

MALAYSIA

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Head of state: **King Abdul Halim Mu'adzam Shah**

Head of government: **Najib Tun Razak**

Freedom of expression came under attack as the government increasingly used the Sedition Act to arrest and charge human rights defenders and opposition politicians. Reports of human rights violations by the police persisted, including deaths in custody, torture and other ill-treatment, and unnecessary and excessive use of force and firearms. Religious minorities and LGBTI people faced harassment and intimidation. The death penalty continued to be imposed, with executions reportedly carried out in secret.

BACKGROUND

In September Malaysia was elected to serve a two-year term on the UN Security Council. Opposition leader Anwar Ibrahim faced five years in prison and a ban from political office after his acquittal on politically motivated criminal “sodomy” charges was overturned by the Court of Appeal in March.¹ Also in March, Malaysia rejected key recommendations aimed at strengthening respect for and protection of human rights at the adoption of its Universal Periodic Review by the UN Human Rights Council in Geneva.²

FREEDOM OF EXPRESSION

Freedom of expression was subject to severe restrictions under a range of repressive laws. In August, the authorities began a crackdown on freedom of expression, using the Sedition Act to investigate, charge and imprison human rights defenders, opposition politicians, a journalist, academics and students.³ At least two people were convicted of sedition during the year and sentenced to 10 and 12 months’ imprisonment respectively, while at least 16 others faced

charges by the end of the year. Many more were investigated under the Act, creating a chilling effect on free speech. In November, the Prime Minister reneged on his 2012 promise to repeal the Sedition Act, and instead announced plans to expand its scope.⁴

Human rights defenders faced intimidation and harassment because of their work, while the government persisted in its attempts to undermine civil society. Lena Hendry, a human rights defender with the NGO Pusat KOMAS, continued to face politically motivated criminal charges under the 2002 Film Censorship Act for screening the film *No fire zone: The killing fields of Sri Lanka* in July 2013.

Media outlets and publishing houses faced sweeping restrictions under the Printing Presses and Publications Act. The Act required that licences be obtained for print publications, which could be arbitrarily revoked by the Home Minister. Independent media outlets in particular faced difficulty in obtaining licences under the Act. Civil defamation suits were used by government officials and politicians in attempts to suppress criticism by media.⁵

POLICE AND SECURITY FORCES

Police faced persistent allegations of human rights violations, including deaths in custody, torture and other ill-treatment,⁶ and unnecessary and excessive use of force and firearms. In August the Court of Appeal found the Inspector General of Police and two police officers responsible under civil law for the death of A. Kugan, who died in police custody in 2009.⁷ At least 13 people were known to have died in police custody during 2014.

Investigations into human rights violations by the police were rare, and suspected perpetrators were seldom held to account. The government continued to reject calls to establish an Independent Police Complaints and Misconduct Commission as recommended in the 2005 report of the Royal Commission.

ARBITRARY ARRESTS AND DETENTIONS

The authorities continued to use the Prevention of Crime Act (PCA) and the Security Offences (Special Measures) Act to arbitrarily arrest and detain scores of individuals suspected of criminal activities. The PCA, which was amended in 2013, allows for indefinite, preventive detention without charge or trial and undermines key fair trial rights.

DISCRIMINATION

Instances of religious intolerance, as well as restrictions on the right to freedom of thought, conscience and religion, increased during the year. The authorities increasingly used religion as a justification for discrimination against minority religious groups. In June the Federal Court rejected an appeal seeking to overturn a ban preventing a Christian newspaper from using the word “Allah” in its publications. The authorities had claimed that the use of the word in non-Muslim literature was confusing and could cause Muslims to convert. The ban led to intimidation and harassment of Christians, including raids on places of worship by government authorities, and the seizure of books, videos and other materials. Other religious minority groups, including the Shi’a, faced intimidation and threats of criminalization, while civil society groups and human rights organizations also faced harassment and intimidation from both authorities and certain religious groups.

In a landmark decision, in November the Court of Appeal ruled that a Negeri Sembilan Shari’a law making cross-dressing illegal was inconsistent with the Constitution. However, reports were received during the year about the arrest and imprisonment of lesbian, gay, bisexual, transgender and intersex people purely on the basis of their sexuality, and they continued to face discrimination, both in law and practice.

REFUGEES AND ASYLUM-SEEKERS

Malaysia violated the international prohibition against refoulement by forcibly returning

refugees and asylum-seekers to countries where they faced serious human rights violations. In May, the authorities forcibly returned two refugees and one asylum-seeker - all of them under the protection of UNHCR, the UN refugee agency - to Sri Lanka where they faced possible torture and other-ill-treatment.

DEATH PENALTY

In February and March respectively, following national and international criticism, the executions of Chandran Paskaran and Osariakhi Ernest Obayangbon were postponed. They had not been executed by the end of the year.⁸ However, death sentences continued to be imposed and reports indicated that executions were carried out in a secretive manner, without prior or posthumous announcements.

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 2. Malaysia again reneges on human rights commitments (ASA 28/003/2014) www.amnesty.org/en/library/info/ASA28/003/2014/en
 3. Malaysia: Increasing use of the Sedition Act fosters a climate of repression (ASA 28/008/2014) www.amnesty.org/en/library/info/ASA28/008/2014/en
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