

# Malaysia: Government failing to respect the right to freedom of assembly

Amnesty International

Public Statement

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Amnesty International condemns the arrests of human rights lawyers, activists and members of the public in the past few days as they exercised their right to peaceful assembly and freedom of expression. These include members of Bersih, a national coalition of NGOs and opposition politicians, calling for free and fair elections and the Hindu Rights Action Force (Hindraf). Amnesty International is also concerned that there are still many individuals who remain in detention, and calls for the immediate release of all those detained.

Amnesty International is concerned that the Malaysian government appears to have begun a sustained crackdown against public assemblies. In recent weeks two large assemblies have been held which have been met by excessive use of force by police and arrests on dubious charges. On 10 November, Bersih held a large demonstration of at least 30,000 people. In a separate incident on 25 November, Hindraf gathered around 40,000 ethnic Indians in order to protest their dissatisfaction over government policies resulting in marginalisation of and discrimination against the Indian community. During both demonstrations, police used water canons, tear gas and excessive force against demonstrators, resulting in many injuries. Mass arrests and arbitrary detention also occurred following the events.

Amnesty International is concerned that the Malaysian government is obstructing the fundamental human right of all individuals to freedom of expression and assembly. A series of arrests and charges began on 6 December, when 31 Hindraf supporters were charged with attempted murder, after a policeman suffered injuries, and have been refused bail. In addition, three leaders of Hindraf, P. Uthayakumar, P. Waya Moorthy, and Ganapathy Rao, have been charged under the Sedition Act for remarks made during a speech on 16 November, and with a letter posted on their website.

Nine human rights lawyers and activists were arrested on 9 December as they attempted to conduct a march commemorating Human Rights Day. The march which began at a large department store in Kuala Lumpur central market, was stopped halfway by a large police contingent. The lawyers were arrested and now face charges of illegal assembly and disobeying police orders to disperse. If convicted, they could face up to two and a half years imprisonment. Amnesty International also expresses concern over the arrest of seventeen members of Bersih who attempted to deliver a memorandum to opposition parliamentarians, on 11 December.

In putting its signature to the ASEAN charter on 21 November, Malaysia has committed itself to the 'promotion and protection of human rights' as stated explicitly in the Charter. Amnesty International urges the Malaysian Government to respect the fundamental rights of assembly and expression and to

safeguard against arbitrary arrest and detention enshrined in the Malaysian Constitution and international human rights law. The organisation also calls on the Malaysian Government to ratify the ASEAN Charter without delay, and to give effect to the human rights principles contained within the Charter through the creation of an effective and independent regional human rights body.

Over recent years Amnesty International, along with the National Human Rights Commission (SUHAKAM) and the Royal Commission to Enhance the Operation and Management of the Royal Malaysian Police, has called on the government of Malaysia to amend section 27 of the Police Act. The section stipulates that a police permit is required for public assemblies. Under the Police Act anyone participating in a demonstration can be arrested and detained for 'illegal assembly'. Amnesty International recommends that the Malaysian authorities implement the recommendations contained within the reports from SUHAKAM and the Royal Commission that also give guidance on police procedures during the dispersal of demonstrations and issuance of permits.

In light of the fact that more demonstrations are likely in the lead up to elections expected in 2008, Amnesty International urges the Government of Malaysia to respect the right to freedom of assembly and expression. The legitimate maintenance of public order must not be achieved through violating the rights of people who peacefully assemble and express their opinions.