

URGENT ACTION

CRACKDOWN ON FREEDOM OF EXPRESSION

Opposition politicians, human rights activists, lawyers, students, academics and journalists are at risk of arbitrary arrest and imprisonment in Malaysia after an alarming rise in the use of the draconian Sedition Act in recent weeks. The law is being used to target individuals for peacefully exercising their right to freedom of expression.

Since the beginning of August, at least eight people have been charged and are at risk of imprisonment for making so-called "seditious" statements under Malaysia's Sedition Act. The eight – **Wan Ji Wan Hussin, Chow Mun Fai, Ali Abdul Jalil, David Orok, Dr Azmi Sharom, N. Surendran, Khalid Samad** and **RSN Rayer** – have been charged under Article 4 of the Sedition Act which criminalizes the use of seditious words and publications. They are now among 15 people known to currently be facing sedition charges.

Amnesty International has serious concerns about the Sedition Act, which criminalizes a wide array of acts, including those "with a tendency to excite disaffection against any Ruler or government" or to "question any matter" protected by the Constitution. Those found guilty can face three years in prison, be fined up to MYR 5,000 (approximately US\$1,570) or both. The Sedition Act does not comply with international human rights law and standards, and violates the right to freedom of expression, which is enshrined in Article 19 of the Universal Declaration of Human Rights (UDHR), and also guaranteed in Article 10 of the Malaysian Constitution.

Two people are known to have been convicted under the Sedition Act since the start of 2013. On 5 September 2014 former student leader **Safwan Anang**, was sentenced to 10 months in prison for so-called seditious comments made at a rally in May 2013, and is on bail pending appeal. Meanwhile politician **P. Uthayakumar** is serving 24 months in Kajang prison, Selangor state, after being found guilty of sedition in June 2013 for publishing so-called "seditious" material in 2007.

Please write immediately in Malay, English or your own language:

- Calling on the authorities to immediately end the use of the Sedition Act to criminalize peaceful dissent and to drop charges against all those currently accused of "sedition" solely for the peaceful exercise of their right to freedom of expression;
- Calling on them to immediately and unconditionally release all those who have been detained or imprisoned under the Sedition Act solely for the peaceful exercise of their right to freedom of expression;
- Urging them to immediately repeal the Sedition Act, and to review and amend all other laws which restrict the right to freedom of expression, in strict compliance with international human rights law and standards.

PLEASE SEND APPEALS BEFORE 29 OCTOBER 2014 TO:

Prime Minister

Datuk Seri Najib Tun Razak
Prime Minister's Office of Malaysia,
Main Block, Perdana Putra Building
Federal Government Administrative
Centre, 62502 Putrajaya, Malaysia
Fax: +60 (0)3 8888 3444
Email: ppm@pmo.gov.my
Salutation: Your Excellency

Attorney General

Tan Sri Abdul Gani Patai
Attorney General's Office
No. 45, Persiaran Perdana, Precint 4
62100, Putrajaya, W.P Putrajaya
Malaysia
Fax: +60 (0)3 8890 5670
Email: pro@agc.gov.my
Salutation: Dear Attorney General

And copies to:

Chairperson, Human Rights Commission
of Malaysia (SUHAKAM)
Tan Sri Hasmy Agam
11th Floor, Menara TH Perdana,
Jalan Sultan Ismail, 50250
Kuala Lumpur, Malaysia
Fax: +60 (0)3 2612 5620
Email: humanrights@suhakam.org.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.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

The eight people known to have been charged under the Sedition Act in recent months and at risk of imprisonment are:

Wan Ji Wan Hussin, a Muslim preacher, was charged under Article 4(1)(c) on 10 September for allegedly insulting the monarchy in Shah Alam, Selangor state.

Chow Mun Fai, a site supervisor, was charged under Article 4(1)(b) on 9 September for allegedly posting comments insulting to Malay people on his Facebook page. He is also facing charges under Section 231(1)(a) of the Communication and Multimedia Act.

Student Ali Abdul Jalil was charged on 8 September under Article 4(1)(c) of the Sedition Act for posting “seditious” comments on Facebook on 21 January and again on 18 August – including comments mocking the Johor sultanate and calling for the state monarchy to be abolished. He is currently in detention in Sungai Buloh prison, Selangor state and is facing multiple charges under the Sedition Act.

David Orok, an opposition politician from Sabah state, was charged under Article 4(1)(c) on 3 September for allegedly insulting Islam and the Prophet Mohamed on his social media page on 4 June.

Dr Azmi Sharom, an academic from the University of Malaya, was charged with sedition on 2 September under Sections 4(1)(b) and 4(1)(c) for his alleged seditious remarks relating to the 2009 political crisis in state of Perak published by an online news portal on 14 August 2014.

N. Surendran, an opposition member of parliament for Padang Serai and leading human rights lawyer, was charged under Article 4(1)(b) on 19 August 2014 for criticising the Court of Appeal ruling on 7 March which found Anwar Ibrahim guilty of “sodomy”. He was charged again on 28 August under Article 4(1)(c) for his comments in a YouTube video in which he allegedly criticised the prime minister for mounting a political conspiracy against opposition leader Anwar Ibrahim.

Khalid Samad, an opposition member of parliament for Shah Alam, Selangor state, was charged under Article 4(1)(b) on 28 August over remarks made on 17 June in which he allegedly questioned the authority of the Selangor Sultan.

Penang assemblyman RSN Rayer from the Democratic Action Party (DAP) was arrested and charged with sedition on 27 August after remarking “UMNO *Celaka*” (“Damn UMNO”) during a state assembly meeting. UMNO (the United Malays National Organisation) is the largest party in the ruling Barisan Nasional (BN) coalition.

Names: Wan Ji Wan Hussin, Chow Mun Fai, Ali Abdul Jalil, David Orok, Dr Azmi Sharom, N. Surendran, Khalid Samad, RSN Rayer, Safwan Anang and P. Uthayakumar.

Gender m/f: m

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