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Malaysia again reneges on human rights commitments

Amnesty International calls on Malaysia to reconsider its decision to reject key human rights recommendations made at its Universal Periodic Review (UPR) in the UN Human Rights Council.

For its second successive review, Malaysia has rejected recommendations to ratify major international human rights treaties, such as the International Covenant on Civil and Political Rights and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹ Malaysia's poor treaty ratification record signals its continued refusal to align national legislation with international human rights law, and to guarantee important human rights protection.

Amnesty International is very concerned by the Malaysian authorities' recent attempts to outlaw COMANGO – a coalition of Malaysian non-governmental organizations formed to represent civil society's human rights concerns at the UPR of Malaysia.² As well as raising questions about Malaysia's commitment to the UPR process, this highlights a wider pattern of attempts by the government to undermine civil society and silence critical voices.

Malaysia also rejected key recommendations to review and amend specific laws that are used to curtail free speech.³ Amnesty International has long expressed concern about a range of laws that do not comply with international law and standards, and that the authorities have frequently used to restrict the rights to freedom of expression, association and peaceful assembly. The organization today reiterated its calls on the Malaysian government to immediately repeal or amend all laws that restrict these rights, in strict compliance with international human rights standards.

Human rights violations by the police, including torture and other ill-treatment, deaths in custody, fatal shootings and excessive use of force and firearms, remain critical human rights concerns in the country. Many allegations of police abuse are not adequately investigated and the perpetrators are rarely held to account, further entrenching a climate of impunity.

Amnesty International is therefore disappointed that Malaysia rejected a recommendation to establish an Independent Police Complaints and Misconduct Commission (IPCMC), as recommended by the 2005 Royal Commission.⁴ While noting Malaysia's assertion that the Enforcement Agency Integrity Commission (EAIC) was established in 2009 to address complaints against law enforcement officials, thus negating the need for the IPCMC, Amnesty International does not consider that this mechanism is sufficiently resourced or empowered to adequately investigate claims of police abuse.

¹ A/HRC/25/10 recommendations 146.22 (Egypt), 146.24 (Slovakia), 146.1 (Spain) and 146.5 (Latvia) and 146.9 (Uruguay) did not receive any response in A/HRC/25/10/Add.1; recommendations 146.3 (Italy, Chad, Kazakhstan), 146.4 (Poland), 146.6 (Sierra Leone, Benin, Australia, Brazil, Maldives, Switzerland, Albania, Finland, Guatemala, Hungary, Ecuador), 146.8 (Czech Republic, France, Costa Rica), 146.10 (Tunisia), 146.12 (Ireland), 146.13 (Slovenia) and 146.76 (Netherlands) did not enjoy the support of Malaysia. See also response by Malaysia in A/HRC/25/10/Add.1 para 9.

² The Ministry of Home Affairs alleged that the majority of the 54 groups that make up the Coalition of Malaysian NGOs (COMANGO) are "un-Islamic", lack official registration, and are therefore prohibited. See Amnesty International press release, *Malaysia: Move to outlaw human rights groups is an assault on freedom*, 8 January 2014, available at: <http://www.amnesty.org/en/news/malaysia-move-outlaw-human-rights-groups-assault-freedom-2014-01-08>.

³ A/HRC/25/10 recommendations 146.48 (UK), 146.49 (Australia)

⁴ A/HRC/25/10 recommendation 146.56 (New Zealand). The Malaysian authorities established a royal commission on police reform, and after publishing its report among the commission's recommendations was the establishment of an Independent Police Complaints and Misconduct Commission.

Malaysia rejected multiple UPR recommendations to establish a moratorium on executions and abolish the death penalty.⁵ Amnesty International remains deeply concerned about the use of the death penalty in Malaysia, where executions have been carried out in secret, without prior or posthumous announcements. At least two people are known to have been executed in secrecy in 2013, while over 900 people are currently believed to be under sentence of death.

Amnesty International urges the Malaysian government to reconsider its rejection of recommendations to abolish the death penalty and, as a first step, to immediately establish a moratorium on executions and commute all death sentences to terms of imprisonment.

Finally, Amnesty International encourages Malaysia to regularly brief the UN Human Rights Council on progress in its follow-up to the UPR recommendations.

Background

The UN Human Rights Council adopted the outcome of the UPR of Malaysia on 20 March 2014 during its 25th session. Prior to the adoption of the review outcome, Amnesty International delivered the oral statement above. Amnesty International had earlier submitted information on the situation of human rights in Malaysia: <http://www.amnesty.org/en/library/info/ASA28/003/2013/en>

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⁵ Report of the Working Group on the Universal Periodic Review: Malaysia, 4 December 2013, UN Doc: A/HRC/25/10, recommendations 146.108 (Australia); 146.108 (Bulgaria); 146.120 (Spain); 146.121 (Norway); 146.122 (Montenegro); 146.122 (Chile); and 146.124 (France).