

Detention Without Trial: Has The Time For Abolition Come? - 6 December 1997



(L-R) Dato' Dr. Rais Yatim, Mr. Cecil Rajendra, Dr. Cyrus Das, Mr. Jerald Gomez, and the Honourable Justice Ralph Zulman

The Human Rights Committee of the Bar Council organised a one-day seminar in conjunction with the World Human Rights Day on 6 December 1997. The aim of the seminar was to achieve a joint memorandum on the repeal of the Internal Security Act and all legislations that provide for detention without trial.

The seminar was attended by observers, lawyers, representatives of non-governmental organisations, embassies, members of the public, students and the press.

There was a welcome address by the Chairman of the Human Rights Committee, Mr. Cecil Rajendra, followed by a Presidential speech by Dr. Cyrus V. Das. In his opening remark, Mr. Rajendra said that the time for the abolition for detention without trial in this country is long overdue.

The Honourable Justice Ralph Zulman of the Supreme Court of South Africa delivered the keynote address entitled, *Detention Without Trial: The South African Experience*. Both Malaysia and South Africa inherited a common legal system, where they both promulgated the Internal Security Act and other pieces of legislation that provided for detention without trial. However, while South Africa repealed its Internal Security Act and all legislation that provided for detention without trial, these laws still remain in our statute books.

Other speakers included Dato' Dr. Rais Yatim who presented a paper on *Detention Without Trial: The Malaysian Experience*. In his paper he highlighted the issues relating to executive powers in respect of detention without trial and argued why the Internal Security Act 1960 must be repealed. Both Ms. Irene Xavier and Dr. Syed Husin Ali shared their *Experiences Behind The Wire*, i.e. their respective detentions under the ISA.

The second half of the seminar was devoted to plenary discussions, where participants interacted with the speakers and made positive contributions. The evening came to an end with the closing address by YM Raja Aziz Addruse. Participants were enthusiastic about the seminar and made several suggestions for follow up work by the Bar Council in relation to detention without trial.