



## PRESS RELEASE

### **MALAYSIA: Immediately release and drop charges against activists and political opponents in the framework of the crackdown of post-election rallies!**

**Geneva, 12 June 2013.** The World Organisation Against Torture (OMCT) expresses its concern about the crackdown that has followed Malaysia's 13<sup>th</sup> General Elections, which led to the arrest of and charges against several civil society activists and political opponents. The continuing wave of repression of peaceful dissenters as well as the numerous acts of police brutality all point to a continuing, serious deterioration in the Malaysian government's respect for human rights, basic freedoms and the rule of law.

On 5 May 2013, Malaysia's 13<sup>th</sup> General Elections concluded, marred with electoral fraud and irregularities. Subsequently, several peaceful "Blackout 505" rallies were organised to protest the results in many parts of Malaysia. On 18 May 2013, a crackdown started against civil society activists and political opponents who organised or took part in such rallies.

Most recently, on 28 May 2013 in the evening, Mr. **Haris Ibrahim**, a social activist member of the movement "Anything but UMNO", Mr. **Mohammad Safwan Anang**, a student activist, Mr. **Tamrin bin Abdul Ghafar** and Mr. **Chua Tian Chang**, both opposition members of the Parliament of Malaysia, were arrested and taken to the Dang Wangi Police Station in Kuala Lumpur. On 29 May 2013, they were charged under Section 4 (1) (b) of the Sedition Act 1948 at the Kuala Lumpur High Court in relation to speeches they made during the public gathering on 13 May 2013, one of the rallies organised in the framework of the "Blackout 505" peaceful protests. Currently, they are waiting trial facing a possible sentence of five thousand ringgit and/or up to three years imprisonment. It is worth mentioning that the police had already arrested Messrs. Chang, Ghafar and Ibrahim on a previous occasion on 23 May 2013 in relation to the same aforementioned events. They were all released the very next day, 24 May 2013.

On the same day, 28 May 2013, six organisers of the "Blackout 505" and Pakatan Rakyat<sup>1</sup> leaders, namely Messrs. **Nik Nazmi Nik Ahmad**, **Ong Eu Leong**, **Thomas Su**, **Mohammad Anuar Zakaria**, **Nazree Yunus** and **R. Yuneswaran**, were arrested and charged under Section 9 of the Peaceful Assembly Act 2012 for allegedly failing to give police the required 10-day advance notification. They all have been released and currently they are awaiting trial. Yet, as pointed out by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. Maina Kiai, in his report A/HRC/23/39 he presented to the 23rd session of the UN Human Rights Council, "notification should be submitted a maximum of, for example, 48 hours prior to the day the assembly is planned to take place".

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<sup>1</sup> Pakatan Rakyat is an informal Malaysian political coalition, formed by People's Justice Party (PKR), Democratic Action Party (DAP), and Pan-Malaysian Islamic Party (PAS) on 1 April 2008, after the 12<sup>th</sup> Malaysian general election. It currently controls three state governments and states in opposition to the ruling Barisan Nasional in the Parliament.

OMCT is very much concerned about the continuing wave of repression of civil society activists, political opponents and peaceful dissenters as well as the numerous acts of police brutality in the framework of the crackdown of post-elections rallies, which all point to a continuing, serious deterioration in the Malaysian government's respect for human rights, basic freedoms and the rule of law. OMCT further recalls the UN Human Rights Council resolutions 19/35 (preambular para. 11) and 22/10 (preambular para. 16), stressing that "peaceful protests should not be viewed as a threat, and therefore [...] all States [should] engage in an open, inclusive and meaningful dialogue when dealing with peaceful protests and their causes".

Accordingly, OMCT calls on the Malaysian authorities to immediately and unconditionally release all the persons currently detained and drop the charges against the above-mentioned activists, as they seem to be aimed at merely sanctioning their peaceful exercise of their freedom of association, assembly and expression. Additionally, OMCT regrets the allegations of police brutality and urges the Malaysian authorities to put an end to these violations, and promptly investigate the aforementioned allegations.

OMCT also calls on the government of Malaysia to abolish the Sedition Act 1948 and the Peaceful Assembly Act 2012 as they contravene with international human rights standards, and to take the necessary steps to sign and ratify without delay, and thereafter effectively implement the International Covenant on Civil and Political Rights United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as the Optional Protocol to this Convention.

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