

URGENT ACTION

HUMAN RIGHTS DEFENDER RELEASED BUT STILL AT RISK

Maria Chin Abdullah, arrested on 18 November for organizing a rally on free and fair elections, was released on 28 November but remains at risk of being charged for exercising her rights to freedom of expression, peaceful assembly and association

Maria Chin Abdullah, chairperson of Bersih 2.0, the coalition for clean and fair elections in Malaysia, was released on 28 November after spending ten days in preventive detention in an unknown location. During her detention, she was kept in solitary confinement, in a cell without a bed, air circulation or windows and with a bright light on at all times. She was questioned between six to eight hours every day during her detention, as authorities sought information on Bersih 2.0's activities. She was forced to wear blinding black goggles and handcuffed when being transported in and out of the cell for questioning. For the first two days of her confinement, she was denied access to her family and lawyers. Despite being released, the investigation against her continues, and the Inspector-General of Police has stated that she may be re-arrested under the Peaceful Assembly Act 2012.

Maria Chin Abdullah was arrested on 18 November for 'attempts to commit activities detrimental to parliamentary democracy', under section 124C of the Penal Code at the Bersih 2.0 office in Petaling Jaya, Selangor. She was detained under the Security Offences and Special Measures Act 2012 (SOSMA), which allows for individuals to be held for up to 28 days without charge or access to courts. Her lawyers filed a habeas corpus (judicial review) application in the courts to challenge the lawfulness and conditions of her detention, scheduled to be heard on 29 November, but was later dropped since she was released the day before. Upon her release, the police threatened to arrest more people associated with the Bersih 2.0 movement.

During her detention, a death threat against her was hand-delivered at her family home, where her young sons reside, with a handwritten note stating "Last warning, if not RIP Marina [misspelled] and family" along with a live 45mm bullet. This is the third death threat Maria has received in recent months.

Please write immediately in English or your own language:

- Urging the Malaysian authorities to close the investigation into Maria Chin Abdullah under section 124C of the Malaysia Penal Code and the Peaceful Assembly Act 2012, as well as other investigations and charges against other peaceful activists that have been targeted in connection with the Bersih 5 rally;
- Urging them to repeal or substantially amend the Security Offences (Special Measures) Act and all other laws that allow for prolonged detention without charge which undermines fair trial rights;
- Calling on the Malaysian authorities to carry out a prompt, thorough and independent investigation into the death threats Maria Chin Abdullah and her family have received; ensuring she and her family are granted immediate and effective protection.

PLEASE SEND APPEALS BEFORE 11 JANUARY 2017:

Inspector General of Police
Tan Sri Dato' Sri Khalid bin Abu Bakar
IbuPejabat Polis Diraja Malaysia
Bukit Aman
50560 Kuala Lumpur
Malaysia
Fax: +603 2070 7500
Email: kpn@rmp.gov.my

Salutation: Dear Inspector General

Home Minister
YB Dato' Seri Dr. Ahmad Zahid bin
Hamidi
Kementerian Dalam Negeri Malaysia
Blok D1, D2 & D9 Kompleks D
Pusat Pentadbiran Kerajaan Persekutuan
62546 Putrajaya Malaysia
Fax: +603 8889 1613
Email: ahmadzahid@moha.gov.my

Salutation: Dear Home Minister

And copies to:

Attorney General
Tan Sri Mohamed Apandi Ali
Attorney General's Office
No. 45 Persiaran Perdana Precinct 4
62100 Putrajaya, Wilayah Putrajaya
Malaysia
Fax: +603 8890 5670
Email: pro@agc.gov.my

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. This is the first update of UA 263/16. Further information:

<https://www.amnesty.org/en/documents/ASA28/5186/2016/en/>

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ADDITIONAL INFORMATION

Maria Chin Abdullah, the Chairperson for the Coalition for Clean and Fair Elections (Bersih 2.0) has been subjected to harassment and intimidation by the Malaysian authorities and non-state actors. In November 2015, Maria Chin was charged under the Peaceful Assembly Act for failing to give prior notice of at least ten days for holding a peaceful demonstration. In October 2016, Maria Chin, her immediate family members, Bersih 2.0 Secretariat Manager, Mandeep Singh and former chairperson Ambiga Sreenevasan received death threats via disturbing images in a Whatsapp message and the perpetrators have yet to be brought to justice, see: <https://www.amnesty.org/en/documents/asa28/5014/2016/en/>.

In the previous four Bersih rallies held between 2007 and 2015, there have been incidents of arrests, violence, harassment and intimidation against the organisers, activists and opposition politicians.

On 18 November 2016, Mandeep Singh, Bersih Secretariat Manager, was arrested with Maria Chin under section 147 of the Penal Code, which penalizes rioting, ahead of the Bersih 5 rally. Anthony Loke, opposition Member of Parliament was arrested under the Sedition Act 1948. Ronnie Liu, politician, was arrested under section 153 of the Penal Code, for 'wantonly giving provocation with intent to cause riot'. S. Arutchelvam, the Malaysian Socialist Party committee member was arrested together with Lee Khai Ming and Jimmy Wong, also opposition party members along with student activists Anis Syafiqah, Luqman Nul Hakim Zul Razali, and Safwan Anang. Also arrested were 'red-shirts', counter-demonstration leader Jamal Md. Yunus, Razali Zakaria and Hairol Nizam. On 19 November, activists Hishamuddin Rais, Fahmi Reza and Luqman Nul Hakim were arrested after the Bersih 5 rally, while opposition legislators Zuraida Kamaruddin, Howard Lee, and Chua Tian Chang were arrested for speeches made at the rally. All have been released since but investigations are considered as ongoing.

On 28 November, the office of the women's rights group, Empower (Community Awareness Centre), was raided by the authorities at 1pm under Section 124C of the Penal Code and had involved the Security Offences (Special Measures) Act 2012, threatening staff with 48 hours detention without access to lawyers or family if they did not comply with the investigation. Empower, an advocacy group that campaigns on encouraging participation of women in the Malaysian political process, was founded by Maria Chin Abdullah and shared an office with Bersih 2.0 until 2015. Authorities cited their investigation was in relation to foreign funding received by Open Society Foundation, an organisation that the Malaysian authorities are investigating for funding a number of Malaysian NGOs promoting civil and political participation, which has included Bersih 2.0 in the past. The raid appears to be a form of harassment and intimidation by the authorities against Bersih 2.0 and affiliated groups.

The Security Offences and Special Measures Act 2012 (SOSMA) specifically states that no individual will be arrested for 'political activity' or 'belief' and its use is strictly restricted to matters pertaining to public order and national security. However, this legislation is widely drafted, vaguely worded and is open to abuse. Amnesty International believes that Maria Chin's detention was part of a concerted, politically motivated attempt to intimidate and silence peaceful activists and government critics.

Name: Maria Chin Abdullah
Gender: f

Further information on UA: 263/16 Index: ASA 28/5240/2016 Issue Date: 01 December 2016