

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# MALAYSIA: STOP INTIMIDATION OF HUMAN RIGHTS LAWYER AND DEFENDERS

Amnesty International is deeply concerned about the intimidation and harassment of a Malaysian human rights lawyer and the human rights defenders he is representing. Charles Hector is at risk of contempt of court charges simply for carrying out his work as a lawyer. The organisation views the charges as an act of intimidation and harassment to silence him and his clients.

Charles Hector is the lawyer of villagers who have been contesting logging in a Permanent Forest Reserve in Jerantut, Pahang since 2013. The villagers depend on the Reserve for water and as a food source. The Reserve also serves as a main source of livelihood, fish farming, and is an important ecosystem for endangered wildlife.

In 2020, two companies conducting logging activities in the Reserve obtained an injunction prohibiting the villagers from interfering or causing “nuisance to the work of the plaintiffs in any manner whatsoever including physically, online or by communication with the authorities.” In January 2021 the logging companies - Beijing Million Sdn Bhd and Rosah Timber & Trading Sdn Bhd- filed an application to grant leave for contempt of court charges against Charles Hector and eight villagers he is representing. They are accusing him of breaching the injunction after sending a letter to a representative of the Forestry Department on behalf of his clients, seeking clarification on a previous communication as he was preparing for trial. The application to grant leave for contempt of court charges will be heard in Kuantan High Court, Pahang on 6 April 2021.

Amnesty International calls on the authorities and companies to ensure that the contempt application is immediately dropped and for the government to ensure that lawyers are able to perform their professional duties safely without any threat, intimidation or harassment.

The targeting of lawyers with contempt charges solely for carrying out their professional duties contravenes the UN Basic Principles on the Role of Lawyers and undermines the right to a fair trial. The Basic Principles state that governments must “ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference” and that they shall not “suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.” The Basic Principles also require authorities to ensure the protection of lawyers whenever they are threatened as a result of performing their duties.

The work of lawyers is essential in the effective administration of criminal justice. It is important for governments to protect lawyers from unlawful interference with their work in order for legal assistance to be effective. Lawyers are often the last line of defense for communities seeking to

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claim their right to land yet they themselves come under threat for their work. Amnesty International has previously [documented](#) the challenges and struggles faced by land defenders in Malaysia, including the threat, intimidation and harassment of lawyers. Lawyers have previously faced challenges in providing legal representation to defenders including attacks on their credibility and smear campaigns against their work. Intimidation and harassment of lawyers and human rights defenders has a chilling effect on the proper exercise of professional duties by lawyers, and undermines the right to a fair trial and access to justice for victims of human rights violations and abuses.

The threat against Hector follows calls from the Malaysian Bar Council and groups, including Amnesty International, to reform the country's contempt of court laws. Definitions of contempt of court are currently vaguely defined and subject to misuse, with penalties including large fines, imprisonment and the revocation of a lawyer's practicing certificate. Contempt of court charges have previously been abused and brought against individuals speaking out. Amnesty International urges the government to reform contempt of court legislation in Malaysia, by bringing it into line with international human rights law to end its misuse.

### **Background**

Campaigning against logging in Jerantut Tambahan Forest Reserve has taken place for many years. In 2019, approval to carry out logging in the Reserve was granted to two contracting companies, Beijing Million Sdn Bhd and Rosah Timber & Trading Sdn Bhd. In 2020, the companies took legal action against eight villagers who they accuse of disrupting and blocking the activities of logging workers. The villagers deny this and argue the companies do not yet have full permission to commence logging. In November 2020, the companies successfully obtained an injunction prohibiting the villagers and their lawyers from interfering with the approval given to the plaintiffs and causing "nuisance" to the work of the plaintiffs.

In December 2020 Charles Hector sent a letter on behalf of his clients to the Jerantut District Forestry Office, seeking clarifications on a communication sent by the office earlier in the year. The following month, the companies filed an application for permission to bring contempt of court proceedings against Charles Hector and the eight villagers.