BRAVERY PUNISHED: REPRESSION OF YOUNG HUMAN RIGHTS DEFENDERS IN SOUTHEAST ASIA
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Far from being bystanders, young people are speaking out and standing up against injustice in all corners of society. Despite the potential risks and challenges of what they do, many choose to stand firm in their struggle for human rights in a context in which the space for civil society shrinks. The human rights situation in Southeast Asia has deteriorated in the past years with a series of repressive laws implemented to curtail dissenting voices. In spite of the increasingly shrinking space for civil society, many young people continue to self-organise and remain involved in activism, mobilising for a change in their community. These young activists are making the case for space, and for an improvement of their rights to freedom of expression, association, and peaceful assembly – among many other rights.

“Together we will continue our struggle until our shared dream for human rights and justice for all come true”

Phyo Phyoe Aung, young human rights defender from Myanmar.

1. GLOBAL THREATS TO HUMAN RIGHTS DEFENDERS

Around the world, human rights defenders (HRDs) face grave threats and challenges as they attempt to carry out their important work. In 1998, the United Nations General Assembly adopted the UN Declaration on Human Rights Defenders,1 establishing a set of principles concerning the support and protection of HRDs. Unfortunately, in the intervening years, many governments around the world have failed to fulfil their obligations towards HRDs and instead have targeted them with harassment, obstruction and violence.

HRDs are exposed to grave threats to their physical safety and security because of their peaceful efforts to defend human rights. Governments, armed groups, companies and others have used violence and threats to silence those who report on and seek accountability for human rights violations. HRDs have suffered torture, beatings, enforced disappearances and other forms of ill-treatment because of their work.

Globally, over 3,500 HRDs have been killed by state and non-state actors for peacefully defending human rights since 1998.2 Moreover, governments are increasingly arbitrarily arresting, detaining and prosecuting HRDs because of their work of defending human rights and seeking protection for marginalized communities.

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2 Frontline has estimated that 3,500 HRDs have been killed since 1998, available at: www.hrdmemorial.org.

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WHO ARE ‘HUMAN RIGHTS DEFENDERS’?

Amnesty International considers a human rights defender to be someone who, individually or in association with others, acts to defend and/or promote human rights at the local, national, regional or international levels, without resorting to or advocating hatred, discrimination or violence.

HRDs come from every walk of life; they may be journalists, lawyers, health professionals, teachers, trade unionists, farmers and victims – or relatives of victims – of human rights violations and abuses. Their human rights work may be conducted as part of their professional role, or be undertaken voluntarily or on an unpaid basis.

HRDs are additionally challenged by the shrinking space in which they operate. Governments have passed repressive laws and regulations that severely restrict the exercise of the rights to freedom of expression, peaceful assembly and association. In particular, restrictions of online freedoms have hampered the work of HRDs, including youth activists, bloggers and others, who have exploited opportunities for new forms of communication. Physical and online surveillance have contributed to self-censorship and have had a chilling effect on the work of HRDs.

Governments, as well as non-state actors, have often turned to stigmatization and smear campaigns to undermine the work of HRDs, whom they have labelled as “defenders of criminals”, “unpatriotic”, “foreign agents”, “terrorists” and “enemies of the state” and accused them of “provoking trouble” and “opposing national moral values”. For these reasons, HRDs are often cut off from ordinary citizens, who sometimes see the work of HRDs as controversial and dangerous.

2. CRACKDOWN ON HRDS IN SOUTHEAST ASIA

In recent years, the authorities in many Southeast Asian countries have targeted HRDs with arrest and prosecution, through the misuse of the justice system and the application of repressive legislation. Below are a number of cases that Amnesty International has recently documented that illustrate the current trends of shrinking space and increasing threats that face and restrict HRD in this sub-region.

In Malaysia, attempts to choke peaceful dissent and freedom of expression make many people exercise self-censorship. Such attempts include the widespread use of national security legislation and other restrictive laws such as the Sedition Act of 1948 and the Communications and Multimedia Act 1998, which are increasingly used against HRDs and other activists. Amnesty International recorded at least 91 instances in which the Sedition Act was used for comments or acts deemed critical of the government in 2015 alone, and over the past few years, there have been a total of 176 such cases. Political cartoonist Zulkiflee Anwar Haque (also known as ‘Zunar’) is one of the HRDs who has been targeted by the authorities; he faces nine charges and is at risk of serving a maximum of 43 years in prison under the Sedition Act solely for tweets he posted in 2015 criticising a Federal Court decision.

Despite Myanmar’s new government, led by Aung San Suu Kyi’s National League for Democracy, human rights restrictions remain and authorities continue to target HRDs. In March 2017, activist Htin Kyaw was arbitrarily detained and charged for a comment he made criticising Myanmar’s justice system. In June, authorities detained and charged three reporters of the Democratic Voice of Burma (DVB) and the Irrawaddy, as they were reporting from areas affected by the armed conflict in northern Myanmar. They were charged under the Unlawful Association Act. In advance of commune elections held in 2017 and national elections planned for 2018, Cambodian authorities have made concerted attempts to harass and punish activists and civil society in an attempt to silence critical voices. HRDs have been threatened, arrested and detained on groundless charges for their peaceful work, whilst some have been imprisoned after unfair trials.

3 The Southeast Asian nations referred to in this publication comprise Brunei Darussalam, Cambodia, Timor-Leste, Indonesia, Lao People’s Democratic Republic (PDR), Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam
6 Amnesty International, Malaysia: Political cartoonist faces lengthy jail sentence (Index: ASA 28/1692/2015)
7 Amnesty International, Myanmar: Former prisoner of conscience detained again, Htin Kyaw (Index: ASA 16/5993/2017)
As it stands, 27 HRDs and political activists are behind bars while hundreds of others are subject to criminal proceedings. The authorities thus continue to hinder peaceful protest and HRDs from exercising their rights to freedom of expression and peaceful assembly.\(^9\)

In Thailand, ongoing suppression of peaceful dissent since the 2014 military coup has created an environment in which few dare to criticize the authorities publicly. HRDs face charges of criminal defamation for reporting on human rights violations or for supporting marginalized individuals and communities. Human rights lawyer Sirikan Charoensiri (also known as June), together with 14 peaceful student activists, faces an unfair trial in a military court after providing legal assistance to activists from the New Democracy Movement (NDM) in the previous year. She was charged with sedition, an offence that criminalizes any gatherings of five or more persons for political purposes. If convicted, she could face up to 15 years in prison.\(^10\)

In Viet Nam, the authorities continue to use the vaguely worded legislation to convict peaceful activists under national security laws. HRDs face threats and attacks online and in the public space. People advocating for peaceful political change, criticizing government policies, or calling for respect for human rights are at risk of being targeted by the authorities despite their peaceful activism. Within the Penal Code, many articles under the section of “Crimes Infringing on National Security” are often used to detain, prosecute and imprison dissidents for their pro-democracy activism, including bloggers, labour rights and land rights activists, political activists, religious followers of different churches, social justice activists, and even song writers.\(^11\)

Singapore has seen a rise in political activists, bloggers and government critics being harassed and prosecuted as a means of suppressing activism. For example, Han Hui Hui was convicted in 2016 for peacefully protesting.\(^12\)

In the same year, Amos Yee, a teenage blogger, was sentenced to six weeks’ imprisonment for uploading videos in which he allegedly “wounded the religious feelings of others”.\(^13\) Brunei Darussalam continues to lack a free and independent media and criminalises the act of “printing, disseminating, importing, broadcasting, and distributing publications contrary to Sharia law”. In November 2016, The Brunei Times was shutdown solely for publishing an article that what was deemed as “politically insensitive.”\(^14\)

HRDs and journalists in the Philippines have been targeted and intimidated by the government and unidentified gunmen in the context of a violent campaign against drugs.\(^15\) In Timor-Leste, security forces have been accused of harassing and intimidating human rights defenders who were organizing a peaceful assembly and were repeatedly threatened by the police.\(^16\)

3. YOUNG HUMAN RIGHTS DEFENDERS IN SOUTHEAST ASIA

The rise of social media and mobile technology has promoted the engagement of young people in the public sphere, who have taken advantage of new opportunities to share information and expose injustices. Young HRDs and activists today are utilizing social media platforms to mobilize their peers, to open up new civic spaces, and to exercise their human rights.

More than half of the approximately 630 million people in Southeast Asia are under the age of 30. As exemplified in the cases described below, young people across the region are speaking up about human rights violations and confronting governments that seek to restrict fundamental freedoms. These young HRDs often work with limited resources and in the most challenging circumstances. Many continue to stand firm in the face of oppression and the risk of reprisal.

Like in many parts of the world, young people in Southeast Asia tend to be at the bottom of the social hierarchy and may face various forms of discrimination due to one or more aspects of their identity, including on the basis of age, gender and sexual orientation. Oftentimes discrimination is based on several intersecting characteristics and identity markers and these may mutually reinforce one another and exacerbate the harm they suffer. Young lesbian, gay, bisexual, transgender and intersex (LGBTI) people and individuals from minority groups, as well as young women, face additional layers of discrimination and hardship in many societies because of these, sometimes intersecting, identities.


Amnesty International, Joint letter: Immediately drop sedition case and all proceedings against human rights lawyer Sirikan Charoensiri (Index: ASA 39/4925/2016)


Amnesty International, Singapore: Blogger faces up to three years in prison (Index: ASA 36/4685/2016)


Amnesty International, Philippines: “If you are poor, you are killed”: extrajudicial executions in the Philippines “war on drugs” (ASA 35/551/2017)

Amnesty International, Timor-Leste: Harassed for organizing peaceful rally (Index: ASA 57/3334/2016)
Governments in Southeast Asia do not always respect young people's agency and compound stereotypes by labelling them “troublemakers”, “idealistic” or “immature”. For this reason, many young HRDs in the region become isolated and disempowered. The individuals profiled in the pages that follow exemplify the important role that young HRDs play in the struggle for justice and human rights in Southeast Asia. Their stories also demonstrate the extraordinary risks and hardships faced by young HRDs in the region.

JATUPAT BOONPATTARARAKSA ("PAI DAO DIN")

Location: Thailand  
Age: 25 (at time of arrest)  
Occupation: Law Student  
Charge(s): Computer Crime Act and Article 112 of the Penal Code

"This verdict shows the extremes to which the authorities are prepared to go in using repressive laws to silence peaceful debate, including on Facebook. It is outrageous that Pai Dao Din is now facing more than two years behind bars just for sharing a news article.”

Josef Benedict, Amnesty International’s Deputy Campaigns Director for Southeast Asia and the Pacific

Jatupat Boonpattararaksa (also known as “Pai”) is a human rights defender and political activist who faces charges in multiple criminal cases for peacefully expressing political opinions and calling for the restoration of political rights and democracy after a military coup in Thailand in 2014. In August 2017, Pai was sentenced to two-and-a-half years in prison for sharing a BBC news article about Thailand’s new king on Facebook. He was convicted of violating Thailand’s lèse-majesté law, which provide for up to 15 years imprisonment for anyone who “defames, insults or threatens the King, the Queen, the Heir-apparent or the Regent”. The charges in the cases were filed by in December 2016. The military officer who initiated the charges had previously threatened to “crush” Pai and other activists in a Facebook message.

Pai is a member of Dao Din, a student group that engages on issues relating to human rights and democracy. He has supported human rights education campaigns and worked with communities threatened by natural resource-exploitation projects. Since the 2014 coup in Thailand, Pai and other Dao Din members have vocally opposed the military rule and a military-drafted constitution, and called for the restoration of democracy and political rights.

Pai also faces criminal proceedings in four additional cases relating to his protest activities, participation in public gatherings, and distribution of materials urging people to reject Thailand’s draft constitution. Charges in these cases rely on harsh laws and decrees passed by Thailand’s military government, including a ban on “political” gatherings of five or more persons and restrictive law governing Thailand’s 2016 constitutional referendum. If convicted and sentenced cumulatively, he could serve a total of up to 27 years imprisonment.

NGUYỄN VĂN HÓA

Location: Viet Nam  Age: 22  Occupation: Student Blogger

Charge(s): Article 258 of the 1999 Penal Code for “abusing democratic freedoms to infringe upon the interests of the State and the rights and legitimate interests of organizations and citizens”

“In the past, the areas where their rights have not been adequately compensated, they protested, and Hoa also raised the issue for the benefit of the people in Central Vietnam. Anything else.”

Nguyen Thi Hue, Hoa’s older sister.

In January 2017, three unassociated Vietnamese HRDs were arrested within only ten days of each other, and were held in incommunicado pre-trial detention. One of them is Nguyễn Văn Hóa, a 22-year-old blogger, who currently faces charges for reporting on protests following the Formosa ecological disaster that began in 2016 in Viet Nam. The disaster, which decimated fish stocks and threatened the health and livelihoods of hundreds of thousands of people, was precipitated by the dumping of toxic waste into the sea by the Taiwanese Formosa Plastics Group. Nguyễn Văn Hóa filmed the villagers’ protests and shared the footage on social media.

Although Nguyễn Văn Hóa was initially detained for “abusing democratic freedoms to infringe upon the interests of the State and the rights and legitimate interests of organizations and citizens”, the authorities changed in June the charge to a more serious provision, for “conducting propaganda against the state”. This provision has been commonly used to imprison peaceful activists and human rights defenders.

If convicted under the latter article, Nguyễn Văn Hóa could face a sentence of up to 20 years in jail, where he might face torture and other ill-treatment. None of the three HRDs who were arrested in January this year has had access to lawyers.

19 BBC, Nguyen Van Hoa was detained for violating Article 258 of the Penal Code. 3 Feb 2017
20 Amnesty International, Viet Nam: Three human rights defenders held incommunicado (Index: ASA 41/5559/2017)
In September 2014, Han Hui Hui, along with Ivan Koh Yew Beng and Janet Low Wai Choo, took part in a peaceful protest and called for the Singaporean government to return the Central Provident Fund pension savings to its members. The demonstration took place in Hong Lim Park, the only space in the country where people are allowed to assemble and demonstrate without a police permit. Following the peaceful protest, Han Hui Hui and several others were charged by police for protesting outside of the space allotted for assembly by the National Parks Board. This protest coincided with another event in the park, which the group was accused of intruding on.

In June 2016, the three activists were convicted of the offence of “committing public nuisance”. Han Hui Hui was convicted for a second offence for allegedly organizing a demonstration without the approval of the Commissioner of Parks and Recreation.

She was fined and faced four weeks and six days of imprisonment.

Political activists, bloggers and LGBTI individuals have also faced reprisals for the legitimate exercise of their rights to freedom of expression, peaceful assembly and association in Singapore, which has created a chilling effect on free speech and obstructed the work of HRDs. Full, practical enjoyment of the rights to freedom of expression and peaceful assembly is hampered by many restrictive regulations, including the Public Order Act and Newspaper and Printing Presses Act, which heavily regulates the media. These restrictions promote self-censorship and the targeting and harassment of human rights activists and journalists.22

“\nI underwent a total of 8 hours at the police station from 2pm till 8pm for interrogation by the police. I was denied legal assistance and had my paper notebook that was used to take down notes being seized from me.\n
Han Hui Hui21
KHALID MOHD ISMATH

Location: Malaysia  
Age: 25 (at time of arrest)  
Occupation: Student Activist

Charge(s): 11 counts under Section 233 of the Communications and Multimedia Act 1998 and three counts under Section 4(1) of the Sedition Act 1948

"The human rights violation inflicted upon Khalid Ismath is not only a violation against him, but a violation against his whole family and a rude slap to all Malaysians"

Sevan Doraisamy, Suaram Executive Director.23

In October 2015, Malaysian authorities laid 14 charges against Khalid Ismath for posting comments on Facebook that were allegedly offensive to the royalty of the State of Johor and the Royal Malaysian Police. He had published the posts on a solidarity page for Kamal Hisham Jaafar, a former legal adviser to the Johor Royal family, who is currently in detention on charges of corruption. For these posts, commenting on their abuse of power, Khalid Ismath was first detained at the Johor Baru Selatan police station under the 1998 Communications and Multimedia Act, but was released after two days in police detention, during which time his phone and personal computer were confiscated.

The same day, he was rearrested under the Sedition Act for another Facebook comment made on the same solidarity page. He was detained for another four days before being formally charged on 13 October – one week after the Malaysian Federal Court’s ruling that the Sedition Act was constitutional.

Khalid Ismath was subjected to unjust treatment by the criminal justice system; denied bail as the prosecution argued that he may abscond during his trial, and detained for more than 23 days, for merely speaking out. During his detention, he was allegedly ill-treated by the authorities and kept, by Johor Baru Sessions Court, in Johor state, in solitary confinement.24

24 Amnesty International, Malaysia: Activist charged following social media post (Index: ASA 28/2714/2015)
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In February 2015, student groups, led by Phyoe Phyoe Aung and other student leaders, organized four concurrent marches throughout the country. When discussions on amendments to the National Education Law between student leaders and the government broke down, students in Letpadan, Bago Region, announced that they would resume marching towards Yangon. They were blocked by police, leading to an eight-day standoff between the students and the police.

Phyoe Phyoe Aung, while still in jail, upon receiving more than 394,000 letters, emails, tweets and more from Amnesty supporters across the world during “Write for Rights”, a global letter-writing marathon.25

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4. RECOMMENDATIONS

Young HRDs across Southeast Asia are challenging the abuse of power, standing up against injustice, and speak out in support of marginalized individuals and communities. In doing so, they face grave risks and practical challenges relating to their age, identity and status in society. Rather than dismissing the contributions of young people, Southeast Asian authorities should embrace the role that youth and young HRDs can play in building stronger and more inclusive societies.

Amnesty International calls on Southeast Asian governments to:

- Take appropriate measures to recognise and protect young HRDs and youth-led organisations engaged in the defence and promotion of human rights, including by removing age-based restrictions which inhibit the participation of young people in public decision making;
- Refrain from bringing criminal charges or any other proceedings or administrative measures against young HRDs solely for the peaceful exercise of their rights;
- Independently, effectively and promptly investigate threats, attacks, harassment, intimidation and other human rights violations against young HRDs, bring the suspected perpetrators to justice in fair trials without recourse to the death penalty, and provide effective remedies and adequate reparations to the victims;
- Ensure a safe and enabling environment in which human rights campaigns are seen as positive steps towards improving the human rights situation in the region, including by providing resources and tools for the work of young HRDs, including to youth-led organisations and networks;
- Cooperate with young HRDs and youth networks to strengthen human rights protections in Southeast Asia, including by engaging with the ASEAN youth forum and other regional networks to enhance participation of youth activists and young leaders within decision-making and in framing policy;
- Eliminate all forms of discrimination based on age, sexual orientation, gender identity, political affiliation and opinion through inclusive policies and more accessible protection and enforcement mechanisms.

AMNESTY INTERNATIONAL’S YOUTH STRATEGY 2017-2020

Young people are an integral part of Amnesty International as a global human rights movement. We are inspired by a vision where young people play active roles in creating a world where everybody enjoys human rights. Amnesty International affirms its commitment to take into account young people’s perspectives in protecting and promoting human rights.

The movement champions non-discriminatory practices in working with young people and strengthening collaboration across generations, underpinned by mutual respect and trust. Through enabling and empowering the active participation of young people at all levels of our work, we aim to create an environment in which they actively contribute to human rights impact.

By maximizing the involvement of young people in our work we will have a stronger global presence and we will support more people to know, claim and enjoy their human rights. We will apply more pressure nationally, regionally and internationally. We will work with and for young people on the issues that are most relevant to their lives.

AMNESTY INTERNATIONAL IS A GLOBAL MOVEMENT FOR HUMAN RIGHTS. WHEN INJUSTICE HAPPENS TO ONE PERSON, IT MATTERS TO US ALL.