

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Malaysia: Open-ended travel bans violate the rights of human rights defenders and political figures**

Malaysian authorities must stop using open-ended arbitrary travel bans to threaten and restrict the movement of political figures and human rights defenders. On Wednesday, 5 July 2017, the Malaysian Court of Appeal ruled that the government has absolute discretion to bar any citizen from travelling abroad without giving any reason or notice, dismissing opposition Member of Parliament Tony Pua's challenge against his 2015 travel ban.

The Court also ruled that holding a passport was a privilege and that the Constitution does not protect the right to travel overseas. The ruling may provide cover for the government to arbitrarily impose or expand travel bans targeting political opponents and human rights defenders. Amnesty International is concerned that the Court's decision is politically motivated. The ruling comes at a time when the government is escalating its crackdown on dissent, with growing numbers of Malaysian political figures and human rights defenders being barred from leaving the country without any explanation.

The persecution and imprisonment of Malaysia's human rights defenders and political adversaries has intensified since the ruling coalition lost the popular vote in general elections in 2013. The crackdown has involved a slew of arrests under draconian colonial era-laws, severe restrictions on the human rights to expression and peaceful assembly, and, most recently, a trend of imposing travel bans on human rights defenders and government critics.

This ruling allowing arbitrary travel bans will continue to hamper the work of human rights defenders, such as cartoonist Zunar, Bersih chairwoman, Maria Chin and activist Hishamuddin Rais, all of whom have been unable to leave the country for more than a year. Travel bans have also been imposed and lifted without notice against outspoken government critics such as Tony Pua and Rafizi Ramli.

Amnesty International was also alarmed that Singapore human rights defender, Han Hui Hui was barred from entering Malaysia in June 2017 under the Immigration Act, after being labelled an 'undesirable immigrant' by the Home Minister. The organisation notes that this is not the first time the government has barred peaceful activists from entering Malaysia. In recent years, Hong Kong political activist Joshua Wong and Indonesian human rights

defender Mugiyanto Sipin have been prevented from visiting the country.

The arbitrary travel bans against government critics are a blatant violation of the rights to freedom of movement and association and a heavy handed attempt to stifle the right to freedom of expression, all enshrined in the Universal Declaration of Human Rights and the Malaysian Federal Constitution. Article 13(2) of the UDHR states: “Everyone has the right to leave any country, including his own, and to return to his country.”

Travel bans against human rights defenders further stigmatizes their work and severely harm their ties with the global human rights movement. Amnesty International calls on Malaysian authorities to respect and protect the rights to freedom of expression, association and movement, including by removing travel restrictions which violate internationally recognized human rights, or have been imposed without due process.

### **Background**

Member of Parliament Tony Pua discovered he was barred from travelling abroad on 22 July 2015, when he arrived at Kuala Lumpur International Airport 2 to fly to Yoghakarta, Indonesia. He was informed that he was not allowed to leave the country. The ban was lifted later in 2016 but he has continued to pursue a legal challenge to the ban as a matter of principle.

Human rights defender Hishamuddin Rais discovered on 3 December 2015 that he was banned from traveling abroad when he was prevented from boarding a flight to South Korea at KL International Airport.

Maria Chin was informed that she was subject to a travel ban as she was preparing to board a plane to South Korea on 15 May 2016. Her challenge to the travel restrictions imposed against her was dismissed by the High Court.

Activist and cartoonist Zunar has been given leave by the High Court to challenge a travel ban imposed on 17 October last year, and his case will be heard by the High Court on 25 September 2017.

On 18 June 2017, Han Hui Hui was prevented from clearing immigration at Kuala Lumpur International Airport. She was detained for several hours and informed that she was blacklisted from entering Malaysia. Her lawyer was then informed that the ban was issued under Article 8(3)K of the 1959/63 Immigration Act, which authorises the Home Minister to bar any individual deemed to be an “undesirable immigrant” from entering the country.