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Malaysia: Human rights activist victim of double injustice

Irene Fernandez, the director of Tenaganita, a women's non-governmental organization (NGO), has been found guilty of 'maliciously publishing false news', and sentenced today to 12 months imprisonment. She remains free on bail, pending the outcome of her appeal.

Amnesty International deplores the fact that Irene Fernandez has been targeted for her legitimate work as a human rights defender, and been subjected to the longest-running trial in Malaysian history. Today's verdict reinforces the injustice of the last eight years.

In 1996, Irene Fernandez was charged under Section 8A(2) of the Printing Presses and Publications Act (1984) (PPPA). The charges against Irene Fernandez were brought following Tenaganita's release of a report -- *"Abuses, Torture and Dehumanised Treatment of Migrant Workers at Detention Camps"*. The report was compiled from over 300 interviews of undocumented migrant workers, after their release from detention camps in Malaysia in 1994 and 1995. The concerns over conditions in Malaysian detention camps which were raised in the report, have been reiterated by other 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 set out 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.

"In view of reports of widespread ill-treatment of undocumented migrants during mass deportations from Malaysia in August 2002, the Malaysian authorities should investigate the allegations made by organizations like Tenaganita, and activists like Irene Fernandez, rather than use legislation that contravenes international human rights standards to silence their criticism", Amnesty International concluded.

If imprisoned, Amnesty International will consider Irene Fernandez as a Prisoner of Conscience and will call for her immediate and unconditional release.

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