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ARTICLE 19

Malaysia: Harassment of activists and critics continues under Pakatan Harapan government

Malaysian civil society and the human rights community welcomed the Pakatan Harapan era with high expectations after the party's victory in the 2018 elections. We hoped that the new leaders would make good on their promises to repeal repressive laws and end the harassment of government critics and human rights defenders. Instead, a stalled reform effort, government backtracking, and a steady stream of new investigations targeting activists have left us questioning the direction in which the country is headed.

On 7 November 2019, Rama Ramanathan, the spokesperson of Citizens Action Group on Enforced Disappearance (CAGED), was questioned (<https://www.freemalaysiatoday.com/category/nation/2019/11/07/cageds-rama-remains-gutsy-despite-police-questioning/>) by police under Section 504 of the Penal Code and Section 233 of the Communications and Multimedia Act 1998 (CMA) for intentional insult with intent to provoke a "breach of the peace" and "improper use of network facilities".

The police claim that the investigation relates to a blog (<https://write2rest.blogspot.com/2019/10/this-sister-may-have-foiled-attempt-by.html>) he posted highlighting procedural concerns regarding the arrest (<https://www.freemalaysiatoday.com/category/nation/2019/03/16/outspoken-activist-jufazli-arrested-for-insulting-pm/>) of Jufazli Shi Ahmad, former member of the Democratic Action Party (DAP), at his home in March 2019 for allegedly insulted the Prime Minister. However, Rama claims that he is being harassed by the police because of his critical comments concerning recent enforced disappearances and the proposed Independent Police Complaints and Misconduct Commission (IPCMC). He has asserted that he believes his blog post regarding Jufazli Shi Ahmad's cases is merely a pretext used by the police to harass him.

Rama is not the only recent victim of this type of harassment. On the same day that he was interrogated, police summoned (<https://www.freemalaysiatoday.com/category/nation/2019/11/07/psms-arul-summoned-by-cops-over-protest-at-parliament/>) S. Arulchelvan, Deputy Chairperson of the Socialist Party of Malaysia, for questioning at Dang Wangi District Police Station. S. Arulchelvan was investigated for a potential violation of Section 9(5) of the Peaceful

Assembly Act 2012 for organizing a rally at the Malaysian Parliament on 8 October 2019, World Habitat Day. This section specifies a fine of up to ten thousand Ringgit for those organising public assemblies if they fail to provide 10 days’ notice.

Arulchelvan claims that the organisers notified (<https://www.malaysiakini.com/news/499093>) the police in writing 10 days before the event. In fact, he reported, the protesters were escorted by the police to submit a memorandum to representatives from the Ministry of Housing and the local government. This is not the first time the Socialist Party Activist has been called (<https://www.nst.com.my/news/nation/2018/10/425199/ngos-tell-police-stop-intimidating-human-rights-activists>) for its protest activities under the Pakatan Harapan government.

In its election manifesto, the Pakatan Harapan government promised to abolish draconian provisions in the Peaceful Assembly Act as well as other laws that restrict the freedom of expression. However, the lack of progress in reforming these laws has allowed the police to continue to abuse their authority and make politically motivated arrests.

In May, ARTICLE 19 and CIVICUS published (<https://www.article19.org/wp-content/uploads/2019/05/CIVICUS-New-Government-Old-Tactics-A4-v1.pdf>) a report (<https://www.article19.org/resources/malaysia-new-government-old-tactics/>) measuring the Pakatan Harapan government’s performance against its promises one year after the elections. We identified dozens of cases brought against activists, human rights defenders and ordinary citizens because of their exercise of their right to freedom of expression. The recent investigation of Rama Ramanathan and S. Arulchelvan indicate, sadly, that the pattern we identified is unlikely to end in the near future.

The Pakatan Harapan government may try to distance itself from responsibility for these cases, citing the independence of the police force. That is precisely the point, however. The government’s failure to follow through on its promises for legislative reform means that police and other authorities still have access to a large toolbox of restrictive provisions that can be used to intimidate vocal critics and to shrink civic space in Malaysia.

ecoi.net summary:

Harassment of activists and government critics continues under the current government



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