

Press Statement

Abolish Emergency Ordinance and other detention without trial laws!

Thursday 21 January 2010, by [Suaram](#) (Date first published: 20 January 2010).

Suaram expresses disappointment and concern over the re-arrest of the three men under the Emergency Ordinance (Public Order and Crime Prevention) at Muar yesterday. The trio, M. Nandakumar (43), M. Thirugnanam (33) and K. Jayaraman (56), were charged with the murder of businessman Datuk M. Gunasegaran. They were released by the High Court yesterday after the prosecution dropped the charges. However, the police re-arrested three of them under the Emergency Ordinance (EO) once they stepped out of the court room.

SUARAM condemns the re-arrest and the use of EO, the draconian legislation which provides for detention without trial, on the three individuals. The re-arrest of the detainees after being discharged by the court is an outright abuse of the system by the police and the government. The use of EO leaves those arrested with almost no recourse against wrongful arrest and detention. Worst still, the detainee will most likely face traumatic experiences in the first 60 days of a fresh detention under the EO and torturous process, a common occurrence amongst EO detainees previously encountered by Suaram. In the past years, Suaram has documented many allegations of flawed police investigations, torture, inhumane and degrading treatment and confession under duress by the EO detainees.

SUARAM recognizes the responsibility of the Malaysian government to curb crime and to deal with criminals, gangs and syndicates. But the government should not resort to means that violates human rights such as the EO in efforts to address criminal activity. Unfortunately in Malaysia, EO has been frequently abused by the police and government to deal with suspects of petty crimes. This is an outright misuse of power by the police and the Home Ministry in dealing with the EO detainees, particularly when they have absolute power and their decision cannot be challenged in court. Detention of any individual without trial is a violation of fundamental human rights.

SUARAM urges the government to release M. Nandakumar, M. Thirugnanam and K. Jayaraman immediately and to charge them in court instead.

SUARAM also calls on the government to abolish the Emergency Ordinance and other detention without trial laws. Those held under these laws should be charged in court or released. In societies governed by the rule of law, those who are guilty or innocent of committing crime must be decided by a court of law guaranteeing international fair trial standards.

Released By,

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P.S.

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