

# URGENT ACTION

## ACTIVIST CHARGED FOLLOWING SOCIAL MEDIA POST

**A Malaysian political activist was charged on 13 October with fourteen counts for posting comments on social media that were allegedly offensive to the Johor State royalty. Amnesty International considers him to be a prisoner of conscience.**

On 13 October prisoner of conscience **Khalid Ismath** was charged with 11 counts under Section 233 of the Communications and Multimedia Act 1998 and three counts under Section 4 (1) of the Sedition Act 1948 by the Johor Baru Sessions Court, in Johor state. Khalid Ismath was denied bail as the prosecution argued that he may abscond during his trial. He will likely be detained for a prolonged period pending trial on all 14 charges.

Khalid Ismath has been charged in connection with the publication of a series of Facebook posts that were deemed offensive to the royal family of the State of Johor and the Royal Malaysian Police. The posts were about their abuse of power and were published on a solidarity page for Kamal Hisham Jaafar, a former legal adviser to the Johor Royal family who is currently detained on allegations of corruption.

Khalid Ismath, a member of the Socialist Party of Malaysia (PSM), was first detained on 7 October at the Johor Baru Selatan police station under the 1998 Communications and Multimedia Act for posts on Kamal Hisham Jaafar's Facebook solidarity page. Following two days in police detention, during which time his phone and personal computer were confiscated, Khalid Ismath was released on 9 October.

He was rearrested the same day under the Sedition Act for another Facebook comment made on the same solidarity page for Kamal Hisham Jaafar. He was detained for another four days before being formally charged on 13 October.

The charges against Khalid Ismath came one week after the Malaysian Federal Court's ruling that the Sedition Act was constitutional. Dozens of people have been investigated, charged and sentenced under the Act over the last two years simply for exercising their right to freedom of expression. The ruling has sparked concerns that the authorities will dramatically step up their ongoing crackdown on peaceful dissent.

### Please write immediately in English, Malay or your own language:

- Calling on the authorities to immediately and unconditionally release Khalid Ismath, a prisoner of conscience, who has been detained solely for the peaceful exercise of his right to freedom of expression;
- Ensure that Khalid Ismath is not subjected to torture or other ill-treatment during his detention and that he has access to his family, a lawyer and any medical care he may require;
- Urging them to urgently repeal the Sedition Act, and to review and amend all other laws which restrict the right to freedom of expression to bring them into compliance with international human rights law and standards.

### PLEASE SEND APPEALS BEFORE 2 DECEMBER 2015 TO:

#### Prime Minister

Datuk Seri Najib Tun Razak  
Prime Minister's Office of Malaysia,  
Main Block, Perdana Putra Building  
Federal Government Administrative  
Centre, 62502 Putrajaya, Malaysia  
Fax: +60 0 3 8888 3444

Email: ppm@pmo.gov.my

Salutation: Your Excellency

#### Attorney General

Tan Sri Mohamed Apandi Ali  
Attorney General's Office  
No. 45, Persiaran Perdana, Precint 4  
62100, Putrajaya, W.P Putrajaya  
Malaysia

Fax: +60 0 3 8890 5670

Email: pro@agc.gov.my

Salutation: Dear Attorney General

#### And copies to:

Chairperson, Human Rights Commission  
of Malaysia (SUHAKAM)

Tan Sri Hasmy Agam  
11th Floor, Menara TH Perdana,  
Jalan Sultan Ismail, 50250,  
Kuala Lumpur, Malaysia

Fax: +60 0 3 2612 5620

Email: humanrights@suhakam.org

**Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

Since losing the popular vote in the 2013 elections, although ultimately holding on to power, the Malaysian authorities have overseen a far-reaching crackdown on freedom of expression. They have used the 1948 Sedition Act to investigate, charge and imprison human rights defenders, as well as opposition politicians, journalists, academics and students. Since the beginning of 2015 around 100 people have been investigated, arrested or charged under the Sedition Act.

On 6 October the Federal Court unanimously dismissed a case brought by law lecturer Azmi Sharom which challenged the constitutionality of the Sedition Act. This ruling is likely to trigger a wide chilling effect on civil society organizations, human rights defenders, academics, and others who continue to face intimidation and harassment. In recent years Malaysian authorities have made increasing use of the Sedition Act to investigate, charge and imprison opposition politicians, human rights defenders, academics, journalists, lawyers and others who have peacefully expressed opinions that are perceived by the authorities to be critical of the government or monarchy.

The Malaysian authorities have also used other repressive laws to clamp down on freedom of expression and assembly, such as the Printing Presses and Publications Act, Communications and Multimedia Act and Peaceful Assembly Act. Provisions in the Penal Code have also been used to silence dissent, in particular Section 124b, which criminalizes “activities that threaten parliamentary democracy”, and Section 143, despite the law limiting this only to violent assemblies with criminal elements.

The crackdown on dissent has increased since a corruption scandal around the alleged misappropriation of hundreds of millions of dollars from the state-owned development company 1Malaysia Development Berhad (1MDB), allegedly involving Prime Minister Najib Razak. Instead of genuinely trying to get to the truth of the corruption allegations and bring those responsible to justice, the Malaysian authorities have been harassing, silencing and locking up those who demand accountability.

On 12 October, Khairuddin Abu Hassan and his lawyer, Matthias Chang were charged in the Sessions Court with attempting to sabotage Malaysia’s financial and banking systems. They face up to 15 years in jail if found guilty. Khairuddin Abu Hassan was arrested by police at his home in September 2015 and remanded the next day under Section 124C of the Penal Code for allegedly trying to commit acts detrimental to parliamentary democracy. He was released from remand a week later after a court order but was rearrested immediately. Matthias Chang was arrested on 8 October.

Amnesty International has received persistent reports of torture and other ill-treatment of those detained in Malaysia, which in some cases have resulted in deaths in custody. The country is bound by rules of customary international law which prohibit torture and other ill-treatment in all circumstances.

Name: Khalid Ismath

Gender m/f: m

UA: 238/15 Index: ASA 28/2714/2015 Issue Date: 21 October 2015