

## OPEN LETTER

The Honorable Dato' Seri Mohd. Najib bin Tun Haji Abdul Razak  
Head of Government of Malaysia  
Prime Minister's Office Malaysia,  
Perdana Putra Building,  
Federal Government Administrative Centre,  
62501 Putrajaya, Malaysia.

Via fax : 0060 3 8888 3444

Paris – Kuala Lumpur, November 3rd, 2009

Yours Excellency,

We are writing to you to express our concern at restrictions on freedom of assembly and freedom of the press and other human rights violations recorded in Malaysia over the past few months. Moreover, we urge you to take further steps in favour of reforms in line with Malaysia's international human rights commitments.

November 3 will mark the beginning of the eighth month since you were appointed Prime Minister of Malaysia. This period has been witness to some progress in the field of rights and freedoms, but also of a number of worrying signs from a human rights perspective.

Your government announced its intention to review the Internal Security Act (ISA), which is a most welcome move. For years the abolishment of the ISA has been a key demand from local human rights groups in Malaysia. In addition, the UN Working Group on Arbitrary Detention considers this legislation as violating international human rights standards relating to fair trials, notably because of the lack of judicial oversight on detention. This law has been used to curb political dissent and against human rights defenders.

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We therefore reiterate our call to abolish the ISA altogether. In addition, we urge your government to address not only the notorious ISA but also the other emergency and anti-subversion laws and measures as well, especially the Emergency (Public Order and Prevention of Crime) Ordinance 1969 (EO) and the Dangerous Drugs (Special Preventive Measures) Act 1985 (DDA), which also provide for indefinite detention without trial.

We welcome the recent release by your administration of most ISA detainees, including the Hindraf leaders. We would like however, to draw your attention on the fact that 9 individuals remain detained under the ISA and an estimated total of over one thousand individuals, including minors, are currently being detained under the EO and the DDA. In addition, we regret that those released were given 2-year Restriction Residence orders while none of them, including those detained for more than 7 years, have been charged in an open court or been proven guilty.

In the field of racial and religious intolerance, we welcome your speech of the '1 Malaysia' concept, which promotes equality amongst all Malaysians. We urge you to go beyond declarations and to take into account persistent calls by civil society groups, including SUARAM, to enact a Race Relations Act and a permanent Race Relations Commission to outlaw racism and incitement of racial hatred.

SUARAM reports that over the past seven months, more than a thousand individuals who participated in peaceful assemblies have been arrested. The most recent case occurred when 589 Malaysians, including 44 juveniles, were arrested during the Anti-ISA Rally on 1 August 2009. In this case police used batons, shields, water cannons and teargas to disperse the crowd during the rally.

According to a reply by the Information Minister to a question in Parliament, the ministry had issued a broadcasting guideline to all public broadcasting stations prohibiting them from reporting on 7 issues, including news about opposition parties.

On 9 April 2009, a journalist from *Merdeka Review*, an on-line news website, was barred from covering your announcement of the new cabinet line-up. Most recently, in September 2009, *Malaysiakini*, an on-line news website was investigated by the MCMC for a video clip of the 'cow head protest' posted on its website. The MCMC ordered Malaysiakini to bring down the video clip or face charges under the Communications & Multimedia Act 1998.

In view of those persisting restrictions on freedom of the press, we urge you to establish a Parliamentary Select Committee to work on Media Law Reform, and to propose a bill to revise freedom of Information laws.

Last but not least, we call upon your government to implement the recommendations by the Royal Police Commission, which include the establishment of an oversight mechanism to investigate all complaints against the police. Instead of the Independent Police Complaints and Misconduct Commission (IPCMC) as was recommended by the Royal Police Commission, your government passed the Enforcement Agency Integrity Commission Bill (EAIC), which may be unconstitutional and lacking guarantees of independence.

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Because of the failure to reform the police, abuse of power by the police remains rampant. Deaths in custody remain a matter of serious concern, with inquests into these cases either progressing extremely slowly or not held at all. This trend is illustrated by the case of Teoh Ben Hock. In July 2009, Teoh Beng Hock, an aide of a politician from the federal opposition Democratic Action Party (DAP), who died while in the custody of the Malaysian Anti-Corruption Commission (MACC). Despite calls for a Royal Commission to investigate the death of Teoh, the government set up a Royal Commission to study only the investigative procedures and left the investigation of Teoh's death to an inquest which will be headed by only a magistrate. Considering that inquests held by magistrates are often extremely slow with many long overdue cases still pending in the courts, we fear that such a decision may reflect a lack of political will to end impunity.

We sincerely hope that you will take our submission into account, and put those crucial human rights issues at the core of your mandate as Primer Minister of Malaysia.

Yours sincerely,

Souhayr Belhassen  
FIDH President



Moon Hui  
Campaign Coordinator - Suara Rakyat Malaysia



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