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Malaysia: Freedom of movement into Sarawak state unjustifiably restricted ahead of elections

The Sarawak state government should immediately lift bans on politicians' freedom of movement into Sarawak and ensure freedom of movement during the current election period.

Sarawak immigration authorities have barred scores of opposition politicians and government critics from entering the state, ahead of local elections taking place on 7 May 2016. Among them are Parliamentarians Nurul Izzah and Charles Santiago, along with Penang state assembly member Dr. Afif Bahardin and Selangor state assembly member Hannah Yeoh, all members of opposition coalition Pakatan Rakyat, from entering Sarawak to participate in campaigning.

Those banned said they were planning to carry out peaceful political activities in the run up to elections for 82 members of the Sarawak State Legislative Assembly. On 4 May, Charles Santiago was notified upon his arrival in Sarawak that he was to leave the state the next day, while on 2 May Nurul Izzah and on 22 April Hannah Yeoh were told to take the next plane back to West Malaysia.

In April, Chief Minister for Sarawak Tan Sri Adenan Satem, whose party is part of the ruling national coalition, imposed immigration bans against at least 30 members of the opposition and other activists, stating they were necessary in order to "protect the interest of Sarawak from unsavoury elements."

The restriction of political adversaries from entering Sarawak is a blatant violation of the right to freedom of movement and association, and also stifles the right to freedom of expression, all enshrined in the Universal Declaration of Human Rights. Under international law, everyone lawfully within the territory of a country should have liberty of movement, as well as be able to freely associate with others and to express him or herself. Restrictions on these freedoms must be narrowly defined, including through applying the principles of lawfulness, necessity and proportionality, in accordance with international human rights standards.

Further, Article 9, 10 and 11 of the Malaysian Federal Constitution explicitly provide for the right of every citizen to freedom of movement, expression and association.

The Malaysian and Sarawak authorities should reform arbitrary decision making processes that impose travel restrictions which violate the right to freedom of movement.

Amnesty International believes these controls imposed by the state are part of a larger campaign by the government to silence government critics since the 2013 elections using an array of restrictive laws. The organisation calls on the Malaysian authorities to review and amend all laws which restrict the right to freedom of expression, and bring them into line with international human rights law and standards.

The government should also ratify the International Covenant on Civil and Political Rights at the earliest opportunity, incorporating its provisions in domestic law, and implement it in policy and

practice. The Covenant protects freedom of movement, expression, association and peaceful assembly, alongside many other human rights.

Background

The states of Sabah and Sarawak, on the island of Borneo in East Malaysia, have a greater degree of autonomy than other states over travel and immigration from West Malaysia under a 1963 agreement when the two states became a part of the country.

This is not the first time opposition members and civil society activists have been barred from entering Sarawak. In 2014, state authorities prevented opposition politicians Rafizi Ramli, Saifuddin Nasution and Chua Tian Chang from entering the state to campaign in the Balingian by-elections. Members of civil society organisations such as Ambiga Sreenevasan, Adam Adli and Mandeep Singh have also been prevented from travelling freely to Sarawak over the past few years.