

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

Index: ASA 28/6287/2017

19 May 2017

Malaysia: Activists summoned for questioning in repeated crackdown on peaceful assembly

The Malaysian authorities must immediately halt the misuse of the criminal justice system to harass and intimidate political activists and human rights defenders for their peaceful activities. In the past week, more than 7 activists have been summoned by the police as part of their investigations into various peaceful demonstrations.

On 15 May, activists from the Bersih coalition, Mandeep Singh, Zoe Randhawa and Chan Tsu Chong were investigated under Section 9(5) of the Peaceful Assembly Act 2012 for their alleged failure to provide police with a 10 day notice for a candlelight vigil for human rights defender Maria Chin. The vigil was held in November 2016 to protest against her detention without trial for 11 days under national security laws.

The following day, human rights defenders calling on the authorities to take immediate action in what they believe amounts to the enforced disappearance of three people, were summoned by the police for questioning on 24 May. The three human rights activists, including Sevan Doraisamy, Executive Director of human rights organisation SUARAM, Bersih activist Rama Ramanathan and Thomas Fann from the community organisation Engage, are being investigated under Section 505B of the Penal Code for making statements allegedly conducing to 'public mischief'.

On 17 May, political opponent S. Arulchelvan from the Malaysian Socialist Party was summoned to the Dang Wangi police station and questioned about his involvement in the Labour Day rally organized in Kuala Lumpur on 1 May, following claims that organizers failed to obtain a police authorization in time for the rally.

Amnesty International is alarmed that the authorities are increasingly responding to activities that aim to express dissent and protest against injustice with baseless police investigations. These recent actions by the police highlight an escalating pattern of misusing the criminal justice system to target and harass political activists and human rights defenders that Amnesty International has documented over the last few years. These actions have further restricted public debate in

Malaysia and reduced the space in which civil society operates.

The Malaysian authorities should instead publicly recognize the legitimate work of human rights defenders, and refrain from intimidating and harassing them, including by abusing the criminal justice system to curb their peaceful human rights work.

Amnesty International recently launched a global campaign on human rights defenders in light of the unprecedented dangers they face, calling on states to recognize the legitimate work of those working to stand up for the inherent dignity and equal rights of all people and to ensure their freedom and safety.

Background

The Malaysian authorities have relied on a wide range of criminal laws to target and harass human rights defenders, such as the Sedition Act 1948, the Communications and Multimedia Act 1998, the Peaceful Assembly Act 2012, the Security Offences and Special Measures Act 2012.

Several offences contained in the Penal Code, ranging from the “intentional insult with intent to provoke a breach of the peace”, “statements conducing to public mischief” and “word or gesture intended to insult the modesty of a person” (Section 504, 505 and 509) have been used against members of the political opposition such as Members of Parliament, Rafizi Ramli and Chua Tian Chang, (section 504 and 509 respectively), while Section 505 has been used to silence bloggers critical of the government.

Section 9(5) of the Peaceful Assembly Act, a relatively recent piece of legislation, has been increasingly used to target and criminalize peaceful protesters for organizing rallies without a 10 day notice to the police. Violations of these provisions can carry onerous fines that impose further obstacles to the effective realization of the right to peaceful assembly. Opposition lawmakers face the threat of being disqualified from holding office if they are slapped with a fine more than RM 2,000 (USD 463), while activists face the threat of paying a maximum fine of RM10,000 (USD 2,313).