

Draconian security bill passed by Malaysian parliament

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The Dewan Rakyat, lower house of the Malaysian Parliament, passed a draconian new security bill on April 17. The legislation is to be forwarded to the Dewan Negara, the upper house, and then to the King of Malaysia for final approval. While touted as a more democratic alternative to the draconian Internal Security Act (ISA), the new legislation maintains crucial police state powers, which the government has relied on since independence in 1957.

The ruling Barisan Nasional (BN) coalition headed by the United Malays National Organisation (UMNO) suffered a significant setback in the 2008 general election. While it retained a simple majority, it lost its long-held two-thirds majority in parliament, and thus the ability to change the constitution at will. BN also lost control of several key state governments. As a result, Prime Minister Najib Razak has been seeking to dress up the BN's authoritarian rule by replacing the ISA.

Onerous laws such as the Sedition Act and the Official Secrets Act have underpinned the Malaysian police state. The ISA was particularly dreaded. Its provisions included indefinite detention without trial or judicial review and the suppression of dissident publications. A “danger zone” could also be proclaimed, where security forces could “take such measures, including means dangerous or fatal to human life” deemed necessary to clear the zone of prohibited persons.

The ISA, enacted in 1960, codified the repressive measures used by Britain to suppress a rural insurgency led by the Stalinist Communist Party of Malaysia. UMNO-led governments have ruled since

independence and utilised the ISA to suppress political opposition and social unrest. In the course of 52 years, over 10,800 persons, including labor activists, student leaders, and trade unionists, were detained without trial under the ISA and another 2,066 placed on restriction orders dictating their activities and residence.

The new security bill grants far reaching powers to the police. According to the US-based Human Rights Watch, the legislation allows “an arrest without a warrant if the officer merely ‘has reason to believe’ that the person may be involved in security offenses, many of which are vaguely defined. It would give the police broad powers to conduct searches and intercept communications without judicial warrant. And it would permit the police unilaterally to impose electronic monitoring devices on individuals released from detention, a serious infringement of personal liberty.”

The legislation denies bail to those arrested under its provisions and “sets the stage for trials with secret witnesses, unlawfully obtained evidence, and continued detention of those found not guilty.” As aptly described by the Malaysian human rights organisation, Lawyers for Liberty, the preventive detention without a trial under the ISA has been replaced with preventive detention with a sham trial under the new security bill.

The Najib government has also tabled amendments to the Penal Code, the Evidence Act and the Criminal Procedure Code. The amendments to the Penal Code define as crimes “activities or attempts to conduct activities detrimental to parliamentary democracy”—a sweeping definition that could be used against virtually any political opposition. The provision in the ISA against the publication of dissent and possession of

dissident publications is now in the Penal Code. Punishment for these “crimes” ranges from a minimum of five years’ jail, to a maximum of life imprisonment.

Amendments to the Criminal Procedure Code will provide the police with expanded powers to intercept communications and seize electronic data without warrants. An amendment to the Evidence Act is directed at forcing internet websites to divulge the identity of anonymous writers and bloggers accused of security offenses.

A Freedom of Assembly Act was also approved last year. It bans street protests and allows security forces to forcibly disperse any assembly that “disturbs public tranquillity.”

The Najib government is not dismantling the Malaysian police state. It is, on the contrary, preparing for an eruption of social and political struggles as the Malaysian economy is impacted by the worsening global economic crisis.

Heavily dependent on exports, the economy has been hard hit by the recessionary trends in Europe and the US. According to the Malaysian Institute of Economic Research (MIER), economic growth is expected to decline to 4.2 percent this year, down from 5.1 percent last year and 7.2 percent in 2010. The Asian Development Bank is even more pessimistic, forecasting a flat 4 percent growth.

The latest MIER data indicates that 34 percent of private sector workers in 2010 earned less than the World Bank poverty line of \$US2 dollars a day, or RM 840 ringgit a month. According to the Malaysian business newspaper the *Edge*, the human resources ministry reported that 33 percent of Malaysia’s 12.3 million workers earned less than RM 700 ringgit a month.

Concerned that the economy will deteriorate even further, Najib has been preparing for early elections. He has put off cutbacks to fuel and food subsidies and introduced a minimum wage which is barely above the World Bank’s poverty line. Last year he also announced \$US631.2 million in infrastructure contracts

reserved for ethnic Malay businesses and a one-off payment of 500 ringgit to all households with a monthly income of 3,000 ringgit or less.

The changes to the country’s security legislation, as well as to the electoral laws, are part of Najib’s posturing as a pro-poor democratic reformer. If a general election is held early and the ruling coalition wins another term of office, one can predict in advance that Najib will quickly junk his economic concessions to working people—in line with the austerity demands of international finance capital—and use the security laws to suppress any opposition.



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