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Malaysia: Stop Arrests and Harassment on Those who Exercise Their Constitutional and Internationally-Recognised Right to Freedom of Expression

Mr. Prime Minister,

We, the undersigned human rights organisations and individuals, write to you to register our grave concern over the continued crackdown on freedom of expression in Malaysia, including the latest arrests and investigations against those who criticised or commented on the Federal Court's decision to uphold the conviction of Anwar Ibrahim of sodomy charges earlier this month. Since May 2014, more than 40 individuals have been arrested under the Sedition Act and the Penal Code for the exercise of their right to freedom of expression. Over 70 arrests have been made since May 2013.

We are alarmed by your government's continued abuse of the Sedition Act, exemplified by the following recent cases:

- The conviction of activist Hishamuddin Rais under the Sedition Act for calling the 13th General Election results fraudulent and for urging the public to reject the newly-elected government.
- The arrest and charges against human rights lawyer Eric Paulsen under the Sedition Act over a *Twitter* post which criticised the Malaysian Islamic Development Department for spreading extremism through Friday sermons.

We are further appalled by the responses of your government and the police force towards those who have criticised the Federal Court's decision on to uphold the conviction of Anwar, including:

- Political cartoonist, Zulkiflee Anwar Haque or Zunar, who was arrested at his house on 10 February 2015, detained and interrogated for three days after he posted a comment on *Twitter* criticising the independence of the Federal Court. His satire cartoon books were also seized by the police on 14 February 2015, the day the book was launched.
- *Parti Sosialis Malaysia* (PSM) Secretary-General S. Arutchelvan, who was arrested on 19 February 2015 after he released a press statement on behalf of his party on the Federal Court's decision on Anwar. He was released on 20 February 2014 after the police's application to detain him further under remand was rejected by the Court.

In addition to these, your government's use of the Penal Code to suppress the right to freedom of expression, as demonstrated in the most recent following cases, is also a matter of great concern:

- Activists Adam Adli Abdul Halim and Fariz Musa, and *Parti Keadilan Rakyat* (PKR)'s State Assemblyperson for Seri Setia, Nik Nazmi Nik Ahmad were arrested under Section 143 Penal Code

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for unlawful assembly in relation to the organising of a rally on 21 February 2015 to protest against the Federal Court decision on Anwar. Adam Adli and Fariz Musa arrested during the rally, while Nik Nazmi was arrested on the following day.

- Chong Eng, a Penang State Executive Councillor from the Democratic Action Party (DAP) was also investigated under the Penal Code for criticising a statement made by the Selangor Islamic Religious Department (JAIS) that cases of rape, illicit sexual activities and incest can be reduced if women cover their intimate body parts.

The continued arrests, detention, investigations and charges appear to be a concerted effort to intimidate Malaysians from exercising their right to freedom of expression, a right enshrined under the Federal Constitution of Malaysia and a fundamental right under international human rights law. More precisely, these efforts to curb free speech appear to be targetted specifically to criticisms against the *Barisan Nasional* (BN) administration.

We thus urge your government to immediately bring an end to the clampdown on freedom of expression, including by ensuring that the police immediately ceases its arrests, investigations, and all forms of harassment against individuals who hold dissenting opinions from that of your administration, including those who expressly criticise the BN government.

We further strongly urge your government repeal all laws that impose unreasonable restrictions and that have been repeatedly abused to place disproportionate curbs on the right to freedom of expression, including the colonial era Sedition Act 1948, a piece of legislation that was enacted by the colonial rulers to suppress freedom of expression, including calls for independence.

We wish to bring your attention to the numerous and repeated calls from both the international community and from within the country for the repeal of the Sedition Act. Among those making such calls is the Human Rights Commission of Malaysia (SUHAKAM), an institution established by legislation and mandated by law to, among other things, make recommendations relating to human rights to the government. SUHAKAM has most recently, through several public statements throughout 2014, unequivocally called for your government to repeal the Sedition Act. We urge you to heed the recommendations made, including by SUHAKAM, and honour the pledge you have repeatedly made since 2012 to repeal the Act.

We are of the view that failure to do so, and the continued use of repressive legislation and heavy handed actions by the police to suppress the right to freedom of expression in an attempt to intimidate the Malaysian public, will not only severely damage the worsening international reputation of Malaysia as a democratic country, but also heighten the groundswell of discontent among the Malaysian people domestically.

CC:

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Signed by:

1. Ain O Salish Kendra (ASK), Bangladesh
2. Alternative ASEAN Network on Burma (Altsean-Burma)

3. Amnesty International Malaysia
4. ASEAN Parliamentarians for Human Rights (APHR)
5. Asian Forum for Human Rights and Development (FORUM-ASIA)
6. Banglar Manabadhikar Suraksha Mancha (MASUM), India
7. Bytes for All (ICTs for development, democracy and social justice), Pakistan
8. Centre for Human Rights and Development (CHRD), Mongolia
9. Globe International, Mongolia
10. Human Rights Ambassador for Salem-news.com, UK
11. Informal Sector Service (INSEC), Nepal
12. Judicial System Monitoring Programme (JSMP), Timor Leste
13. Korean House for International Solidarity (KHIS), Korea
14. Kyong-Whan Ahn, Professor Emeritus, Seoul National University Law School
15. Law and Society Trust, Sri Lanka
16. Odhikar, Bangladesh
17. People's Empowerment Foundation, Thailand
18. People's Watch, India
19. Sarawak Dayak Iban Association (SADIA), Malaysia
20. Southeast Asian Press Alliance (SEAPA)
21. Suara Rakyat Malaysia (SUARAM), Malaysia
22. Thai Volunteer Service, Thailand
23. Working Group for Peace (WGP), Cambodia
24. Yayasan LINTAS NUSA, Indonesia