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Malaysia: End trial of human rights activist Irene Fernandez

Amnesty International and ARTICLE 19 today jointly called on the Malaysian authorities to withdraw all charges against human rights activist Irene Fernandez and to repeal the "false news" provision under which she is charged.

Irene Fernandez, the director of Tenaganita, a women's non-governmental organization (NGO), will be back in court on Tuesday in a trial which has been going on since 1996. She is charged under Section 8A(2) of the Printing Presses and Publications Act (1984) (PPPA) for "maliciously publishing false news." A conviction under this provision can lead to up to three years' imprisonment and/or a fine of up to RM 20,000 (approximately GBP 4,000).

"The Malaysian Government's continued use of restrictive legislation to threaten and prosecute those who expose human rights violations and issues of public concern shows a total lack of respect for the right to freedom of expression," Amnesty International and ARTICLE 19 said.

The charges were brought following Tenaganita's release of a report -- *"Abuses, Torture and Dehumanised Treatment of Migrant Workers at Detention Camps"* -- on alleged human rights violations. The report was compiled from over 300 interviews of migrant workers, mainly from Bangladesh, Indonesia and the Philippines, after their release from detention camps in Malaysia in 1994-5. It gave details of alleged patterns of human rights violations within the camps, including beatings, sexual abuse, malnutrition, dehydration, and denial of access to medical treatment. The concerns raised in the report over conditions in Malaysian detention camps have been reiterated by human rights organizations and foreign governments.

The PPPA, like many of Malaysia's restrictive laws, violates international human rights standards, specifically on freedom of expression. Bans on the publication of 'false news', like that found in section 8A(2) of the PPPA, have been found by international bodies like the UN Human Rights Committee and a number of constitutional courts around the world to breach the guarantee of freedom of expression. If Irene Fernandez is convicted and imprisoned, Amnesty International would consider her to be a prisoner of conscience.

The treatment of undocumented migrant workers in Malaysia has not improved, despite the attention that Fernandez's case created. In August 2002, the Malaysian authorities expelled tens of thousands of migrants from the country. The government came under strong criticism from the governments of neighbouring countries regarding the conditions in the detention camps where deportees were held prior to repatriation.

There were reports of tens of deaths due to unsanitary conditions and dehydration. A 13-year old girl was reportedly raped by three policemen in a detention camp in the state of Sabah. Amendments to the Immigration Act in 2002 impose mandatory caning on those convicted of being in the country without valid legal documentation, as well as a prison sentence of up to five years. Already, hundreds of migrants have been sentenced to caning.

Amnesty International and ARTICLE 19 are of the view that the material in the Tenaganita report was not only protected by the guarantee of freedom of expression but that the public has a right to information of this sort. Questions of human rights are of the greatest public interest and the free flow of information and ideas on them should not be curbed by any government.

"The Malaysian government should address its attention to improving the conditions in its detention camps rather than prosecuting those who have the courage to speak out about these unacceptable conditions," Amnesty International and ARTICLE 19 concluded.

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