

SOUTHEAST ASIA NGO DIRECTORY

동남아시아의 민주주의·인권·평화관련 NGO 목록

· 발 행 : 민주화운동기념사업회

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국민들과 함께 새로운 희망을 만들어 나갈 것입니다.

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MALAYSIA

Location: Southeastern Asia, peninsula bordering Thailand and northern one-third of the island of Borneo, bordering Indonesia, Brunei, and the South China Sea, south of Vietnam

Area: total: 329,750 sq km ; water: 1,200 sq km ;land: 328,550 sq km

Population: 23,522,482 (July 2004 est.)

Population growth rate: 1.83% (2004 est.)

GDP: \$207.8 billion (2004 est.)

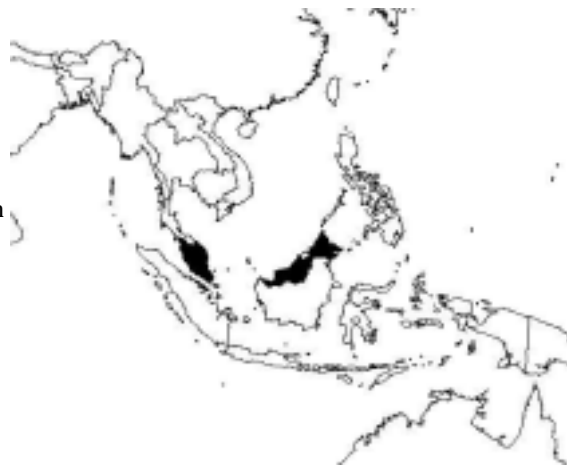
GDP - real growth rate: 5.2% (2004 est.)

GDP - per capita: purchasing power parity - \$9,000 (2004 est.)

Labor force: 10.26 million (2004 est.)

Unemployment rate: 3.6% (2004 est.)

Internet country code: .my



Great Britain established colonies and protectorates in the area of present-day Malaysia during the late 18th and 19th centuries, and which were later occupied by Japan during WW2, from 1942 to 1945. In 1948, the British-ruled territories on the Malay Peninsula formed the Federation of Malaya, which became independent in 1957. Malaysia was formed in 1963 when the former British colonies of Singapore and the East Malaysian states of Sabah and Sarawak on the northern coast of Borneo joined the Federation. The first several years of the country's history were marred by Indonesian efforts to control Malaysia, Philippine claims to Sabah, and Singapore's secession from the Federation in 1965.

Today, Malaysia is a federation of 13 states and 3 federal territories with a parliamentary system of government based on periodic multiparty elections. Opposition parties actively contest elections but face significant obstacles in competing with the ruling National Front coalition, which has held power for more than 45 years. In the November 1999 elections, opposition parties won approximately 25 percent of the seats in the 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 undermined judicial independence and strengthened executive influence over the judiciary.

Human Rights

The Government generally respected the human rights of its citizens; however, serious problems remained. The Government acknowledged that it restricted certain political and civil rights in order to maintain social harmony and political stability. The Royal Malaysian Police have primary responsibility for internal security matters. The police report to and are under the control of the Home Minister. Police killed a number of persons in the course of apprehending them, and there were deaths in custody as well. Other problems included police abuse of detainees, use of the Internal Security Act and other statutes to arrest and detain persons without charge or trial, persistent questions about the impartiality and independence of the judiciary, and restrictions on the freedom of the press, freedom of association, and freedom of assembly.

While there were no reports of political killings, the press reported that police killed 27 persons while apprehending them. The criminal procedure code empowers magistrates and public prosecutors to investigate deaths and charge those responsible under the penal code. However, no such prosecutions were brought forward during the year. The press also reported that 11 persons died in police custody during the year.

While no constitutional provision or law specifically prohibits torture, there are laws that prohibit "committing grievous hurt", which encompass torture, and, according to the Government, every report of abuse of prisoners is investigated. There were press reports of alleged torture or mistreatment by the police. Local nongovernmental organizations (NGOs) stated that police sometimes subjected criminal suspects and illegal alien detainees to physical and psychological torture during interrogation and detention.

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On several occasions, riot police forcibly dispersed peaceful demonstrators around the country, using truncheons, water cannons, and tear gas. The press reported that the police forcefully dispersed a peaceful May Day celebration, and logging companies reportedly used police force and intimidation to appropriate land from indigenous Iban and Penan communities in Sarawak.

Criminal law prescribes caning as an additional punishment to imprisonment for those convicted of some non-violent crimes, such as narcotics possession, criminal breach of trust, and alien smuggling. The immigration law, in effect since 2002, prescribes up to six strokes of the cane for both illegal immigrants and their employers. Judges routinely included caning in sentences of those convicted of such crimes as kidnapping, rape, and robbery. The caning, which is carried out with a 0.5-inch-thick wooden cane, commonly causes welts and sometimes causes scarring. Males over 50 and women are exempted from caning. According to the provisions of the Child Act passed in December 2002, male children 10 years of age and older may be given up to 10 strokes of a "light cane".

Internal Security

Three laws permit the Government to detain suspects without judicial review or the filing of formal charges: the ISA, the Emergency (Public Order and Prevention of Crime) Ordinance, and the Dangerous Drugs Act (Special Preventive Measures).

The ISA, enacted in 1960 during an active communist insurgency, empowers the police to hold for up to 60 days any person who acts "in a manner prejudicial to the security of Malaysia." The Home Minister may authorize further detention for periods of up to 2 years. Since its inception, over 4,000 persons have been detained under the ISA. Even when there are no formal charges, the ISA requires that the authorities 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. Local human rights NGOs claimed that the police at times intimidated and harassed family members of ISA detainees to prevent them from taking legal action against the police.

Amendments to the ISA in 1988 circumscribed judicial review of ISA detentions. The Bar Council has in the past asserted that detentions under the ISA should be subject to full judicial review. The courts did not concur with this interpretation, limiting their review to procedural issues. Detainees freed after judicial order nearly always were detained again immediately. Following several successful legal challenges to ISA detentions on procedural grounds, in August, the Federal Court ruled that the courts should not intervene where matters of national security and public order are at stake.

Provisions in the security legislation also 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.

Democracy

The Constitution provides for freedom of speech and freedom of the press; however, some important legal limitations exist, and in practice, the Government restricted freedom of expression and intimidated most of the print and electronic media into practicing self-censorship. According to the Government, restrictions on this freedom were imposed to protect national security, public order, and friendly relations with other countries.

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.

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The Printing Presses and Publications Act (PPPA) limits press freedom. Under the Act, domestic and foreign publications must apply annually to the Government for a permit. The Act was amended to make the publication of "malicious news" a punishable offense, to expand the Government's power to ban or restrict publications, and to prohibit court challenges to suspension or revocation of publication permits. According to the Government, this amendment was made to ensure that "distorted news" was not disseminated to the public.

While the Constitution provides for freedom of peaceful assembly; however, in practice, the Government still placed significant restrictions on this right, which may be limited in the interest of security and public order. The Police Act also 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 influenced the grant or denial of some permits. In July 2001, the Government ceased issuing permits for all political meetings throughout the country. This was widely perceived as an effort to target the activities of the political opposition, although some opposition rallies continued to be held.

Irregularities also exist which affected the fairness of elections. Opposition parties were generally unable to compete on equal terms with the governing coalition (which has held power at the national level since 1957) because of significant restrictions on campaigning, freedom of assembly, freedom of association, and access to the media. Nevertheless, opposition candidates campaigned actively, with some success in state and national elections.

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