

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Malaysia: Drop politically motivated charges against human rights activist

The Malaysian authorities must immediately drop charges against human rights activist Lena Hendry who is facing three years' imprisonment simply for carrying out her legitimate human rights work.

Amnesty International believes the charges against Lena Hendry are politically motivated, and that the case against her and her organization highlights a wider pattern of intimidation and harassment of human rights defenders and peaceful political activists in the country. Amnesty International is concerned that a conviction in this case would have a chilling effect on the work of human rights defenders and peaceful political activists in Malaysia.

Lena Hendry and two other staff members of Pusat Kommas, a "human rights communications centre", were arrested on 3 July 2013 following a private screening they had organized of the documentary "No Fire Zone: The killing fields of Sri Lanka" about war crimes allegedly committed at the end of the Sri Lankan armed conflict in 2009. Officers from the Malaysian Home Ministry, the police and Immigration Department raided the screening, reportedly following requests from the Sri Lanka authorities, and arrested Lena Hendry and the two other activists. The three were released after several hours of questioning by the authorities.

On 19 September Lena Hendry was charged under section 6(1)(b) of the Film Censorship Act 2002 for screening the documentary. The law prohibits an individual from circulating, exhibiting, distributing, displaying, manufacturing, producing, selling, or hiring films or film-publicity material that has not been approved by the Censorship Board. If found guilty, she could face imprisonment for a period of three years, be fined between RM 5,000-30,000 (US\$1,500-9,250 approx) or both. Her trial is due to start on 21 October 2013.

Pusat Kommas was established in 1993 and has for years organized screenings of films on national and international human rights issues in Malaysia. The screening of "No Fire Zone" followed the same format as previous ones – it was a private screening with admission through registration. Although Pusat Kommas has faced some harassment by the authorities in the past, this is the first time charges have been brought against a member of the organization in connection with the showing of a film. On the basis of this, Amnesty International believes the charges against Lena Hendry for Pusat Kommas's screening of this particular film are politically motivated, and should be immediately dropped.

If Lena Hendry is found guilty and imprisoned, Amnesty International would consider her a prisoner of conscience and call for her immediate and unconditional release.

The vague wording of the Film Censorship Act has allowed it to be used in this case to criminalize the legitimate human rights activities of Pusat Kommas, and to violate the right to freedom of expression as enshrined in the Universal Declaration on Human Rights, and guaranteed in Article 10(1)(a) of the Malaysian Constitution. Amnesty International therefore calls on the Malaysian authorities to immediately review and amend the Film Censorship Act to ensure it is consistent with international human rights law, and cannot be used to criminalize the activities of legitimate human rights defenders like Lena Hendry.

The arrest and prosecution of Lena Hendry also highlights a wider pattern of harassment and intimidation of human rights defenders and political activists in Malaysia, including by using repressive legislation. Amnesty International has expressed concern about a range of laws such as the Sedition Act and the Peaceful Assembly Act which have been used to restrict the rights to freedom of expression and peaceful assembly, and to criminalize peaceful political activists and human rights defenders in recent years.

Amnesty International calls on the Malaysian authorities to immediately repeal or amend all legislation which criminalizes, or is used to criminalize, the rights to freedom of expression, association and peaceful assembly, and ensure that all legislation is consistent with international human rights law. The organization also calls on the Malaysian authorities to immediately ratify the International Covenant on Civil and Political Rights (ICCPR), amend domestic legislation to comply with its provisions and implement it in policy and practice.

Malaysia's human rights record is due to be reviewed under the Universal Periodic Review (UPR) mechanism at the UN Human Rights Council in October 2013. Amnesty International calls on UN member states to raise concerns about restrictions on freedoms of expression, association and peaceful assembly, and to make concrete recommendations to the Malaysian government to improve the protection and promotion of these rights.

Amnesty International also reiterates its calls on the Sri Lanka authorities to investigate the allegations of war crimes, crimes against humanity, and other crimes under international law during the country's armed conflict and prosecute suspected perpetrators in fair trials. The Sri Lanka authorities should also ensure a halt to intimidation and reprisals against victims' families and human rights defenders seeking justice.

On 25 September 2013, the High Commissioner for Human Rights told the Human Rights Council that she had "detected no new or comprehensive effort to independently or credibly investigate allegations" and urged the Sri Lankan government to show results by March 2014 or the international community would "have a duty to establish its own inquiry mechanisms." Amnesty International therefore reiterates its call on the UN to set up an independent international investigation into crimes under international law in Sri Lanka.