



## Malaysia

15 October 2010

### Arbitrary arrest and subsequent release of four human rights defenders - MYS 001 / 1010 / OBS 126

**The Observatory has been informed by reliable sources about the arrest and detention of two lawyers, Mr. Jason Kong and Mr. Chan Khoon Moh and of two students, Ms. Norashikin and Mr. Mohd Azwan, working at the Bar Council's Legal Aid Centre (LAC).**

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), requests your urgent intervention in the following situation in Malaysia.

#### **Description of the facts:**

On October 10, 2010, Messrs. **Jason Kong, Chan Khoon Moh, Mohd Azwan** and Ms. **Norashikin** were arrested by police officers at a mall in Bukit Jalil while distributing leaflets of the Bar Council entitled "Red Book: Police and Your Basic Rights" to passers-by, in the framework of the activities of the "National Law Awareness Week" recently launched by the Bar Council.

The police asked them their identification cards and confiscated them as well as the red books, alleging that they were anti police publications. The four volunteers, who had been authorised by the mall management to distribute their leaflets, were taken to Sungei Besi IPD, the District Police Headquarters, state of Selangor. They were detained for three hours before being released without charge. Their identification cards and the copies of the Red Book were returned to them.

#### **Actions requested:**

Please write to the authorities in Malaysia, urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Kong, Mr. Khoon Moh, Ms. Norashikin and Mr. Azwan;
- ii. Carry out an immediate, thorough, independent and impartial investigation into the above-mentioned events, the result of which must be made public, in order to bring all those responsible before a competent, independent and impartial tribunal and apply penal, civil and/or administrative sanctions as provided by law;

iii. Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:

- Article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels", its article 9, which states that "[...] everyone has the right, individually or in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights";
- Article 6 b), which provides that "As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
- Article 12.2, which states that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration";

iv. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Malaysia.

**Addresses:**

· Y.B Dato' Seri Najib Tun Razak, Prime Minister, Prime Minister's Office Malaysia, Perdana Putra Building, Federal Government Administrative Centre, 62502 Putrajaya, Selangor, Malaysia., Tel: + 60 3 8888 6000, Fax: + 60 3 8888 3444, Email: ppm@pmo.gov.my

· Dato Seri Hishammuddin Tun Hussein, Home Minister and Internal Security Minister, Blok D1 & D2, Kompleks D, Pusat Pentadbiran Kerajaan Persekutuan, 62546 Putrajaya, Malaysia.;Fax: 03-88891613/03-88891610, Email : webmaster@moha.gov.my

· Tan Sri Hasmy Agam,Chairman of the National Human Rights Commission of Malaysia (SUHAKAM), Tingkat 29, Menara Tun Razak, Jalan Raja Laut, 50350 Kuala Lumpur, Malaysia; Fax: + 603-26125620; Email: humanrights@suhakam.org.my

· H.E. Mr. Othman Hashim, Ambassador, Permanent Representative of Malaysia to the United Nations in Geneva, International Centre Cointrin (ICC), Bloc H (1st floor), Route de Pré-Bois 20, 1215 Geneva 15, Switzerland. Fax: +41 22 710 75 01. Email: mwgeneva@ties.itu.int

· Embassy of Malaysia in Brussels, 414 A avenue de Tervueren, 1150 Woluwe-Saint-Pierre, Belgium, Fax: + 32 2 762 50 49. Email: malbrussels@kln.gov.my

Please also write to the diplomatic mission or embassy of Malaysia in your respective country.

<http://www.fidh.org/Arbitrary-arrest-and-subsequent-release-of-four>