

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

Index: ASA 28/1356/2015

31 March 2015 GMT (1 April 2015 Malaysia time)

Malaysia: Human rights “black hole” expanding

The escalating “sedition” clampdown on the political opposition and activists in Malaysia points to an expanding human rights black hole, Amnesty International said today.

The space for dissent and debate in the country is rapidly shrinking under the guise of maintaining public order, punishing “sedition” and preventing “terrorism”.

At least 29 people have been arrested or are being investigated for sedition at the end of the first quarter of 2015—the same number of known sedition arrests and investigations throughout all of 2014.

A human rights black hole is developing – where freedom of expression and peaceful assembly are severely restricted, even precluded.

Amnesty International is calling on the Malaysian authorities to end the use of the 1948 Sedition Act to criminalize criticism of the government. The Act should be repealed – Malaysia should bring its laws in line with international human rights standards and ensure the effective enjoyment of the rights to freedom of expression and peaceful assembly.

Arrests of journalists

On 30 March 2015, three journalists were arrested for sedition for publishing a report regarding the supposed discussion of a controversial *Hudud* Bill (the criminalization of certain acts, purportedly according to Islamic principles) by the Malaysian Conference of Rulers. The managing editor Lionel Morais and senior editors Amin Shah Iskandar and Zulkifli Sulong, from online portal *The Malaysian Insider*, were arrested by about a dozen police officers and Malaysian Communication and Multimedia Commission personnel.

Further arrests were made the next day, 31 March, when *The Edge* publisher Ho Kay Tat and *The Malaysian Insider* chief executive Jahabar Sadiq were also picked up by the police.

All five are currently being investigated under section 4 of the Sedition Act 1948 and section 233 of the Communications and Multimedia Act 1998 for improper use of network facilities or network service. If found guilty of sedition, they can be fined up to RM5000 and jailed for three years or both. If found guilty of violating section 233 of the

Communications and Multimedia Act, they can be fined up to RM50,000 and/or jailed for up to one year.

The arrests of these journalists is just the latest example of the outdated Sedition Act being used as a politically motivated tool to muzzle critics and to silence public debate.

Politically-motivated arrests

Over the weekend (27-29 March) and in advance of a planned rally by the opposition coalition, police arrested several opposition party leaders, and in some cases used unnecessary and excessive force when carrying out arrests.

On 27 March, police arrested People's Justice Party Secretary-General and Member of Parliament Rafizi Ramli under the Sedition Act, allegedly for a letter that called on supporters to attend the *Kita Lawan* (We Fight) rally and demand the release of opposition leader Anwar Ibrahim. On the same day, People's Justice Party Vice President and Member of Parliament Tian Chua was arrested by 20 police officers. It was not clear why he was arrested, and he was released a day after the rally. Another opposition party leader, Pan-Malaysian Islamic Party Deputy President Mat Sabu was arrested also on 27 March by 10 armed and masked men in civilian clothes, whom he later learned were police officers. He was released 11:30 pm the next day, after the *Kita Lawan* protestors had dispersed.

Also on 27 March, social activist Hishamuddin Rais, who was found guilty of sedition in January 2015, was taken by several armed policemen in plain clothes while he was on his way to the *Kita Lawan* sit-in. He was grabbed from the street and forced into an unmarked car. Because of the manner in which he was taken, witnesses feared that he was going to be a victim of an enforced disappearance; but some hours after, it became clear that he was in police custody. The police had used excessive force when arresting the 64-year old activist.

On 28 March, the Inspector General of the Police tweeted that former Bar Council President Christopher Leong will be investigated for "seditious comments" relating to criticism of the judiciary and Anwar Ibrahim's guilty verdict. On 29 March, the day after the *Kita Lawan* demonstrations, Member of Parliament Khalid Samad was also arrested under Article 143 of the Penal Code (unlawful assembly), by police officers in "four to five cars" in relation to the rally.

Repressive laws

A common thread to these arrests and threats of arrests or investigations is the use of vaguely worded laws to fit a particular –often politically motivated—purpose. On 30 March, the Malaysian government began proposing new laws which would give it even more sweeping arrest powers, and there are fears that just as with the Sedition Act and the abolished Internal Security Act (ISA), such laws will be used to arrest and lock up critics.

On 30 March, the Malaysian Parliament began tabling the Prevention of Terrorism Bill 2015, a law which is reportedly for the control of persons engaged in acts of terrorism and

related matters. However, the proposed law includes several worrying provisions. The bill is problematic in that it will, like the defunct ISA, allow for the detention of suspected terrorists without trial and without judicial review.

The bill proposes that a Prevention of Terrorism Board be established, which will have powers to approve detention or restriction orders for individuals “in the interest of security of Malaysia”. The detention orders are renewable every two years indefinitely, which is similar to the indefinite renewal of detention orders under the ISA. Under the proposed law, suspects can be first detained a maximum of 59 days by the police before being brought before the board. The bill disallows judicial review on decisions made by the board, unless the judicial review only concerns procedural requirements of the detention.

While the Prevention of Terrorism Bill expressly states that “no person shall be arrested and detained... solely for his political belief or political activity”, human rights groups are concerned that it will be susceptible to abuse and re-interpretation as the ISA was used previously. Aside from the Prevention of Terrorism Bill, the Parliament will also table amendments to the Security Offences (Special Measures) Act, a law which allows for arbitrary detention and replaced the ISA in 2012.

Amnesty International has long expressed concerns about Malaysia’s oppressive laws which allow for arbitrary and/or preventive detention, in the same way that it has expressed its increasing concern over the use of existing laws to repress peaceful dissent. Such laws do not comply with international human rights law and contradict commitments made by the Malaysian authorities to the international community. In a January 2015 statement to the UN Security Council,¹ Malaysia stressed that “the advancement of civil and political rights in the country should keep pace with the significant progress made in the development areas,” and that Malaysia “has taken significant measures aimed at further enhancing the exercise and enjoyment of such rights in the country.”

As a member of the UN Security Council and this year’s Chair of the Association of Southeast Asian Nations (ASEAN), Malaysia should lead by example in respecting human rights at home.

¹ http://www.un.int/malaysia/sites/www.un.int/files/Malaysia/2015-Statements-Security-Council/2015-01-19_-_unsc_open_debate_inclusive_dev_for_maintenance_of_int_peace_and_security-f.pdf