

GET OUT OF JAIL CARD?



Project Stability and Accountability for Malaysia (Projek SAMA) welcomes Home Affairs Minister Datuk Seri Saifuddin Nasution's announcement on March 2 that home detention would be introduced as an alternative to imprisonment 'for some prisoners' <https://www.bernama.com/en/news.php?id=2275305> but calls for a white paper before its implementation to prevent the "*dua darjat*" (two classes before the law) phenomenon.

Projek SAMA asks, how would “some prisoners” be chosen?

In many countries, home and hospital detentions have been abused to free rich and powerful convicts from imprisonment, while convicts from ordinary backgrounds are often denied or deprioritised for such opportunities.

A rigorous white paper will build public confidence that home detention will not similarly become a privilege or ‘priority lane’ for powerful criminals, or worse, be abused as a bargaining chip in political deals. This white paper must be tabled and debated in Parliament before any changes are made to laws, by-laws or administrative orders.

Projek SAMA warns that if home detention is eventually used by 1MDB corruption convict Najib Razak as a covert “get-out-of-jail” card, Prime Minister Anwar Ibrahim and his Madani Government’s trust deficit with Malaysians and the international community will dive deeper.

The Malaysian ringgit will face greater downward pressure if the Madani Government is perceived to be under not just ‘elite capture’, but ‘prisoners’ capture’.

The white paper must present the SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis of this mechanism, feedback from stakeholders, and most of all, demonstrate a transparent, consistent, professional, and accountable process to determine the eligibility of applicants.

Projek SAMA reminds Prime Minister Anwar Ibrahim that his government no longer enjoys credibility in reforms or in the fight against corruption which it enjoyed when it came into power 15 months ago.

Projek SAMA reminds Prime Minister Anwar Ibrahim of the result of the decision to abuse the long-established pardon process and to fast track the pardon application by an unrepentant, world-class corruption convict who's still facing three other corruption trials, and who still hasn't even served one-third of his jail term. The result of his application being allowed to over-take many eligible applicants is that now Malaysians have even greater distrust of new initiatives by the government, and look even harder for hidden agendas.

<https://www.nst.com.my/news/nation/2024/02/1010101/g25-calls-pardons-board-rescind-decision-najibs-partial-pardon> .

The level of distrust also springs from another recent saga. The “Malaysia Madani white rice” policy measure, with far-reaching consequences, was capriciously announced by a

'floor-crossing opposition MP' (Syed Abu Hussin) who jumped the gun of the Agriculture and Food Security Minister. <https://www.youtube.com/watch?v=UtJcJGa-fss>

The backlash was so enormous, threatening and embarrassing that the Government instantly rolled back the announcement and pretends it never happened.

<https://www.thestar.com.my/news/nation/2024/02/23/more-talks-over-madani-white-rice-to-be-held-before-decision-next-month-says-anwar>

Frivolous policy-making should be guarded against in a country which aims to be amongst the world's top 30 economies, top 12 in global competitiveness, and top 25 in the Human Development Index, as per Prime Minister Anwar Ibrahim's ambitious announcement on July 27, 2024. <https://bernama.com/es/infographics/index.php?v=11311>

Projek SAMA urges the Government to make it an Standard Operating Procedure (SOP) from now on that every important policy or reform initiative, including Home Detentions, price control for rice, or pension reform for civil servants, would have a white paper tabled and debated in Parliament before implementation. If the Government is only studying a certain issue without a firm commitment to a particular solution, then a green paper should be published to lay down basic facts, considered options and parameters for public debate.

White papers are well established in Commonwealth countries. White papers are detailed reports which describe problems with data, list and evaluate potential solutions, recommend a solution, and include responses to comments from the public. White papers are an elementary tool to assure rigour in parliamentary decision making.

A white paper on home detention will assure the public of the prudence, integrity and abuse-proof design of the policy. A white paper will help the Madani Government reduce its severe trust deficit. A white paper will help restore local and international confidence in Malaysia, encourage investment and help curb the free-fall of the Ringgit.

Issued by:

Projek SAMA

Project – Stability and Accountability for Malaysia (Projek SAMA) is an initiative to advocate for institutional reforms for the sake of political stability and accountability at a time when our nation

steers through the uncharted waters of a hung parliament and coalition government. In Malaysia, we share the common (sama) destiny. Ngeow Chow Ying serves as convenor. You may contact us via email projeksama.malaysia@gmail.com or visit our website at www.projeksama.org for more information