to investigate police killings, as was recommended by a group of 119 domestic NGO's in February 1999. In October 1999, the Deputy Home Minister informed Parliament that police had shot and killed 387 persons over the past 5 years.

In April police shot and killed three suspected robbers in waters off Sabah state during an antipiracy campaign. In August police shot and killed three men in Sabah whom police suspected were on their way to commit a robbery. Also in August, police shot and killed a suspected arsonist who reportedly attacked them with a knife. In several incidents throughout the year, police shot and killed individuals who they claimed had "run amok" and threatened bystanders. At year's end, the results of any police internal investigations into these and other incidents of police extrajudicial killings during the year were not available.

A Human Rights Watch report issued in August on the status of Burmese Rohingya illegal immigrants in the country documented allegations of deaths during the 1990's in illegal immigrant detention camps due to beatings and inhuman conditions such as inadequate food and medical care (see Sections 1.c. and 2.d.). The conditions in the camps remained a cause for concern; however, there were no reports of similar deaths during the year.

There were developments in several cases of extrajudicial killings from previous years. The case of a policeman charged in 1999 with culpable homicide not amounting to murder for shooting a doctor seated in his car went to trial. In December the policeman was sentenced to 8 years in prison by the sessions court for causing the death of the person. The policeman has appealed the decision to the High Court. In August a coroner ruled that four police officers and one civilian were culpable in the 1995 death of a youth in police custody. A negligence suit against the police regarding the death of a couple shot by police in 1998 in connection with the alleged kidnaping of the son of a state chief minister was to be heard in November, but it was postponed to a future date that had not been determined by year's end. In July testimony during a coroner's inquiry indicated that six men who were killed by police in a 1998 incident had been shot in the head at close range. In April the police announced that an inquiry would be made into the case of a 21-year-old who died in police custody in 1999. In May a woman filed suit against police for the death of her husband in police custody in 1999 and said publicly that her husband's death might be linked to his involvement with the opposition National Justice Party. A domestic worker who sued the government and the then-Inspector General of Police in 1992 over the death of her son in police custody in 1990 was awarded a judgment of just over \$10,000 (40,000 ringgit). In May two policemen convicted of injuring an Indonesian illegal immigrant who later died in police custody were sentenced to 3 years in prison.

In June Acehese leader Teauku Don Zulfari, exiled from Indonesia, was shot and killed in a Kuala Lumpur restaurant. The press speculated that the assailants were either gangsters or political rivals from Aceh.

b. Disappearance

There were no reports of politically motivated disappearances.

In late April, members of the Filipino terrorist group Abu Sayyef attacked a diving resort on the island of Sipadan, seizing several hostages of various nationalities. The group released all of the hostages but one, a Filipino national, who was being held in the Philippines at year's end.

In early September, four armed Abu Sayyaf rebels kidnaped three Malaysian hostages at the Pasir Dive Resort on Pulau Pandanan in Sabah state. All three hostages had been released at year's end.

In both instances, the Government made attempts to retrieve hostages and prevent further attacks.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

No constitutional provision or law specifically prohibits torture, although laws that prohibit "committing grievous hurt" encompass torture; however, at times some police tortured, beat, and otherwise abused prisoners, detainees, and other citizens. The authorities investigated some police and other officials for such abuses; however, the Government does not release routinely information on the results of investigations, and whether those responsible are punished is not always known.

Police sometimes abuse detainees. There were several press reports of persons who alleged police torture or cruel, inhuman, or degrading treatment while in custody. For example, in April a 16-year-old schoolboy sued the police, alleging that he was tortured after a February arrest in connection with an arson case. In October a suspected robber claimed that police had shot him in the eye during an interrogation. He reportedly then was ordered to tell doctors that he had been in an accident. In November a man claimed that police had squeezed his genitals with pliers in order to make him confess to a theft. All of the cases were under investigation at year's end.

Police sometimes subjected criminal suspects and illegal alien detainees to physical and psychological torture during interrogation and detention. During the 1998 trial of former Deputy Prime Minister Anwar Ibrahim, senior police officers testified that the police had institutionalized techniques to subject some "national security" detainees to coercive and abusive treatment. A senior police officer said that the police did not consider the legality of such tactics. However, the Government continued to require police to attend community relations and ethics courses to address public concerns over police misconduct. The results of such courses were unclear at year's end.

In March former Inspector General of Police Tan Sri Rahim Noor was sentenced to 2 months in jail and ordered to pay the maximum fine of about \$525 (2,000 ringgit) for "causing hurt" after pleading guilty to beating former Deputy Prime Minister Anwar Ibrahim in 1998 while Anwar was blindfolded and handcuffed in police custody. The beating badly bruised Anwar's face, neck, and arms, and reportedly temporarily left him with impaired balance and unclear vision. Rahim said that Anwar had provoked him. Charges of attempted assault were reduced as part of a plea bargain. Rahim paid the fine, but his lawyers immediately appealed the

sentence, and he remained on bail. The prosecution appealed the sentence, which it termed inadequate. In June a hearing of Rahim's appeal was postponed until September after his lawyers claimed that Rahim was ill. In September the court again rescheduled the hearing to November after the defense informed the judge that Rahim had been admitted to a hospital. The appeal was heard in November; Rahim's fine was waived, but the 2-month jail sentence was upheld. Rahim's lawyer's appealed the sentence to the Federal Court. Rahim will lose his pension if the sentence is not overturned.

In 1999 Prime Minister Mahathir bin Mohamad formed the Royal Commission of Inquiry after a long police internal investigation established that police had been responsible for the beating of Anwar, but failed to identify a culprit. The Commission found no members of the police besides Rahim culpable or complicit in the beating of Anwar or in the subsequent cover-up. In April 1999, the Malaysian Bar Council expressed concern that the Royal Commission had recommended that no action be taken against senior police officers who failed to report or arrest Rahim after the beating. Anwar's supporters continued to call on the Prime Minister, who oversaw the police as the Home Minister at the time of Anwar's arrest, to take responsibility for Anwar's beating. The Prime Minister had not responded by year's end.

During the year, there was no response from the Government to charges that psychological pressures and threats of physical coercion had been used in previous years to obtain confessions in the politically sensitive trials of former Deputy Prime Minister Anwar Ibrahim. In July the case against fashion designer Mior Abdul Razak bin Yahya for fabricating evidence, was dismissed as "not amounting to an acquittal," after being postponed four times. Mior had sworn in an affidavit that police had threatened and abused him after he was detained in September 1998, causing him to confess falsely to having had sexual relations with the former Deputy Prime Minister. In February Anwar's codefendant, Sukma Darmawan, testified that he had confessed falsely to a homosexual relationship with Anwar under police pressure in exchange for a promise that he would be free for such testimony. One other alleged homosexual partner of Anwar's gave a consistent description of the psychological and physical abuse used by police to force similar confessions from him.

No government response was reported to the March 1999 police report filed by opposition activist Abdul Malek bin Hussin in which he accused police of torturing him in 1998 while he was under detention without charge under the Internal Security Act (see Section 1.d.). Malek alleged that police among other abuses, had beaten him unconscious and forced him to drink their urine.

During the year, riot police several times forcibly dispersed peaceful demonstrators in Kuala Lumpur, using truncheons, water cannons, and tear gas (see Section 2.b.). In April the Legal Aid Centre, representing 48 persons arrested during street protests on April 15 to mark the first anniversary of Anwar Ibrahim's sentencing on corruption charges, called on the Government to probe allegations of police brutality during the protests. The Human Rights Commission announced in April that it would look into the allegations. Opposition activist Tian Chua claimed that police beat him in August after they detained him during a demonstration outside the courthouse where Anwar Ibrahim was being convicted and sentenced on sodomy charges. Tian reportedly suffered back injuries during the beating. He brought his case before the commission and announced that he intended to sue the Government.

Logging companies reportedly used police force and intimidation to appropriate land from indigenous Iban and Penan communities in Sarawak (see Section 5).

Criminal law prescribes caning as an additional punishment to imprisonment for those convicted of some nonviolent crimes such as narcotics possession, criminal breach of trust, and alien smuggling. Judges routinely include caning in sentences of those convicted of such crimes as kidnaping, rape, and robbery. Some state Islamic laws, which bind only Muslims (see Section 1.e.), also prescribe caning. The caning, which is carried out with a 1/2-inch-thick wooden cane, commonly causes welts, and it sometimes causes scarring. Male criminals age 50 and above and women are exempted from caning. According to the provisions of the Child Act passed in December, male children may be given up to 10 strokes of a "light cane" (see Section 5).

Prison conditions are poor. The authorities in 1999 announced that changes would be made concerning prison conditions, in the wake of a 1999 report by the IPU on the treatment in prison of then political prisoner Lim Guan Eng. The report found that the conditions of Lim's imprisonment did not comply with the U.N. Standard Minimum Rules (Treatment of Prisoners) and the U.N. Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment. The report cited portions of the Minimum Rules that concern light, ventilation, and proper bedding, and Principle 6 of the Body of Principles, which prohibits torture or cruel, inhuman, or degrading treatment. However, the delegation that drafted this report did not visit Lim in prison, and therefore was unable to make direct observations. The Government stated that Lim was detained under the same conditions as other prisoners and in accordance with the colonial-era 1952 Prison Rules and the 1995 Prisons Act, which, the Government contended, met the standards of the U.N. Minimum Rules.

Deputy Home Minister Ong Ka Ting told Parliament in 1999 that the Government had completed a review of prison rules and made amendments that would improve the management of prisoners. Ong said that the amendments would be promulgated after their approval by the Attorney General. Deputy Prime Minister Abdullah Badawai announced in April that the Government had spent over \$250,000 (1 million ringgit) during the year to provide every prisoner with a mattress, although this had not been confirmed by independent monitors by year's end. In August prison officials announced that a number of current prison rules would be reviewed. Officials stated that these changes would include allowing female prisoners to keep children with them until age 4 instead of the current restriction to age 3 and expanding visiting privileges.

Prison overcrowding is a serious problem. In 1999 the Director General of Prisons said that the country's 35 prisons held 27,400 prisoners; total designed capacity is 20,000. In March the Deputy Home Minister announced that eight more prisons, two juvenile reform schools, and a moral rehabilitation center would be built by 2005. "Security" prisoners (see Section 1.d.) were detained in a separate detention center.

Credible reports by former prisoners indicated that guards at some prisons regularly beat prisoners convicted of criminal offenses.

NGO's and former detainees have made credible allegations of inadequate food, poor medical care and sanitation, and abuse by guards in government camps for illegal immigrants. Conditions are considered to have improved with increased food and water rations, and vitamin B shots for detainees suffering from beri-beri. A Human Rights Watch report issued in August on the status of Burmese Rohingya illegal immigrants in the country documented allegations of deaths in the camps due to beatings and inhuman conditions during the 1990's (see Sections 1.a. and 2.d.). There were no reports of similar deaths during the year. In July 1999, after 3 days without adequate supplies of water, 192 illegal aliens escaped from the Lenggeng detention center. Testimony during the ongoing trial of nongovernmental organization (NGO) activist Irene Fernandez (see Section 2.a.) described inhuman conditions at illegal alien detention camps from 1993 to 1995. Former detainees from this period testified during the trial that they had been kicked, beaten with sticks and rubber hoses by camp policemen, refused medical treatment for their injuries, and subjected to severe punishments, including sexual abuse. Some physical abuse still occurs in the camps.

The law provides that young boys and girls in remand (judicially approved detention) may be placed in prison. The local press reported in September that children as young as 10 years old were held in prisons for offenses such as petty theft or involvement in school fights. Although kept in a separate cell block, they reportedly mingled with adult prisoners during communal activities. The Prisons Department acknowledged that more than 200 juveniles between 14 and 21 years of age were being held in prisons, in particular at Sungai Buloh. A prison official claimed that the juvenile prisoners, 82 percent of whom were waiting for their cases to be heard, are kept separately from adult prisoners at all times. In September the Government identified 2,061 juveniles held in 26 prisons throughout the country. The Minister in the Prime Minister's Office responsible for legal affairs said that he would review the rules governing custody of juveniles, claiming that the law did not provide for such imprisonment of minors. According to press reports in November, officials from the National Unity and Social Development Ministry expressed surprise that juvenile offenders still were being sent to prison, despite plans to relocate them to separate facilities.

The Government has an agreement with the International Committee of the Red Cross (ICRC) that permits visits to certain categories of prisoners. The Government has not blocked or denied such visits. However, the ICRC did not visit prisons during the year. In August an ICRC representative arrived to open a regional facility in the country, but he had not received accreditation from the Government. Other NGO's and the media generally are not permitted to monitor prison conditions. Access to illegal alien detention camps is restricted.

d. Arbitrary Arrest, Detention, or Exile

Police continued to use several statutes to arrest and detain many persons without charge or trial. Suspects in some crimes (called "seizable offenses") may be arrested without warrants; suspects in other crimes ("nonseizable offenses") may be arrested only based on a warrant from a magistrate. Crimes characterized as bailable offenses permit suspects to present bail at the police station according to a schedule. Bail is not available for nonbailable offenses and sometimes also is denied in other circumstances, for example, great risk of flight. Police may hold suspects for 24 hours without charge. Police may request a magistrate to extend the period of remand without charge for up to 2 weeks. After this extension, the police, if they wish to hold the suspect, must charge him and seek an order of detention from a magistrate. In some cases, police have released suspects under remand and quickly rearrested them on new but similar charges. However, in general police practice is in accord with legal provisions concerning detention.

Police may deny prisoners under remand access to legal counsel and routinely they do so. During this period of remand, police also may question suspects without giving them access to counsel. Police justify this

practice as necessary to prevent interference in ongoing investigations. Judicial decisions have upheld this practice. Defendants' advocates claimed that the lack of access to counsel seriously weakened defendants' legal rights.

Crowded, understaffed courts and the legal safeguards and appeals available to the accused often result in lengthy pretrial detention, sometimes lasting several years. In 1998 the Prison's Director General stated that roughly half of the prison population consisted of prisoners who had not yet been sentenced. Most such prisoners either have been convicted and are awaiting sentence or are in the midst of their trials. In April a government minister acknowledged that a prisoner had been held for more than 8 years pending trial.

Three laws permit the Government to detain suspects without judicial review or the filing of formal charges: the 1960 Internal Security Act (ISA); the 1969 Emergency (Public Order and Prevention of Crime) Ordinance, and the 1985 Dangerous Drugs Act (Special Preventive Measures). Enacted more than 40 years ago when there was an active Communist insurgency, the ISA empowers the police to hold for up to 60 days any person who may act "in a manner prejudicial to the security of Malaysia." The Home Minister may authorize further detention for periods of up to 2 years. Those released before the end of their detention period are subject to "imposed restricted conditions" for the remainder of their detention periods. These conditions limited their rights to freedom of speech, association, and travel outside the country.

According to the Government, the goal of the ISA is to control internal subversion. According to a prominent local human rights NGO, as of November 30, there had been 76 detentions under the ISA during the year. In addition, according to the NGO's statistics through June, 836 persons had been detained under the Dangerous Drug Act and, as of August 31, 418 persons were being detained under the Emergency Ordinance.

The ISA often is used against what the Government considers nonpolitical crimes, including those against ostensibly "deviant" Muslim groups. The Government states that deviant groups pose a danger to national security because of their radical beliefs. The ISA, and the threat of invoking the ISA, also are used to intimidate and restrict political dissent. For example, in 1998 the police detained Anwar Ibrahim and 27 of his followers under the ISA after a series of largely peaceful antigovernment demonstrations. The Government claimed that the demonstrations threatened national security (see Sections 1.e. and 2.b.). The 29 members of the Al-Ma'unah sect arrested in June initially were detained under the ISA.

Security authorities sometimes wait several days after detention before informing an ISA detainee's family. Even when there are no formal charges, the authorities must inform detainees of the accusations against them and permit them to appeal to an advisory board for review every 6 months. However, advisory board decisions and recommendations are not binding on the Home Minister, are not public, and often are not shown to the detainee. In the past, some ISA detainees have refused to participate in the review process under these circumstances.

Amendments to the ISA in 1997 sharply circumscribed judicial review of ISA detentions. Although the Bar Council has in the past asserted that detentions under the ISA should be subject to judicial review on both procedural and substantive grounds, the courts have not concurred with this interpretation, and they review ISA detentions only on technical grounds. Detainees freed on technical grounds nearly always are detained again immediately.

In May 1999, the Government announced new procedures for ISA detention. According to press reports, the new amendments stipulated that senior police officials must concur with ISA detentions. The then-Deputy Minister in the then Prime Minister's Department Datuk Ibrahim Ali claimed that the amended procedures would help prevent misuse of the ISA. The details were not reported.

In early August, the Government charged 29 members of the Al-Ma'unah sect, who were arrested for the early June raids on two army depots, after previous remandings had expired. The group was charged under Section 121 of the Penal Code with "waging or attempting to wage or abetting the waging of war" against the King. Also in August, the Government detained under the ISA at least 33 additional Al-Ma'unah members solely for their membership in the group. In December six members of the first group were convicted and sentenced to 10 years in prison. The remaining members (of both groups) remained in custody at year's end. In March police in Sarawak detained two persons under the ISA for allegedly dealing illegally in firearms (see Sections 1.e. and 2.c.).

Opposition leaders and human rights organizations continued to call on the Government to repeal the ISA and other legislation that deprived persons of the right to defend themselves in court. For example, in August 70 opposition parties and nongovernmental groups signed a memorandum calling for the repeal of the ISA. However, during the year, a number of ruling coalition politicians and government officials stated that the ISA still was necessary and would not be repealed. In February the Deputy Home Minister said in Parliament that

the ISA is useful in maintaining the peace, but it would not be misused. In July the Prime Minister said "the ISA is a legitimate law of the country, and although we do not like using it, we have the right to use it against persons whose actions can jeopardize the country's security."

Under the 1969 Emergency Ordinance, which was instituted after intercommunal riots in that year, the Home Minister may issue a detention order for up to 2 years against a person if he deems it necessary to protect public order, or for the "suppression of violence, or the prevention of crimes involving violence." In fact the Government has used the Emergency Ordinance for other reasons. In September press reports quoted a police official as saying that 328 persons were detained under the ordinance during the year.

Provisions of the 1985 Dangerous Drugs Act (Special Preventive Measures) give the Government specific power to detain suspected drug traffickers without trial. Such suspects may be held for up to 39 days before the Home Minister must issue a detention order. Once the Ministry has issued an order, the detainee is entitled to a hearing before a court. In some instances, the judge may order the detainee's release. Suspects may be held without charge for successive 2-year intervals with periodic review by an advisory board, whose opinion is binding on the Home Minister. However, the review process contained none of the procedural rights that a defendant would have in a court proceeding. The police frequently detained suspected narcotics traffickers under the Special Preventive Measures after the traffickers are acquitted of formal charges--often as they leave the courtroom. Between January and September, 1,259 persons were detained under this measure. The Government detained over 1,300 persons under this law in 1999.

Immigration laws are used to detain possible illegal aliens without trial or hearing. The detainees are not accorded any administrative or legal hearings and are released only after their employers prove their legal status. Those who were able to produce legal documents normally are released immediately; those who were unable to prove their legal status often were held for extended periods before deportation. Illegal aliens were kept in detention centers that are separate from prisons (see Section 1.c.).

Law enforcement authorities also used the Restricted Residence Act to restrict movements of criminal suspects for an extended period. The act allows the Home Ministry to place criminal suspects under restricted residence in a remote district away from their homes for 2 years. The Ministry is authorized to issue the banishment orders without any judicial or administrative hearings. Human rights activists have questioned the need for this law, which was passed more than 60 years ago (during British sovereignty) under very different circumstances, and they have called for its repeal. The Government has continued to justify the act as a necessary tool and has used it in the recent past, primarily to combat vice and gambling offenses. In July 1999, the Terengganu state chief of police warned publicly that operators of illegal gambling machines would be banished under the act if they did not cease their activities. In August 1999, Director General of the Anticorruption Agency (ACA) Datuk Ahmad Zaki Husin proposed using the act to banish officials suspected of corruption. After the Bar Council expressed concerns over the proposal, Zaki clarified that the Restricted Residence Act might be used only for "syndicated graft." Also in August 1999, the Deputy Prime Minister warned "get-rich-quick" scheme operators that they might face banishment under the act. The Government has not disclosed how many persons were subject to the Restricted Residence Act and no accurate estimate was available. In April the Deputy Home Minister said in Parliament that during 1999 there were 93 persons held in prison waiting to be placed under restricted residence, and 17 of these persons were released from prison into restricted residence. In September the Selangor state government stated that it might use the Restricted Residence Act to banish those responsible for the increase in illegal video and gaming outlets in Selangor.

In 1998 the Attorney General stated that the Government had expedited hearings on the cases of 44 prisoners held "at the pleasure of the Sovereign" for inordinate periods, often well exceeding the maximum sentences for their original crimes. In one case, a prisoner had been held for 37 years. Most such "forgotten prisoners" committed their crimes as minors or while of unsound mind. The Government has not released the findings of the hearings held on these cases, or indicated whether any of the 44 prisoners have been released.

Section 396 of the Criminal Procedure Code allows the detention of a person whose testimony as a material witness is necessary in a criminal case, if that person is likely to abscond.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, since 1988 government action, constitutional amendments, legislation restricting judicial review, and other factors steadily have eroded judicial independence and strengthened executive influence over the judiciary. A number of high-profile cases continued to cast doubts on judicial impartiality and independence, and raised questions of arbitrary verdicts,

selective prosecution, and preferential treatment of some litigants and lawyers. Members of the bar, NGO's, and other observers (including those who attended a 1999 Commonwealth Law Conference held in the country) continued to express serious concern about the deterioration of the independence and overall fairness of the judiciary. In December a new Chief Justice and Attorney General were sworn into office. Most observers were optimistic that these appointments will help restore the health and credibility of the judiciary. Immediately after taking his position, the new Chief Justice made public remarks regarding the importance of restoring public trust in the judiciary.

High courts have original jurisdiction over all criminal cases involving serious crimes and most civil cases. Civil suits involving automobile accidents and landlord-tenant disputes are heard by sessions courts. Juvenile courts try offenders under age 18. The Special Court tries cases against the King and sultans. The Court of Appeal has appellate jurisdiction over high court and sessions court decisions. The Federal Court, the country's highest court, hears appeals of court of appeal decisions.

Islamic religious laws administered by state authorities through Islamic courts bind ethnic Malays and other Muslims in some matters. In 1997 the Government announced that it would harmonize Islamic law at the federal level and appoint an Islamic law federal attorney general. However, the Government has not been able to obtain the necessary agreement of all the states and the proposal has not been implemented, though it is still under discussion.

Indigenous people in Sarawak and Sabah also have a system of customary law to resolve matters such as land disputes between tribes.

Penghulu (village head) courts may adjudicate minor civil matters, but these are rarely used.

The military has a separate system of courts.

The secular legal system is based on English common law. Trials are public, although judges may order restrictions on press coverage. For example, in the corruption trial of former Deputy Prime Minister Anwar, the judge often restricted press coverage of defense testimony and remarks that might embarrass senior government leaders. However, the judge generally did not restrict press coverage of testimony and remarks that might embarrass Anwar.

Defendants have the right to counsel, bail is sometimes available, and strict rules of evidence apply in court. Witnesses are subject to cross-examination. The defense in both ordinary criminal cases and special security cases is not entitled to a statement of evidence before the trial. In general, limited pretrial discovery in criminal cases hobble defendants' ability to defend themselves.

Defendants enjoy the presumption of innocence and may appeal court decisions to higher courts. In criminal cases, defendants also may appeal for clemency to the King or local state rulers as appropriate. A single judge hears each criminal trial. There are no jury trials.

A 1997 amendment to the Criminal Procedure Code that may erode defendants' presumption of innocence continued to concern lawyers. Before the 1997 amendment, the prosecution was required to prove its case beyond a reasonable doubt or the defendant would receive a summary dismissal without having to present the defense case. Now, the prosecution only needs to prove a legally sufficient unless disproved case, and the defense must be called. In August 1999, a man was convicted of murder after electing to enter a no defense. The judge ruled that the prosecution had proven a legally sufficient case and, when the man chose to offer no defense, the judge convicted him and sentenced him to death.

In 1998 Parliament passed amendments to the 1964 Courts of Judicature Act that limited the rights of defendants to appeal in some circumstances. The Government stated that these amendments would expedite the hearing of cases in the upper courts. The president of the Bar Association said in 1998 that the amendments imposed too many restrictions on appeals.

The Attorney General may restrict the right to a fair trial in criminal cases by invoking the 1975 Essential (Security Cases) Regulations. These regulations governing trial procedure normally apply only in firearm cases. In cases tried under these regulations, the standards for accepting self-incriminating statements by defendants as evidence are less stringent than in normal criminal cases. Also, the authorities may hold the accused for an unspecified time before making formal charges. The Attorney General has the authority to invoke these regulations in other criminal cases if the Government determines that the crime involves national security considerations, but such cases are rare. However, the Essential Regulations were invoked in September at the beginning of the trial of the 29 members of the Al-Ma'unah sect accused of carrying out arms

thefts at 2 army posts in July. Defense lawyers argued that the use of the Essential Regulations was unconstitutional, since no certificate of emergency declaring a national emergency had been issued. The judge ruled that the Attorney General has the discretion to opt to use the Essential Regulations, if he sees fit to do so (see Sections 1.d. and 2.c.).

Even when the Essential Regulations are not invoked, defendants and defense lawyers lack legal protections against interference. For example, during a trial police may call and interrogate witnesses who have given testimony not helpful to the prosecution. Human rights advocates accused police of using this tactic to intimidate witnesses. One instance of this practice led the Bar Council in July 1999 to issue a statement of concern. Police also have used raids and document seizures to harass defendants. Selective prosecution that is, prosecution based on political rather than legal considerations, is a serious problem in the legal system. According to the law, the decision to prosecute a case rests solely with the Attorney General. In August 1999, the former Chief Justice publicly reminded magistrates and judges not to question the Attorney General's sole discretion to prosecute. Opposition leaders and some NGO's made credible accusations of political interference in the judicial process. In April 1999 the Prime Minister publicly denied that he interfered in the decisions of the Attorney General. In February the Minister in the Prime Minister's Department responsible for legal affairs stated in Parliament that the Attorney General does not practice selective prosecution.

In practice the Attorney General uses his power to prosecute selectively. In May 1999, the Attorney General warned that those accusing the Government of selective prosecution could be charged with sedition or criminal defamation. The Bar Council criticized the Attorney General's statement and stated that it showed "a lack of respect or understanding of the concept of democracy and the rule of law." No one was charged with sedition or criminal defamation on such grounds during the year.

Contempt of court charges also have restricted the ability of defendants and their attorneys to defend themselves. Attorney Zainur Zakaria, after raising a legal issue on behalf of his client Anwar Ibrahim, was charged with contempt in 1998. Zainur lost his appeal in September but was granted a stay of execution of the 3-month sentence pending his appeal to the Federal Court, the country's highest court. The Bar Council expressed concern over Zainur's case and other contempt of court cases several times in recent years and in March 1999, it prepared a draft Contempt of Courts Act to provide explicitly what would constitute contempt. The Chief Justice said in April 1999 that there was no need for a Contempt of Courts Act because judges do not abuse their power. In August 1999, former Deputy Minister in the Prime Minister's Department Datuk Ibrahim Ali said that the Government would study the Bar Council's draft; however, the Government had not passed or considered such a bill by year's end. In September senior government officials participated in a Bar Council seminar on contempt of court provisions.

Following a number of high-profile corruption cases, the Government amended the Anticorruption Act in 1997. The law gives the Attorney General powers that impinge on the presumption of innocence and requires accused persons to prove that they acquired their monetary and other assets legally.

Islamic courts do not give equal weight to the testimony of women. Many NGO's have complained that women do not receive fair treatment from Islamic courts, especially in matters of divorce.

In August, a judge ruled that U.N. Special Rapporteur on the Independence of Judges and Lawyers Datuk Param Kumaraswamy, because of his status as a U.N. Special Rapporteur, was immune from one of four libel suits pending against him in Malaysia. The judge explicitly stated that his ruling did not affect any of the other suits pending against Param. The suits stem from a longstanding and complex series of events. In 1997 Param and former Malaysian Bar Council secretary general Tommy Thomas were sued by several large companies, prominent businessmen, and a prominent lawyer for libel for an article, in an international legal journal. The article alleged that certain plaintiffs and their lawyers enjoyed improper preferential treatment in the courts. In judgments that widely were thought to be politically motivated and improperly influenced by favoritism, the courts had rejected Param's claim of immunity. In April 1999, the International Court of Justice (ICJ) had ruled that because of his status as a U.N. Special Rapporteur, Param was immune from the suits. The following month the Prime Minister said that the Government would abide by the ICJ's decision; however, in October 1999, a court defied the ICJ and ruled that Param would have to defend himself. Similar decisions were handed down in the other three suits. The U.N. expressed its regret over the court's decisions, and in December 1999, asked the Government to reimburse it for legal expenses. Param appealed the rulings, leading to the August decision. The other 3 libel suits against Param were still pending at year's end.

The libel case against Tommy Thomas was settled in October 1998 after he issued a written apology through his lawyers. However, he then issued a statement that the settlement was initiated by his insurance company over his objections. Subsequently Thomas issued a second statement retracting his earlier one. However, the judge cited him for contempt of court. He was convicted in 1998 and sentenced to 6 months in prison. The appeal of his conviction was still pending at year's end.

In June the High Court granted an order preventing the Malaysian Bar Council from holding an extraordinary meeting to discuss a motion calling for an investigation into alleged improper conduct by the Chief Justice. In 1994 the Chief Justice was accused of accepting vacation travel, from a lawyer who had matters pending before the court. The High Court stated that the allegations against the Chief Justice had not been verified.

The cases against former Deputy Prime Minister Anwar Ibrahim and some of his associates, and against Irene Fernandez (see Section 2.a.), have raised questions about judicial independence and impartiality. Nonetheless, the Courts did not rule exclusively in favor of the Government. In August a court convicted and fined a Member of Parliament (M.P.) from the ruling coalition government more than \$2,600 (10,000 ringgit) on a contempt charge. The M.P. filed an appeal; if the conviction stands, he would lose his seat.

Former Deputy Prime Minister Anwar Ibrahim is a political prisoner. In September 1998, after a political conflict, Prime Minister Mahathir Mohammad removed Anwar as Deputy Prime Minister. Later the same month, after a large and mostly peaceful demonstration in which he called for Mahathir's resignation, Anwar was detained for alleged corruption and sodomy. The Government was motivated primarily by its desire to remove Anwar from political prominence following the significant manifestation of popular support for the reform movement that Anwar began after his removal. While in detention, Anwar was beaten by the former Inspector General of Police Rahim Noor (see Section 1.c.).

For several days, Anwar was denied medical treatment for the injuries that he received at the hands of Rahim. Presumably to avoid bringing a visibly injured Anwar to court, police changed Anwar's status to "detention without charge" under the Internal Security Act. Anwar's status subsequently was changed again to "criminal detention." Anwar later was tried and convicted on four counts of corruption. He was sentenced to 6 years in prison for corruption in April 1999. In April Anwar's appeal of the conviction and sentence was denied by the Court of Appeals. He has appealed to the Federal Court, the country's highest court. At year's end, Anwar's appeal of this conviction still was pending. At the request of his lawyers in November, the appeal was postponed because Anwar was in the hospital being treated for a slipped disk in his back. No date has yet been set to hear the appeal.

During Anwar's corruption trial, the judge made several questionable rulings that greatly limited Anwar's ability to defend himself against what some individuals believe were politically motivated charges. For example, the judge sentenced one of Anwar's attorneys to 3 months' imprisonment for contempt after the attorney raised in court charges of prosecutorial misconduct. The judge greatly restricted the scope of Anwar's defense (on occasions during the trial, the judge explicitly said that he did not care if there was a conspiracy to bring down Anwar) and tolerated improper activities by the police and prosecutors. The judge allowed prosecutors to amend the charges in the middle of the trial, which is permitted under the law but in this case clearly was unfair to Anwar. Anwar was denied the ability to rebut evidence of sexual misconduct presented by prosecution witnesses when the judge, at the end of the prosecution's case, allowed prosecutors to amend the charges, and then expunged the record of all evidence of sexual misconduct. Since his arrest, Anwar has been denied bail on questionable legal grounds.

On August 8, Anwar was convicted on a separate charge of sodomy and sentenced to 9 years in prison, to be served consecutively with the 6-year sentence that Anwar received for corruption. Once he completes his 15 years in prison, he would be disqualified from holding any public office for 5 years. His adopted brother, Sukma Damarawan, a codefendant in the case, was sentenced to 6 years in prison and four strokes of the cane, but he remains free on bail. Lawyers for both immediately filed appeals. At the beginning of the sodomy trial, prosecutors changed the dates of the alleged acts of sodomy, allegedly because the defense had discovered that the apartment building where the sodomy allegedly took place had not been completed by the original dates. Despite testimony detailing how police had coerced a confession from an alleged homosexual partner, on July 26 1999, the judge ruled that the prosecution had proven beyond a reasonable doubt that this confession had been voluntary. A few days later, another witness admitted that police had coached part of his testimony. On August 18, 1999, the lead police investigator materially contradicted his testimony (in order to make it consistent with the amended dates of the alleged offense); on the next day, the judge ruled that the policeman had not lied. In April the judge ruled that the Prime Minister, who was called by the defense in an attempt to prove a political conspiracy against Anwar, would not be required to testify. Defense attorneys maintained that they were not permitted by the judge to call a number of desired witnesses. The defense claimed that the judge exerted such pressure during the summer to bring the trial to an early conclusion.

Anwar's conviction and sentence were criticized strongly by opposition parties, human rights groups, and a number of foreign governments and international human rights organizations. For example, the Malaysian Bar Council criticized the trial, citing irregularities in the evidence, and characterized the sentence as "manifestly excessive and harsh." Anwar remained in prison at year's end, but he was transferred to a hospital in December to receive treatment for a slipped disk in his back. He is permitted to receive visits from only his family and lawyers. According to the law, Anwar is a "common criminal" rather than a political prisoner, and therefore does not have the right to receive visits from international human rights organizations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law provides for these rights; however, authorities infringed on citizens' privacy rights in some cases. Provisions in the security legislation (see Section 1.d.) allow the police to enter and search without a warrant the homes of persons suspected of threatening national security. Police also may confiscate evidence under these acts. In some cases each year, police use this legal authority to search homes and offices, seize books and papers, monitor conversations, and take persons into custody without a warrant.

The law permits the Home Ministry to place criminal suspects under restricted residence in a remote district away from their homes for a 2-year period (see Section 1.d.).

The Government bans membership in unregistered political parties and in unregistered organizations (see Section 2.b.).

A clause in the 1997 Anticorruption Act empowers the Attorney General to authorize the interception of mail and the wiretapping of telephones. Such information would be admissible as evidence in a corruption trial.

Certain religious issues pose significant obstacles to marriage between Muslims and adherents of other religions (see Section 2.c.).

Muslim couples must take premarital courses. In previous years, women's activists complained that the courses, as implemented, perpetuated gender discrimination by misinforming women of their rights in marriage (see Section 5). However, there were no reports during the year of such misinformation regarding marriage rights.

Two state governments sought to restrict Muslim women's dress during the year (see Section 5).

Singaporean newspapers and magazines may not circulate in the country (see Section 2.a.), despite being easily available on the Internet.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, some important legal limitations exist, and the Government restricts freedom of expression and intimidates most of the print and electronic media into practicing self-censorship.

The Constitution provides that freedom of speech may be restricted by legislation "in the interest of security (or) public order." For example, the Sedition Act prohibits public comment on issues defined as sensitive, such as racial and religious matters. In practice the Sedition Act, the Official Secrets Act, criminal defamation laws, and some other laws have been used to restrict or intimidate dissenting political speech.

In February 1999, the U.N. Special Rapporteur on Freedom of Opinion and Expression issued a report stating that freedom of opinion was curtailed systematically in Malaysia. The Special Rapporteur stated that the Internal Security Act, the Sedition Act, and the Printing Presses and Publications Act were used to suppress or repress expression and curb peaceful assembly. He further stated that defamation laws "appear to be having a very chilling effect." The Government stated that the Special Rapporteur's report was "baseless and distorted."

The Prime Minister and other senior officials continued to ascribe seditious or treasonous motives to critics of government policies. Although many persons still criticized the Government publicly, the Government's statements made many persons more cautious about exercising their rights of free speech. For example, in November the Home Affairs Ministry issued several warnings to a Chinese-language daily newspaper, the China Press, about reporting on controversial issues, specifically the Vision School and the Education Fund.

In August 1999, Deputy Prime Minister Datuk Seri Abdullah Badawi warned that political parties that raised sensitive issues and caused an "undesirable situation" would be charged under the Sedition Act. However, government and ruling party officials sometimes made statements on sensitive racial and religious issues with no repercussions. For example, on the same day that the Deputy Prime Minister threatened to invoke the Sedition Act, he stated that voting for the opposition would be "disastrous" for ethnic Malays.

Two prominent figures were charged under sedition statutes during the year. In January the Government charged attorney and opposition politician Karpal Singh with sedition for statements he made in court during his legal defense of former Deputy Prime Minister Anwar Ibrahim, first time that a lawyer was charged with sedition for statements made in court. Karpal's case came to trial in July, but it was postponed until May 2001. Also in January, opposition politician Marina Yusoff was charged with sedition for comments that she made about racial violence in 1969 while campaigning for Parliament in 1999. Her case was postponed several times; it was being heard at year's end. Both Karpal and Marina were charged under Section 4(1)(b) of the Sedition Act of 1948, which carries a maximum fine of just over \$1,300 (5,000 ringgit), or 3 years' imprisonment, or both.

Again in January, the editor and printer of Harakah, the newspaper of the opposition Islamic party, Parti Islam Se-Malaysia (PAS), were charged with sedition in connection with an August 1999 Harakah article that quoted an opposition politician's comments on the confession of Sukma Darawaman, Anwar Ibrahim's codefendant in Anwar's sodomy trial. The printer pleaded guilty in May and was fined slightly over \$1,000 (4,000 ringgit). The editor's case is scheduled to be heard in 2001, although no formal date has been set.

In September 1999 an official of the United Malays National Organization (UMNO), the dominant component of the ruling National Front coalition, lodged a police report charging the chief minister of the opposition-controlled state of Kelantan with sedition. The chief minister allegedly had said that the state's populace no longer held the royal family in high regard. Police announced that they had questioned 10 members of the opposition Islamic party about this case. There were no reports of further developments by year's end.

In March the Melaka state government announced that it had terminated the contracts of an undetermined number of panel doctors, architects, and lawyers, and blacklisted contractors who allegedly were aligned with opposition parties. The state government also closed accounts in banks where the staff were accused of criticizing the Government. In July the Penang state government also blacklisted contractors for their alleged involvement in antigovernment activities, such as supporting or funding opposition parties. Opposition parties and NGO's criticized these actions as discriminatory, claiming that such steps were inconsistent with the demands of a democratic society.

In March 1999, the Prime Minister said that slanderous statements had become a "security problem" and claimed that some statements advocated violence and assassination. Police later claimed that they were monitoring all slanderous statements, including news reports that amounted to incitement. It was unclear from the Prime Minister's and police officials' statements whether security concerns were confined to advocating violence or whether these concerns also encompassed legitimate criticism of the Government.

UMNO formed a legal panel in March 1999 to identify slanderous and libelous statements and to take legal action against them. The panel subsequently sued several government critics for public statements and statements reported in the press. Former Deputy Minister in the Prime Minister's Department Datuk Ibrahim Ali, the chairman of the panel, warned that those who made allegations against the Government or the ruling party also might face prosecution for criminal defamation. In a separate statement in May 1999, Datuk Ibrahim Ali said that the ruling party had identified 40 to 50 individuals from the opposition and academia who often made defamatory statements. He reportedly said that UMNO wanted to ensure that the critics did not get away "scot free." Government opponents accused the Government of using the panel to stifle legitimate dissent. In June 1999, UMNO secretary general Tan Sri Khalil Yaakob said that the panel had countered opposition slander successfully.

During 2000, many government officials, opposition figures, and private citizens filed multimillion-dollar lawsuits for libel and slander. In May 1999, the Bar Council stated that the proliferation of multimillion-dollar libel and slander lawsuits "would end up stifling the freedom of speech." In July the Federal Court upheld a judgment of over \$250,000 (1 million ringgit) against a free-lance journalist who had been sued for libel by a wealthy businessman in 1994. In September the Court of Appeals dismissed an appeal by a Asian Edition Wall Street Journal correspondent against the rejection of his application to amend his statement of defense in a more than \$10 million (40 million ringgit) libel suit against him. A different panel of judges also struck down (with costs) the correspondent's application for a stay of the suits against him that were pending in a lower court. Also in September, the New Straits Times made a public apology to a prominent opposition party leader for two caricatures published in the newspaper in 1999. The Minister in the Prime Minister's Department responsible for legal affairs told reporters in September that the Government would review the law of defamation in response to public concern over libel awards which, he noted, frequently exceeded damages handed down in personal injury cases.

The Official Secrets Act (OSA) also restricts freedom of expression. In the past, The Bar Council and other NGO's have called for a review of certain provisions of the OSA that grant considerable discretion to the authorities. Opposition leaders historically have accused the Government of using the OSA to cover up corruption. In January Ezam Nor, former Anwar aide and youth chief of the opposition group National Justice

Party, was charged under the OSA with disclosing to reporters secret AntiCorruption Agency (ACA) reports. Ezam stated publicly in August 1999 that Anwar had stored abroad documents that corroborated charges of corruption against senior government leaders. Ezam claimed that the reports showed that the ACA was not pursuing corruption cases against senior government officials. Ezam's case went to trial in August, but it was postponed until February 2001. In March a government official stated in Parliament that only six persons have been arrested under the OSA since its inception in 1972, and he claimed that this statistic proved that the Government does not use the OSA to silence critics.

The 1984 Printing Presses and Publications Act limits press freedom. Under the act, domestic and foreign publications must apply annually to the Government for a permit. The act was amended in 1987 to make the publication of "malicious news" a punishable offense, expanded the Government's power to ban or restrict publications, and prohibited court challenges to suspension or revocation of publication permits. Government power over license renewal and other policies create an atmosphere that inhibits independent or investigative journalism and resulted in extensive self-censorship. In April the Deputy Home Minister stated in Parliament that from 1996 through March, action had been taken under the Act against 164 publishers. In May the Deputy Prime Minister stated in Parliament that the act has "served its purpose" of preserving harmony and promoting coexistence in a multiracial country. In August the Minister in the Prime Minister's Department responsible for legal affairs said that the act would not be repealed, even if a national press council were established to regulate the media.

The English and Malay mainstream press provide generally laudatory, uncritical coverage of government officials and policies, and usually give only limited and selective coverage to political views of the opposition or political rivals. Editorial opinion almost always reflects government positions on domestic and international issues. Chinese-language newspapers are much freer in reporting and commenting on sensitive political and social issues, but they are not immune to government pressure. However, self-censorship and biased reporting in the print media was not uniform and the English-, Malay-, and Chinese-language press all, at times, provided balanced reporting on sensitive issues.

The Government often conveyed its displeasure with press reporting directly to a newspaper's board of directors or chief editors. In addition leading political figures in the ruling coalition, or companies controlled by them, own most major newspapers, thus limiting the range of views. At times the susceptibility of the press to government pressure has a direct and public impact on operations. For example, in January the group editor in chief of a local press conglomerate was removed after its flagship newspaper, the New Straits Times, carried several articles that reportedly angered the UMNO Supreme Council. However, the individual was appointed in September as chairman of Bernama, the national news agency.

By World Press Freedom Day on May 3, 950 journalists had signed a petition, initiated a year earlier, calling for the repeal of the Printing Presses and Publications Act and the formation of an independent media council to regulate the press. The petition stated that government controls on the press had resulted in self-censorship and diminished the credibility of the mainstream press. The Bar Council issued a statement in 1999 supporting the journalists' petition. Although in response the Deputy Prime Minister reaffirmed his intention to look into the idea of a media council, no action had been taken by year's end.

The Center for Independent Journalism, which was founded in May, issued a statement after a seminar in September on press freedom, that cited self-censorship as the biggest obstacle to press freedom in the country. It identified the Printing Presses and Publications Act and fear of lawsuits as the primary causes of self-censorship.

The Government continued to prosecute human rights activist Irene Fernandez under the Printing Presses and Publications Act for charges that she made in 1995 of mistreatment of detainees at illegal alien detention centers. Fernandez's supporters accuse the Government of purposely prolonging the trial, the longest in the country's history, to harass Fernandez. As of year's end, the trial continued.

The Government also sometimes directly restricts the dissemination of information that it deems embarrassing or prejudicial to national interests. The Government continued its policy of not allowing public disclosure of air pollution index-readings. In July the Minister for Science, Technology, and Environment Datuk Seri Law Hieng Ding reiterated that the Government would not release air pollution index-readings due to fear that they would affect the tourism industry negatively. In February 1999, the Government forbade all state health departments from commenting on the outbreak of a deadly virus. The Government later restricted reporters' access to sites of the outbreak. However, the issue was reported widely.

Publications of opposition parties, social action groups, unions, and other private groups actively covered opposition parties and frequently printed views critical of government policies. However, the Government retained significant influence over these publications by requiring annual renewal of publishing permits and

limiting circulation only to members of the relevant organization. Several times in 1999, senior government leaders publicly warned the publishers of Harakah, the Islamic opposition party's newspaper not to print "slanderous" remarks and to limit distribution to party members. Harakah also was the target of several ruling party-sponsored libel suits. In December 1999, the Home Ministry issued a letter to Harakah's publisher asking him to explain why Harakah should not be banned for violating the terms of the publishing permit. Acting on a Home Ministry directive, police officers raided newsstands that distributed Harakah to the public and confiscated many copies. Harakah stated that he would abide by the Home Ministry directive and the newspaper generally no longer is sold openly. The circulation of Harakah rivals that of mainstream newspapers. Harakah was the only major Malay and English language media forum for opposition views. In March, the Government stipulated that Harakah published only twice a month instead of twice a week. The Government failed to renew publication permits for several political weeklies, such as Ekklusif and Detik, and a teen magazine, Al-Wasilah. The Government stated that the permits of Detik and Ekklusif were not renewed because of their "imbalanced reporting."

For most of the year, there were two exclusively on-line newspapers, although one of these was forced to shut down in December due to financial difficulties. Most major newspapers have an on-line edition. For example, Detik now publishes an on-line Internet edition. Exclusively on-line newspapers do not require publication permits; however, the Government denies their reporters press accreditation to cover government functions and ministers' press conferences, and refuses their admission into government buildings. During the year, readership of on-line newspapers increased markedly.

Printers, who also must have their permits renewed annually, were often reluctant to print publications were critical of the Government.

Both legal magazines (those with publishing permits) and illegal, that is lacking publishing permits, publications frequently printed criticism of the Government. In May 1999, police seized over a thousand copies of illegal antigovernment magazines at a printing company and charged the company owner with violating the Printing Presses and Publications Act.

Isolated instances of violence against journalists occurred during the year. A news photographer reportedly was assaulted during an August demonstration staged by the UMNO youth wing against an ethnic Chinese group accused of questioning special Malay rights and privileges.

The foreign press continued to be a target of government criticism for allegedly biased reporting. In February 1999, several government ministries announced plans to boycott three foreign publications that they claimed criticized the Government overzealously. In his August Independence Day speech, the Prime Minister stated the foreign media "have succeeded in discrediting us and encouraging and supporting all acts by any groups, including criminals, which could undermine our country."

The electronic media is restricted more tightly than the print media. Radio and television are almost uniformly laudatory of the Government. News on the opposition is restricted tightly and reported in a biased fashion. In July 1999, the Deputy Information Minister stated candidly that government television and radio channels would not broadcast the views of opposition parties. He said that opposition parties were welcome to use private news stations or apply for broadcasting licenses of their own. In fact the two private television stations have close ties to the ruling coalition and are unlikely to provide a forum for the opposition parties, and it is unlikely that the Government would grant the opposition a broadcasting license. In April the Deputy Information Minister stated that the opposition only would be allowed access to government media if the opposition "has anything specific or good to say." The Government has not approved a longstanding license application for a state radio station in the opposition-controlled state of Kelantan. Every other state has such a station.

A government censorship board censors films for profanity, nudity, sex, violence, and certain political and religious content. Television stations censor programming in line with government guidelines. The Government bans certain books for political and religious reasons or because of sexual or profane content. Some foreign newspapers and magazines are banned (see Section 1.f.) and, infrequently, foreign magazines or newspapers are censored, most often for sexual content. However, the increased prevalence of the Internet is undermining such restrictions. The Government maintains a "blacklist" of local and foreign performers, politicians, and religious leaders who may not appear on television or radio broadcasts.

The Communications and Multimedia Act (CMA), which came into force on April 1, 1999, requires certain Internet and other network service providers to obtain a license under the CMA. In December the Government stated that it did not intend to impose controls on Internet use, but it would punish the "misuse" of information technology under the CMA, which, while prohibiting censorship, provides for "legal action against those who post defamatory and false information on the Internet." The Government has not used licensing provisions

under the CMA to interfere with Internet access or to restrict Internet content.

Police detained four persons under the ISA in 1998 for "cyber rumor-mongering." Police accused the four of spreading false reports of rioting and potential violence against Chinese Malaysians via the Internet. The four later were charged under a section of the Penal Code that prohibits statements that cause fear or alarm. One of the four was acquitted in April for lack of evidence. The other three cases still were pending at year's end. During the year, government officials made several contradictory comments about the desirability of censoring the Internet. In September the Deputy Home Affairs Minister announced that his ministry was drafting a new law that would allow legal action to be taken against those believed to be responsible for spreading "misleading information" and pornography via the Internet. However, in the same month, the Information Minister said that the Government had no plans to censor the Internet. The Minister in the Prime Minister's Department responsible for legal affairs stated in September that, while the Internet would not be censored, users remained subject to the law, and anyone who defamed another over the Internet or made seditious comments still could legal face action.

The Government generally restricts remarks or publications that might incite racial or religious disharmony; it also attempts to restrict the content of sermons at government-affiliated mosques. Some state governments ban certain Muslim clergymen from delivering sermons (see Section 2.c.).

In December 1999, Prime Minister Mahathir said that the Government should find ways to prevent the opposition from "spreading lies" at mosques. Also in December 1999, Deputy Prime Minister Abdullah instructed the Religious Affairs Department to conduct background checks on religious speakers.

Throughout the year, government officials and ruling coalition politicians complained that opposition Islamic party members were giving political sermons in mosques around the country. In January the Prime Minister's office announced that all state religious councils had been instructed to keep a closer watch on the use of mosques for political purposes. In March a government minister stated that Friday sermons at mosques were being monitored to prevent the spread of "slander and lies." Selangor state government officials announced that they were investigating mosque committee members with links to the opposition, and Johor state government officials said that they had identified several "political" religious leaders who had criticized the Government. Selangor officials threatened to expel opposition sympathizers from mosque committees, and in Johor state, officials threatened "stern action." In May 24 members of the opposition Islamic party were banned by the Selangor state government from giving speeches in all mosques, government buildings, and prayer places in the state.

In the past, the Government generally had respected academic freedom in the areas of teaching and publication. Academics are sometimes publicly critical of the Government. However, there is self-censorship among public university academics whose career advancement and funding depend on the Government. In October the Education Ministry submitted the results of its inquiry into several teachers in Malacca who allegedly promoted antigovernment feelings by assigning political topics in a debate competition. The Teaching Service Commission was to determine whether these teachers should be dismissed; the inquiry was ongoing at year's end. Private institution academics also practiced self-censorship due to fear that the Government may revoke licenses for their institutions. Legislation also imposed limitations on student associations and student and faculty political activity (see Section 2.b.). A university vice chancellor must approve campus demonstrations.

The Government remained intolerant of teachers and students who expressed dissenting views. Throughout the year, senior government officials stated that teachers who opposed the Government and students who took part in antigovernment activities would face disciplinary actions, including dismissal and expulsion. In September the Minister in the Prime Minister's Department responsible for legal affairs warned that teachers who "poisoned the minds of school children" with political views during class faced the possibility of being charged under the Sedition Act and the Penal Code, and that students should not be involved in partisan politics. He asked the police to file a report on three teachers. In August 1999, an Education Ministry official said that a disciplinary panel had received reports from several states concerning teachers who had "incited" their students against the Government. In September 1999, an Education Ministry official said that the Ministry had "acted against" several teachers involved in antigovernment activities.

The Government has long stated that students should be apolitical and used that assertion as a basis for denying opposition parties access to student forums. According to student leaders, students who sign antigovernment petitions sometimes are expelled or fined. In fact the Government enforces this policy selectively; however, it does not refrain from spreading government views on political issues among students and teachers. In September the head of an Islamic student group was summoned for questioning by University of Malaya authorities for organizing a demonstration against a Western singing group.

In February 1999, the University of Malaya declined to renew the contract of Professor Chandra Muzaffar. Chandra, a well-known supporter of political reform and long-time government critic, charged that the university had fired him for political reasons. The university stated that it had declined to renew Chandra's contract for economic and personnel reasons. In June 1999, the High Court agreed to hear Chandra's application to reverse the university's decision. His case went to court in March but judgment had not been announced at year's end.

In 1997 the Government prohibited academics from making any public statements or publishing any writings on the country's air pollution crisis. Academics and others openly protested this order. The gag order remained in effect.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly; however, the Government places significant restrictions on this right. These rights may be limited in the interest of security and public order, and the 1967 Police Act requires police permits for all public assemblies except for workers on picket lines. The decision to grant a permit theoretically rests with the district police chief; however, in practice senior police officials and political leaders influence the grant or denial of some permits. Police grant permits routinely to government and ruling coalition supporters; however, they use a more restrictive policy with government critics, although the police have granted permits for many opposition meetings. In March the Government renewed a ban on outdoor public rallies in the capital that involve more than five persons.

Opposition leaders frequently alleged that police issue permits for public assemblies in an unfair manner that discriminates against the opposition. Various state and local police departments rebutted these allegations by providing statistics that indicated that most requests for permits are granted; however, in certain sensitive cases political considerations clearly led to the denial of permits. For example, in August police denied a permit to the National Justice Party to hold a rally at a large stadium in Kuala Lumpur. In response the National Justice Party organized and held a large public demonstration on November 5. The Government denied the permit for this demonstration as well, and police blocked roads leading to the private property on which it was to take place. As a result, participants demonstrated on the roadways nearby. The police used repressive, sometimes violent, means to block the demonstration and to arrest participants. There were reports that peaceful demonstrators were teargassed, struck with batons, and locked in police trucks for several hours in the afternoon sun. In December the National Human Rights Commission opened an inquiry into the police response to this demonstration and took testimony in public hearings. Opposition politicians noted that regulations that required that political meetings be held indoors if no permit is obtained make it difficult to hold large meetings, especially in rural areas. Police reaction to opposition rallies that ignored the requirement for a permit or were held after the Government denied a permit varied. Opposition politicians noted that ruling coalition parties frequently assembled without the requisite permits. For example, in August a youth group of the dominant Malay Party held a noisy assembly outside a Chinese assembly hall during a period of public tension over public comments that a Chinese association had made concerning special Malay rights (see Section 2.c.).

At the April, September, November, and other, smaller pro-Anwar opposition demonstrations in 1999, police arrested hundreds of demonstrators, including many peaceful demonstrators. Many of these demonstrators later were acquitted, a handful were convicted, sentences ranging from 1 to 3 months and a fine, and some cases still were pending at year's end. Among those arrested were many opposition party leaders. Police detained them under the Police Act for allegedly participating in an illegal assembly and under the Penal Code for allegedly causing a riot. All were released on bail, and they still were awaiting trial at year's end. In December seven members of the opposition were arrested and charged with rioting for stopping and directing to the local police headquarters a number of buses that they suspected were carrying unregistered voters to the polls during the November by-election in Lunas. All subsequently were released and were awaiting trial at year's end.

In April the police mounted an operation to prevent citizens from participating in a Kuala Lumpur demonstration called by the opposition to commemorate the 1-year anniversary of Anwar Ibrahim's 1999 conviction on corruption charges. Police set up roadblocks and monitored bus stations, train stations, and airports to turn back suspected opposition supporters. Despite these efforts, a small crowd of roughly 100 persons gathered on April 15 in Kuala Lumpur. The police dispersed the group as it moved between several locations, in some instances by using water cannons. Roughly half of the group was arrested; Amnesty International reported that many were assaulted while in police custody (see Section 1.c.). In the days before the April 15 demonstration, police arrested several opposition figures. One such person, Tian Chua, was arrested on the day after the demonstration, along with his lawyer (who was released shortly afterwards). All of those arrested were released on bail, and they awaited trial at year's end.

On August 8, a crowd of several hundred opposition supporters gathered outside the courthouse in downtown

Kuala Lumpur at which the verdict in Anwar Ibrahim's sodomy trial was being announced. The Government declared that the gathering was illegal and warned the public not to attend, despite the Human Rights Commission's pleas to respect the right to peaceful assembly outside the courthouse. Three members of the commission observed the demonstration and police conduct. Several days later, the commission issued a statement declaring that in general police conduct had been professional and considerate of the demonstrators. Opposition leader Tian Chua and several others claimed that they were beaten at a police station after being detained by police outside the courthouse.

In a meeting with the Human Rights Commission to discuss the August 8 demonstration, a public assembly observer team that represented a coalition of seven NGO's recommended a series of reforms to improve police handling of peaceful assemblies. The observers presented photographs taken on the scene as evidence of overly aggressive behavior by the police. The commission stated that it would study the documents and pictures.

There were several smaller demonstrations in Kuala Lumpur during the year. For example, a demonstration was held in January when Anwar Ibrahim's sodomy trial resumed after a several month break and a second took place in March at the National Mosque to protest government restrictions on the opposition newspaper Harakah. In each case, the police arrested some of the demonstrators and quickly broke up the gatherings.

In February 1999, the U.N. Special Rapporteur on Freedom of Opinion criticized the Government's use of various laws to curb peaceful assembly (see Section 2.a.).

In July 1999, five social activists were arrested for illegal assembly when they tried to prevent police from demolishing a squatter settlement. The case still was pending at year's end.

In April 4 of the over 50 Islamic opposition party members who were arrested in 1997 when they demonstrated in protest of an Israeli team's participation at an international cricket championship were ordered to testify in their own defense. In November each of the 4 was given a sentence of either 1 month in jail or a fine of \$400 (15,000 ringgit). Three chose jail time and one chose to pay the fine. The three serving jail time were released in early December after serving abbreviated sentences. Charges against the others were dropped in 1999.

The Constitution provides for the right of association; however, the Government places significant restrictions on this right. Certain statutes limited this right. Under the 1966 Societies Act, only registered, approved organizations of seven or more persons may function. The Government sometimes refuses to register organizations or may impose conditions when allowing a society to register. For example, the Government did not allow AI to set up a branch as an NGO. However, AI incorporated itself, and it was able to function much like an NGO. The Government prohibits the Communist Party and affiliated organizations (see Section 1.f.). The Government also has the power to revoke the registration of an existing society for violations of the act, a power that it has enforced selectively against political opposition groups. This threat of possible deregistration inhibits political activism.

To avoid the burdensome requirements of the Societies Act, many NGO's register as companies under the Companies Act or as businesses under the Registration of Businesses Act. Amendments to the Companies Act passed in 1998 empowered the Registrar of Companies to refuse registration of a proposed company if he is satisfied that the company is likely to be used for any purpose prejudicial to national security or the public interest. The Registrar also may cancel the registration of an existing company and disband it on the same grounds. Opposition parties and NGO activists claim that the sweeping powers granted to the Registrar of Companies were designed to stifle criticism. The Government denied such charges and stated that financial irregularities were the amendments' main target. However, later police statements threateningly alluded to the status of certain NGO's under the Companies or Societies Acts. In 1999 the Deputy Home Minister notified Parliament that the Government had revoked the registration of 981 societies under the Societies Act since 1966. No human rights NGO has had its registration revoked in recent years.

In August the High Court heard an appeal from the Socialist Party of Malaysia, whose application to form a new political party had been rejected in February 1999 by the Registrar of Societies. The Registrar stated that information on the application form was incomplete. Supporters of the Socialist Party claimed that the denial was motivated politically and filed an appeal. The case still was pending at year's end.

The Bar Council continues to be the target of government criticism in some instances; however, in others the Government attempted to collaborate with the council. In March 1999, former Deputy Minister Datuk Ibrahim Ali said that the Bar Council should not question the appointment of judges. In May 1999, Ali said that the Bar Council should stop meddling in government affairs. In June 1999, government leaders threatened to pass legislation making the Attorney General the head of the Bar Council. However, the Minister in the Prime Minister's Department, Rais Yatim, spoke at a Bar Council seminar in September on contempt-of-court

procedures. In the past, the Government has threatened to expand legally the membership of the Bar Council to include government lawyers and legal professors. Some members of the Council feared that such a measure would dilute the Council's independence. No such measures had been implemented by year's end.

The Universities and University Colleges Act also restricted freedom of association. This act mandates university approval for student associations and prohibits student associations, as well as faculty members, from engaging in political activity. However, there were no reports that students were suspended during the year, as had occurred in the past. Restrictions are not enforced as vigorously on students who participate in political activities in support of the ruling coalition. A university vice chancellor must approve campus demonstrations. Many students, NGO's, and opposition political parties called for the repeal or amendment of the act. A number of ruling coalition organizations and politicians also supported reexamination of the act, but the Government stated that the act still is necessary.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, the Government places some restrictions on this right. Islam is the official religion; however, the practice of Islamic beliefs other than Sunni Islam is restricted severely. Religious minorities, which include large Buddhist, Christian, Hindu, and Sikh communities, generally worship freely, although with some restrictions. Government funds support an Islamic religious establishment, and it is official policy to "infuse Islamic values" into the administration of the country. The Government imposed Islamic religious law (Shari'a) on Muslims only in some matters and it does not impose Shari'a beyond the Muslim community. Adherence to Islam is considered intrinsic to Malay ethnic identity and therefore Islamic religious laws administered by state authorities through Islamic courts bind all ethnic Malays (and other Muslims) in some matters. The Government also grants funds to non-Islamic religions, but to a more limited degree.

According to 1991 government census figures, the principal religions are: Islam (59 percent of the population, the majority of whom are Sunni); Buddhism (18 percent); Christianity (8 percent); Hinduism (6 percent); and Confucianism, Taoism, or other religions that originated in China (5 percent).

For Muslims, particularly ethnic Malays, the right to leave the Islamic faith and adhere to another religion is a controversial question. The legal process of conversion is unclear; in law and in practice, it is very difficult for Muslims to change religions. In March 1999, the country's highest court ruled that secular courts have no jurisdiction to hear applications by Muslims to change religions. According to the ruling, the religious conversion of Muslims is solely the jurisdiction of Shari'a courts. The state of Perlis enacted a law that stipulated that Muslims found guilty of apostasy by a Shari'a court are to be sent to "faith rehabilitation centers." Such a bill also has been proposed at the highest level of the Government. Leaders of the opposition Islamic Party have said that the penalty for apostasy should be death.

In 1998 the Government stated that "apostates", that is those who wish to leave or have left Islam for another religion, would not face government punishment as long as they did not defame Islam after their conversion. However, a senior government official stated in September that a faith rehabilitation bill was being prepared that could provide up to a year detention in a faith rehabilitation center for Muslims found guilty of apostasy. Subsequently the Prime Minister stated that the proposed federal and Perlis state bills, both of which aroused considerable controversy, were under further study.

The Government generally respects non-Muslims' right of worship; however, state governments carefully control the building of non-Muslim places of worship and the allocation of land for non-Muslim cemeteries. Approvals for such permits sometimes were granted very slowly. In July 1999, the Malaysian Consultative Council of Buddhism, Christianity, Hinduism, and Sikhism (MCCBCHS), an NGO representing minority religions, claimed that the guidelines required an area to have at least 2,000 to 5,000 adherents of a particular non-Muslim faith for a non-Muslim place of worship to be approved. No such requirement exists for Muslim places of worship. The group also argued that, under the guidelines, the state Islamic council must approve the establishment of all non-Muslim places of worship. In August after years of complaints by non-Islamic religious organizations about the need for Islamic authorities in each state to approve construction of non-Islamic religious institutions, the Minister of Housing and Local Government announced that such approval no longer would be required. According to press reports, the new guidelines permit a non-Islamic house of worship to be built in every 0.5 hectare for the use of 2,600 worshippers, or a house of worship for every 5,000 worshippers regardless of the size of the area.

During the controversy over the proposed new guidelines on non-Muslim places of worship, the MCCBCHS and the Federal Territory Counseling and Service Center separately urged the Prime Minister to create a national non-Muslim religious council. Such a council was not established by year's end.

In December 1999, the press reported that the new administrators of the state of Terengganu, the opposition Islamic party PAS, planned to introduce a special tax on non-Muslims. Non-Muslims expressed strong opposition to this proposal. State government leaders said that the press had distorted their plans. No special tax was imposed by year's end.

The proselytizing of Muslims by members of other religions is prohibited strictly; persons proselytizing non-Muslims face no obstacles. The Government discouraged, and in practical terms forbids, the circulation in peninsular Malaysia of Malay-language translations of the Bible and distribution of Christian tapes and printed materials in Malay. However, Malay-language Christian materials can be found. Some states have laws that prohibited the use of Malay-language religious terms by Christians, but the authorities do not always enforce them actively. The distribution of Malay-language Christian materials faced few restrictions in east Malaysia. Most visas for foreign Christian clergy are approved. Beginning in March, non-Muslim representatives now sit on the immigration committee that approves such visa requests.

The Government opposes what it considers to be deviant interpretations of Islam, maintaining that the "deviant" groups' extreme views endanger national security. In the past, the Government imposed restrictions on certain Islamic groups, primarily the small number of Shi'a. The Government continues to monitor the activities of the Shi'a minority, including those of 55 religious groups believed to be involved in deviant Islamic teachings. In August the Deputy Prime Minister stated that the Government had identified 44 extremist Islamic groups which, according to him, claimed to possess mystical powers of invincibility. In November the Shari'a high court in the state of Kelantan sentenced four persons to 3 years in jail for disregarding a lower court o