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**SUARARAM**

*working for human rights*

# **MALAYSIA HUMAN RIGHTS REPORT 2011**

**CIVIL & POLITICAL RIGHTS**

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PUSTAKA PERDANA



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# FOREWORD



Salam perjuangan,

It is with great honour to have been invited to pen this page and stand in solidarity with my fellow human rights defenders whom I have acquainted with in my student days circa 1970s in the United Kingdom. Many budding human rights defenders have blossomed from the spirit of our struggle for basic human rights. There is a reason for it.

I recall the last time I turn the pages of the Federal Constitution, I have not seen any amendments to the provisions in regard to fundamental liberties. Our rights are still enshrined in the highest law of the country. However, as I gather my thoughts for this piece, I notice that I could not recall any protection or safeguard given by the state when its people exercise these rights. The violations and denial of these rights are rampant, arbitrary and unconstitutional.

I must confess that none of our Prime Ministers have taken their promises made to the people as seriously as Prime Minister Najib. He had on the eve of Malaysia Day pledged to repeal all forms of preventive detention laws, the Restricted Residence and Banishment Act as well as Section 27 of the Police Act 1967, in line with international laws and practices. Let us evaluate this.

While Prime Minister Najib attempted to ease the financial burden of Malaysians through superficial initiatives such as Bantuan Rakyat Malaysia and Kedai Rakyat Malaysia, central human rights issues remain unresolved. The Internal Security Act 1960 has been repealed but not abolished, if I may say so. This can be gleaned from the the spirit of the Securities Offences (Special Measures) Act 2012. Next, was the speedy passing and implementation of the Peaceful Assembly Act 2012. This flew in the face of

promisee who were hopeful to see an end to s27 of the Police Act 1967. The Parliament had, through the Peaceful Assembly Act 2012, put a heavy price tag on freedom of assembly. Again, Prime Minister Najib like his predecessors had failed to uphold and protect the constitutional freedoms of the rakyat.

The violence during BERSIH 2.0 was repeated at BERSIH 3.0. While records show a decrease in number of arrests i.e. 388, the acts of violence against unarmed, peaceful demonstrators escalated at a worrying degree. A total of 909 tear-smoke shells were used in comparison to 262 in BERSIH 2.0. The chairperson and its steering committee members were subsequently sued by the government for allegedly caused damage to public properties during the rally

Sitting at the 20th Regular Session of Human Rights Council in Geneva, I found myself nodding in agreement when Special Rapporteur for Freedom of Assembly and Association made the following recommendation to member states in which Malaysia was one of the countries mentioned specifically. Mr Kiai had urged the government to enact legislations to protect and not restrict freedom of assembly and association. Legislation enacted to regulate assembly and association which contains vague and broad terms cannot be considered to be a protection to the freedom of assembly and association. He added that assemblies cannot be subjected to approval from the State but a prior notice at most, which should not be burdensome.

I ponder that in so far as Malaysia concerned, I may or may not be able see meaningful changes in my lifetime. The budding human rights defenders may, I hope.

At this moment, as long as human rights still appear as dark spots in Malaysia, SUARAM's human rights report will be the voice for human rights defender. My friends took great pride in their service to human rights, and this report is a proof of their commitment, courage and tenacity in difficult times. With this, I leave you with an adaptation of a quote from Sen. Jose W. Diokno, "...Human rights is not just legal concepts, it is the essence of mankind. Deny it and you deny humanity."

Congratulations on the report, SUARAM.

Salam BERSIH,  
Maria Chin Abdullah  
Executive Director  
EMPOWER





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