

Malaysia: ISA is gone but BN's vindictiveness remains

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Several former Operation Lalang detainees who have congratulated the BN government in profusion for repealing the ISA should be advised to be more circumspect. Detention without trial still exists in the form of the two anti-terrorism laws with security provisions that are broad and vague and that will result in continuation of detention without charge and denial of basic rights. Also, the BN government has shown that its capacity for vindictive prosecution is undiminished.

When the ISA was enacted in 1960, the government justified it by saying it would only be used against the "communists". Liberals therefore concluded that they would not be affected. However, the mass detentions, such as those of Operation Lalang, 1987 demonstrated that no-one, especially progressive Malaysians, were exempt from the clutches of the ISA. The new "anti-terrorism" laws have a familiar sense of déjà vu about them. We should not be too quick to presume that they will only be used against terrorists.

Draconian laws have failed to nail alleged terrorists

It is an embarrassing record of the BN government and the security forces that since 1960, more than 10,000 Malaysians have been incarcerated under the ISA, though as far as we know, not one of these have been exposed as "international terrorists". On the other hand, we now have at least four Malaysians arrested (two in Syria) or killed abroad (in Indonesia) for alleged involvement in international terrorism but none of them (as far as we know) has ever been detained under the ISA for being threats to national security. That says a lot about the government's resolve to fight terrorism.

BN's vindictiveness still evident

The ISA was a convenient weapon for the Alliance/ BN government to deal with its political opponents. This was seen at its most blatant form when practically the whole Labour Party leadership was detained under the ISA just before the fateful 1969 general elections. The shock effect of Operation Lalang in 1987 was to create a climate of fear which set the scene for the timely assault on the Judiciary when it was about to decide on the UMNO Team B challenge in the courts. The police and Special Branch were compromised in this Team A scheme to fix critics of the government.

Operation Lalang was Dr. Mahathir's trademark autocracy at its worst - the rule of law could be flouted in such a cynical way that all his critics and dissidents across the Malaysian political spectrum were hauled in that dragnet. It was payback time for me for writing critical articles and books during the false spring in the early 1980s. It was the same for the other detainees for expressing their dissident views.

Above all, it exposed the BN's capacity for vindictiveness in all its nakedness - there was no regard for the rule of law, democracy and human rights. Has that changed very much today?

The most recent harassment of SUARAM for making a civil complaint to the French court over suspected corruption in the Scorpene deal shows the extremes the BN government will go to "fix" dissidents. No less than six government agencies including the Companies Commission, the Registrar of Societies and Bank Negara were told to pin a charge on SUARAM. The two directors of SUARAM were threatened with possible jail sentences amounting to ten years as well as fines.

I lost 445 days of my free life under Operation Lalang. Now, in an ISA-free Malaysia, the same BN government threatens me with a 10-year prison term if, as a director of SUARAM, I am charged and found guilty of offences under the Companies Act or the Societies Act or for money-laundering or whatever ridiculous charge they can find. And they say this openly in the mainstream press.

No sign of remorse by BN or Dr. Mahathir

If the BN government expects congratulations for repealing the ISA, then that is an admission that the ISA was a draconian and bad law. However, up to now, we haven't heard any sign of remorse from the BN government for taking away the precious freedom of more than 10,000 Malaysians since 1960. And twenty-five years after Operation Lalang was unleashed by then Prime Minister Dr. Mahathir, he has not found any goodness in him to apologise to the 106 whose freedom he stole. And that, after all, is what sets him far apart from statesmen such as Mandela who demonstrated a complete absence of vindictiveness in his dealings with his political opponents and honoured the rule of law and democracy.

Thus, 25 years after Operation Lalang, we do not seem to have progressed very far beyond banana republicanism. We are not impressed by political slogans of reform. Real reform must involve among other things, the total abolition of detention without trial; the independence of the judiciary, civil service and the police force; democracy and the primacy of the rule of law, NOT rule by law.

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