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SUARARAM

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MALAYSIA

HUMAN RIGHTS REPORT 2017 OVERVIEW



**DETENTION WITHOUT TRIAL | DEATH IN CUSTODY | ABUSE OF POWER | CORRUPTION
OFFICIAL SCERET ACT | JUDICIARY | COMMUNICATION AND MULTIMEDIA ACT
SEDITION ACT | REFUGEES | DEATH PENALTY | PEACEFUL ASSEMBLY ACT**

SUARAM's HUMAN RIGHTS
OVERVIEW
ON
MALAYSIA

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Executive Summary

The year leading up to the general election in Malaysia tends to be swamped with political gimmicks and intrigues by political parties from both sides of the fence. The casualty in all this politicking has been respect for human rights. Human rights violations in 2017 followed largely the same trend as in the preceding years.

Detention without trial remained a prevalent concern throughout 2017 with indications that security laws were being used arbitrarily to detain individuals without trial. From the replies in Parliament, we learn that more than 989 individuals have been arrested and detained under SOSMA since its inception in April 2012. More shocking is the revelation that more than 159 minors have been detained under security provisions; there are currently 142 minors detained under POCA and 17 have been detained under SOSMA.

2017 started off with the case of S. Balamurugan which exposes the extent of **police abuse of power** in the country. The brutality inflicted upon Balamurugan and the apathy shown by members of the police force who witnessed this violation is unacceptable. Cases of custodial death is also on the rise in 2017 with 8 known deaths in police custody up until end November. The new phenomena of enforced disappearances is a cause for concern in 2017.

Freedom of expression remains at an all-time low with a broad spectrum of laws restricting what can be expressed publicly. The censuring of *The Star* under the Sedition Act 1948 for a frontpage banner considered “insensitive” by the authorities reveals the current level of intolerance by the State for dissent and differing points of views. This led to the suspension of *The Star’s* editor-in-chief and executive editor. The Communications and Multimedia Act 1998 continues to plague Internet users with more than 146 known cases under investigation and 44 documented cases of investigations or arrests for online comments on social media.

In the recent years, **freedom of assembly** has seen a notable improvement with less severe crackdown and harassment against peaceful assemblies and organizers of assemblies. Nevertheless, this improved record was bucked by the crackdown and mass arrest of community members and activists involved in resisting forced eviction and corporate incursion into indigenous community land. [where?]

The restriction of **freedom of movement** now extends beyond disallowing Malaysian activists from leaving the country to barring non-Malaysian activists from entering the country. In 2017, three notable individuals involved in the human rights movement in their respective countries were barred from entering Malaysia with two of them subjected to brief detention by the Immigration Department.

Freedom of religion continues to decline in 2017 with growing intolerance and harassment of religious minorities by state and non-state actors. In some cases, religious minorities were barred or prevented from expressing their faith openly or from carrying out their faith-based events and programmes. The degree of religious intolerance in Malaysia was also reflected in several incidents and the views held by various religious preachers in the country.

As for **free and fair elections**, in 2017 the Election Commission attempted to force through its re-delineation programme throughout Malaysia. The United Malay National Organization (UMNO) also

played an active role in hampering the registration of new voters by filing 'empty' objections against new voters.

The appointment of Raus Sharif to the position of Chief Justice and Zulkefli Ahmad Makinudin to the Court of Appeal President revived the concern for **judicial independence** in Malaysia. The legal fraternity and civil society expressed concern toward the legality and constitutionality of their appointments with respect to their retirement age and the processes behind their appointment.

Issues pertaining to **Gender and Sexuality** in 2017 revolved around the attack and harassment against LGBTIQ activists with non-state actors singling out individual activists who are perceived as organizers or supporters of the LGBTIQ community. On a more positive note, there were attempts by lawmakers in Penang to acknowledge the plight and challenges faced by the transgender community in Penang, and a call to officially recognize the findings and recommendations of a symposium held in the state.

The **Human Rights Commission of Malaysia** regained its financial capacity following the readjustment of its annual budget. Unfortunately, the restoration of its working capacity in terms of funding did not stop misrepresentations by the Malaysian government. The Commission was misquoted or misrepresented by ministers in their statements on human rights issues.

The **Indigenous Peoples of Malaysia** successfully brought human rights violations experienced by the community to the forefront of Malaysian news. Between the courageous stance adopted by the community in Kelantan and legal opposition to land grabbing, some gains were made in 2017. Unfortunately, some unfavourable court rulings have threatened to set back decades long struggles by the community.

The situation of **refugees and asylum seekers** in Malaysia remains dire with a growing concern that more refugees will be risking the journey to Malaysia and other neighbouring countries with the hope of refuge. While the Malaysian government maintains a public show of support and solidarity for the refugees from the Rakhine state in Myanmar, the refugees who are already in Malaysia and in need of dire assistance are left to fend for themselves with constant threats and harassment by enforcement agencies.

Four individuals were executed in 2017. The circumstances of their execution vary. The Batumalai brothers were executed while their application for clemency was pending. The long-touted reform to the mandatory **death penalty** has yet to materialize despite the announcement made by the government.

Detention without Trial

The application of laws permitting detention without trial continued at a sustained pace in the year 2017. The Security Offences (Special Measures) Act 2012 (SOSMA), the Prevention of Crime Act 1959 (POCA), the Prevention of Terrorism Act 2015 (POTA) and the Dangerous Drugs (Special Preventive Measures) Act 1985 continues to be used against Malaysians in violation of their right to a fair trial.

Statistics on detention without trial from SUARAM's documentation in 2017

	Terrorism	Trafficking/ Immigration	Other criminal offences	Total
SOSMA	62	2	205	269
POCA	-	-	9	9
POTA	2 ¹	-	-	2
Total	64	2	214	280

Security Offences (Special Measures) Act 2012 (SOSMA)

SOSMA is a procedural law that operates in lieu of the Criminal Procedure Code when an individual is detained for suspicious offences under Chapter VI and VII of the Penal Code or for offences under Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 (ATIPSOM). Under SOSMA, an individual can be detained for no more than 28 days for investigation. As an added measure, anyone detained can be denied access to legal counsel and access to family for up to 48 hours. Furthermore, detainees are not granted bail and can be incarcerated until the conclusion of their trial and after all legal proceedings including appeals have been exhausted.

Of all the laws allowing detention without trial, SOSMA differs in that a trial does take place after the initial remand. Even while suspects are required to be brought before a court for a trial, documented cases of individuals detained under SOSMA give an insight into how these laws reveal possible misconduct by the police.

Detainees under SOSMA are known to be subjected to systematic torture and degrading treatment. While there has been some degree of improvement in terms of the treatment of detainees, it is difficult to verify the situation of detainees during the preliminary 28 days detention period as family and lawyers are restricted from access in most circumstances.

In April, the sunset clause in SOSMA was renewed. This enables the authorities to continue with Section 4(5) of SOSMA which grants the police powers to detain an individual for up to 28 days. It was also revealed during the parliament debate that out of the 28 days detention, police only have 21 days to investigate and the 7 remaining days are meant for the police to submit investigation papers to the Attorney-General for further instructions. It was also revealed during the session that

¹ Hata Wahari and N. Natha, 'Malaysia: Police Arrest 45 Foreign Terror Suspects in 2017' (Benar News, 13 October 2017) <<http://www.benarnews.org/english/news/malaysian/terror-suspects-10132017163753.html>> accessed 13 November 2017

between 31 July 2012 and 22 February 2017, a total of 989 individuals were detained under SOSMA. Out of the 989, 363 have been released, 139 are facing trial while 502 have been convicted.²

Furthermore, in May 2017 several Turkish nationals were arrested and detained for almost two weeks under SOSMA. Turgay Karaman and Ihsan Aslan were detained under Section 130 of the Penal Code for alleged involvement in activities threatening the safety and security of Malaysia.³

Turgay Karaman was taken away in a car park by plainclothes police officers with no information of arrest provided to his immediate family giving rise to initial concerns that he had been abducted⁴⁵. Police reports were made by family members of those detained when they could not locate them. It was only made known to them later that the three had not been abducted but were arrested and detained under SOSMA.⁶

On 12 May 2017, the former Inspector-General of Police Khalid Abu Bakar revealed to the media that Turgay Karaman, Ihsan Aslan and Ismet Ozelik had been deported to Ankara, Turkey. The reason provided for their arrest and deportation was that they were wanted by the Turkish government for suspected involvement with the Fetullah Terrorist Organization⁷. This contradicts the statement by Deputy Prime Minister, Ahmad Zahid Hamidi, who claimed that these individuals were arrested on suspicion of links to the Islamic State.⁸

Ismet Ozelik is also reported to possess documents from United Nations High Commissioner for Refugees (UNHCR) which recognizes his status as an asylum seeker.⁹ He was initially detained in Malaysia after his social pass was cancelled by the Immigration Department and was released on bail after receiving his UNHCR card in January 2017.

In a parliamentary reply in November 2017, the Deputy Prime Minister revealed that there were 159 minors detained under POCA and SOSMA. Out of the 159, 12 of them were detained under

² Bernama, '28-day detention period under Sosma extended till 2022' (New Straits Times, 5 April 2017) <<https://www.nst.com.my/news/2017/04/227283/28-day-detention-period-under-sosma-extended-till-2022>> accessed 13 November 2017

³ Muzliza Mustafa, 'Abducted' Turkish man under arrest, says IGP' (The Malaysian Insight, 3 May 2017) <<https://www.themalaysianinsight.com/s/2473/>> accessed 13 November 2017

⁴ 'Turkish witness allegedly abducted ahead of court appearance (VIDEO), (Malay Mail Online, 3 May 2017) <<http://www.themalaymailonline.com/malaysia/article/turkish-witness-allegedly-abducted-ahead-of-court-appearance#40G1K3usoHZ1HojW.97>> accessed 13 November 2017

⁵ Lizzie Dearden, 'CCTV shows school principal being 'abducted' as post-coup crackdown in Turkey spreads to Malaysia' (Independent, 3 May 2017) <<https://www.independent.co.uk/news/world/asia/turkish-principal-men-abducted-malaysia-kuala-lumpur-turgay-karaman-ihsan-aslan-gulen-hizmet-coup-a7716376.html>> accessed 13 November 2017

⁶ Muzliza Mustafa, 'Abducted' Turkish man under arrest, says IGP' (The Malaysian Insight, 3 May 2017) <<https://www.themalaysianinsight.com/s/2473/>> accessed 13 November 2017

⁷ 'IGP: Three Turks deported home linked to Fetullah group' (Malay Mamil Online, 12 May 2017) <<http://www.themalaymailonline.com/malaysia/article/igp-three-turks-deported-home-linked-to-fetullah-group#kPag0qGEVowJxslc.97>> accessed 13 November 2017

⁸ 'DPM: Detained Turk can only be deported to Turkey, not a third country' (The Star Online, 11 May 2017) <<https://www.thestar.com.my/news/nation/2017/05/11/detained-turk-can-only-be-deported-to-turkey-not-to-a-third-country-dpm/>> accessed 13 November 2017

⁹ A. Ruban, 'After 50 days, Turkish university director out of Malaysian jail with refugee card' (Malay Mail Online, 31 January 2017) <<http://www.themalaymailonline.com/malaysia/article/after-50-days-turkish-university-director-out-of-malaysian-jail-with-refugee#jaL4qXhR7pPjctOF.97>> accessed 13 November 2017

SOSMA. It is unclear whether any of them have been released or whether they are standing trial or have been sentenced for their crimes.¹⁰

It is also noted that the promise for there to be a committee reviewing SOSMA by the Prime Minister during the initial tabling of SOSMA has yet to be fulfilled.¹¹

Azmi Nor Jalani

On 19 June 2017, Noor Azmi Jalani was acquitted of the charges against him.¹² He was initially arrested and charged in May 2015 for the alleged conspiracy to promote terrorism in the country. He and others were charged under Section 120B(1) and Section 130G(a) of the Penal Code.

To this date, Azmi Jalani has served more than a year in pre-trial detention and would remain there until the conclusion of all appeals by the public prosecutor.

Prevention of Crime Act 1959 (POCA)

POCA was a law introduced to prevent organized crimes especially by triads, secret societies and repeat offenders. It has been amended in recent years to include offences involving terrorism and it is intended to be used if SOSMA is deemed inadequate. POCA grants the Royal Malaysian Police powers to arrest and detain an individual for up to 60 days with the approval by senior police officers. After the initial 60 days detention period, detainees must be produced before the Prevention of Crime Board where they would either be discharged, subjected to house arrest and electronic monitoring or serve a two-year detention order that can be renewed indefinitely by the Board.

On 10 August 2017, an amendment to the Prevention of Crime Act 1959 was passed by Dewan Rakyat at 4.05am after the third reading by Deputy Home Minister, Nur Jazlan Mohamed. The amendment passed includes alteration to the appointment of board member which allows for re-appointment of board members without conditions for any period of time.¹³ The amendment also carries changes which would remove the rights of detainee to be heard by the Board and remove the avenue for detainees to challenge the inquiry officer's recommendation to the board.¹⁴

Major concerns arising in 2017 relating to the application of POCA revolves around the arrest and detention of juvenile suspects under POCA. In 2016, SUARAM documented and reported the case

¹⁰ '159 kanak-kanak ditahna Sosma dan Poca' (MalaysiaKini, 7 November 2017)

<<https://www.malaysiakini.com/news/401032>> accessed 13 November 2017

¹¹ Elizabeth Zechariah, 'Ask Putrajaya about Sosma review committee, says Gani' (The Edge Markets)

<<http://www.theedgemarkets.com/article/ask-putrajaya-about-sosma-review-committee-says-gani>> accessed 13 November 2017

¹² Ho Kit Yen, 'RMAF men, Indonesian re-arrested after acquittal on terrorism charges' (Free Malaysia Today, 19 June 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/06/19/rmaf-men-indonesian-re-arrested-after-acquittal-on-terrorism-charges/>> accessed 13 November 2017

¹³ Bernama, 'Dewan Rakyat passes amendment to Prevention of Crime Act' (Free Malaysia Today, 10 August 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/08/10/dewan-rakyat-passes-amendment-to-prevention-of-crime-act/>> accessed 13 November 2017

¹⁴ FMT Reporters, 'Bar: 'Abhorrent' Poca amendments strips detainees of rights' (Free Malaysia Today, 12 August 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/08/12/detainees-rights-stripped-under-abhorrent-poca-amendment/>> accessed 13 November 2017

of N. Letchumanan and N. Vikram, and highlighted the circumstances which led to the detention of minors under POCA. In 2017, SUARAM received the complaint relating to Ang Kian Kok who was detained under POCA. Concerns relating to POCA being used against minors was confirmed in parliament where it was revealed that 142 minors are currently detained without trial under POCA.¹⁵

N. Letchumanan and N. Vikram

These two brothers were remanded for investigations into an attempted murder in a gang fight. Despite their young ages (17 and 19 respectively) and with no prior criminal records, they were detained under POCA. The teenage boys were alleged to be members of secret society, 'Kongsi Gelap 36'. They were subsequently ordered to be detained at the Special Rehabilitation Centre in Kluang, Johor by the Crime Prevention Board. During the remand period, the boys submitted complaints of alleged abuse by the investigating officers. However, the police have vehemently denied the allegation.

Ang Kian Kok

In February 2017, Ang Kian Kok was arrested together with Balamurugan and several others by officers from IPD Klang Utara (Northern Klang Police Headquarters) for being in a vehicle which was suspected to have been used in a robbery. On 8 February, it was reported that Balamurugan had met an untimely demise during his time in detention.

Ang Kian Kok was one of the witness to the abuses suffered by Balamurugan (and was a witness to the investigation by the Enforcement Agency Integrity Commission) and was also an alleged victim of torture himself. It was alleged that the police officers kicked and punched him during the interrogation process. The other detainees were also subjected to beating with bamboo sticks and hose pipes. They were also allegedly beaten while being suspended upside down. He was remanded until 14 February 2017 but was later rearrested and remanded by the Banting police headquarters until the 17 February 2017.

In April, he was arrested with two others on suspicion of robbery and was later prosecuted for alleged robbery. He did not post bail as there were concerns that he may be re-arrested if he was out on bail. He was later advised to plead guilty to the charge as he would have technically served his potential sentence. However, upon his guilty plea in September, he was immediately re-arrested and detained under POCA.

Prevention of Terrorism Act 2015

POTA is a recent addition to the number of laws permitting detention without trial. POTA was introduced in 2015 apparently to combat the rising threat posed by Islamic State and terrorism.¹⁶

¹⁵ Haikal Jalil, '159 juveniles arrested under Sosma and Poca' (The Sun Daily, 7 November 2017) <<http://www.thesundaily.my/news/2017/11/07/159-juveniles-arrested-under-sosma-and-poca>> accessed 13 November 2017

¹⁶ 'Pota is needed now, say Barisan MPs' (The Star Online, 8 April 2015) <<http://www.thestar.com.my/news/nation/2015/04/08/pota-is-needed-now-say-barisan-mps/>> accessed 1 November 2016

Like POCA, POTA grants the police powers to arrest and detain an individual for 60 days. After the initial detention, the detainee has to be produced before the Prevention of Terrorism Board which can discharge the detainee, subject them to house arrest and electronic monitoring or sentence them to two years' detention order which can be renewed indefinitely by the Board.

The situation pertaining to detention under POTA remains opaque with little to no information provided to the public. Sometimes, information relating to POTA is released in an oblique manner. For example, on 8 October 2017 the Inspector-General of Police revealed that a former detainee (later identified by SUARAM as Yazid Sufaat¹⁷) was detained under POTA for allegedly recruiting convicts to join a militant group to carry out attacks on religious buildings in the country.¹⁸ Then on 13 October 2017, he also revealed that there was another individual who was subjected to detention under POTA.¹⁹

¹⁷ Yazid Sufaat was a former ISA detainee and was later detained under SOSMA. He has served his 7 years prison sentence and was supposed to be released in October 2017. However, he was immediately arrested and brought to Bukit Aman upon his release.

¹⁸ FMT Reporters, 'Prisoners radicalised by detainee with militant links identified' (Free Malaysia Today, 8 October 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/10/08/prisoners-radicalised-by-detainee-with-militant-links-identified/>> accessed 13 November 2017

¹⁹ Teoh Pei Ying, '45 foreign terrorist fighters arrested in Malaysia this year' (New Straits Times, 13 October 2017) <<https://www.nst.com.my/news/crime-courts/2017/10/290729/45-foreign-terrorist-fighters-arrested-malaysia-year>> accessed 13 November 2017

Police Abuse of Power

Improvements mentioned in SUARAM's human rights report for 2016 were reversed in 2017. Issues relating to police brutality and torture, the practice of chain remand and the issue pertaining to deaths in police custody were prevalent throughout the year.

Deaths in Custody

Up to 31 October 2017, SUARAM has documented 15 cases of custodial death. Out of the 15, 8 deaths occurred in police custody; 5 were in prisons.

The untimely demise of S. Balamurugan in February 2017 came as shocking reminder of police brutality in Malaysia. S. Balamurugan died in Klang Utara Police Station on 8 February 2017. After attending a remand hearing in poor health condition where he was reportedly vomiting blood after being given water in court, the presiding magistrate ordered him to be sent for medical treatment immediately, or to be released by the police immediately. The police in charge of his case failed to adhere to the order given by the magistrate and kept him in detention until his death.

Other notable cases include that of T. Benedict who died in detention on 10 July 2017. T. Benedict was detained under the Dangerous Drugs (Special Preventive Measures) Act 1985 on 29 June 2017 and is one of the few known cases of custodial death while a person is detained without trial. Family members of the deceased allege that his death was caused by negligence on the part of the authorities as the deceased had notable health issues and required constant medication. Prior to his death, the deceased communicated to his wife that he was feeling feverish and was later found dead in his cell before his wife could visit him.²⁰

With regards to civil actions filed against the government for custodial death, progress has been mixed. The Federal Court decision on the case of A. Kugan further reduced the initial damages awarded to the family. The court ruled that family members of the deceased were not entitled to exemplary damages over his death.²¹ This resulted in a substantial reduction of damages for the family of the deceased.²² Damages for malfeasance on the part of the police was maintained in the decision.

On a more positive note, the case of Cheah Chin Lee who died in police custody on 12 August 2012 was concluded in the Penang High Court where the decision was ruled in favour of the family of the deceased. The mother and sister of the deceased were awarded dependency claim, exemplary damages, funeral expenses and court proceeding fees.

On 9 October 2017, the High Court maintained the decision of the coroner's court in the case of P. Karuna Nithi which found that the deceased's untimely demise was attributable to physical assault, abuse and unlawful act of police officers and other detainees. Karuna Nithi was first detained on 28 May 2013 for assaulting his wife following a quarrel and was charged and offered bail of RM4,000.

²⁰ Alyaa Azhar, 'Wife claims custodial death victim died due to police negligence' (MalaysiaKini, 11 July 2017) <<https://www.malaysiakini.com/news/388143>> accessed 13 November 2017

²¹ 'Apex court rules exemplary damages not available for death-in-custody cases' (The Star Online, 6 November 2017) <<https://www.thestar.com.my/news/nation/2017/11/06/apex-court-rules-exemplary-damages-not-available-for-death-in-custody-cases/>> accessed 13 November 2017

²² Exemplary damage was initially at RM300,000

The family was unable to post bail and he was taken back to the lockup on 31 May 2013 where he was found dead the following day.²³

List of Known Custodial Deaths in 2017

No	Name	Date of Death	Detention Location	Cause of Death ²⁴
1	Soh Kai Chiok	18 January	IPD Bera	Medical
2	S Balamurugan	8 February	IPD North Klang	Medical ²⁵
3	M Thanaseelan	25 February	Bukit Sentosa	Medical
4	Siva A/L Raman	20 March	Tapah Prison	Medical
5	M Segar Mahalingam	19 April	IPD Port Dickson	Unknown
6	Mageswaran A/L Madhavan	24 April	Seremban Prison	Suicide ²⁶
7	Mohd Izhar Abdul Rahman	27 April	IPD Seberang Perai Tengah	Unknown
8	Parthiban A/L Karuthani	22 May	IPD Melacca Tengah	Medical
9	Vickraman Devid	15 June	IPD Shah Alam	Medical
10	Unnamed	18 June	Limbang, Sarawak	Medical
11	Baskar Rao	29 August	Jelapang Police Station	Self-Immolation ²⁷
12	Mohd Baihaqy Nik Mat ²⁸	30 September	Sungai Wangi Navy Detention	Assault
13	Muhammad Lailatulman Mohd Sukri	30 September	Sungai Wangi Navy Detention	Assault ²⁹
14	Benedict A/L Thanilas	7 October	Jinjang Detention Centre	Medical ³⁰
15	Ong Kok Leong	5 November 2017	Sungai Buloh Prison	Medical ³¹

²³ V Anbalagan, 'High Court upholds coroner's findings on custodial death of Karuna Nithi' (Free Malaysia Today, 9 October 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/10/09/high-court-upholds-coroners-findings-on-custodial-death-of-karuna-nithi/>> accessed 13 November 2017

²⁴ Cause of death listed is attributable to police account of the cause of death - highlighted cases is where family or lawyers dispute the cause of death stated by the police

²⁵ S. Balamurugan case – refer text prior to table

²⁶ Family found blunt force trauma or body of the deceased.

²⁷ Baskar Rao set himself on fire on 22 August and later Succumbed to his injuries on 29 August. He was under arrest when he set himself on fire – 'Drunk security guard who set himself on fire dies' (The Star Online, 31 August 2017) <<https://www.thestar.com.my/news/nation/2017/08/31/drunk-security-guard-who-set-himself-on-fire-dies/>> accessed 13 November 2017

²⁸ Mohd Bahaqy Nik Mat & Muhammad Lailatulman Mohd Sukri was in Navy detention – 'Navy men's families want justice' (The Star Online, 2 October 2017) <<https://www.thestar.com.my/news/nation/2017/10/02/navy-mens-families-want-justice-its-a-shock-to-learn-two-sailors-died-from-abuse-says-sister/>> accessed 13 November 2017

²⁹ Post mortem reviews death caused by blunt force trauma and bleeding in the lungs.

³⁰ Signs of injuries present on the deceased and reported by wife of the deceased, but primary concern is that the authorities were negligent in providing necessary health care – K Pragalath, 'While drug peddlers roam free, benedict dies in custody' (Berita Daily, 12 July 2017) <<http://www.beritadaily.com/while-drug-paddlers-roam-free-benedict-dies-in-custody/>> accessed 13 November 2017

³¹ Family calling for investigation to be re-opened as there were no indication of illness prior to the detainee's death

Torture and Ill-Treatment in Detention

Based on allegations by other detainees together with S. Balamurugan in February 2017, there are reasons for concern with regards to police brutality and torture in detention. While the investigation by the Enforcement Agency Integrity Commission (EAIC) is still on-going, the allegations of violence put forward by other detainees during the public inquiry and the apathy shown by the Royal Malaysian Police in the case is most disturbing.

Reports and allegations of torture are still relatively common when a person is detained or subjected to chain remand. With the prolonged detention period through the abuse of the remand processes, detainees are placed in an environment that would by its nature amount to mental torture. Furthermore, detainees are sometimes subjected to physical violence from other inmates or detainees on the orders of the police.³² Detainees who have undergone such an experience often claim that they were forced to confess to crimes under duress.

Chain Remand

Chain remand occurs when an individual's remand period granted by the Magistrate court has expired but he or she gets re-arrested by the police for a different or similar offence upon the expiration of the remand order against them.³³ In the past, SUARAM has documented cases where individuals were detained in such a manner for almost 3 months³⁴ and brought on a 'roadshow' where they were put through various lock-ups and detention centres by the police.

L. Thuraisingam and 9 others were victims of such a roadshow in June 2017. Thuraisingam and other detainees were initially detained by police from IPD Shah Alam for allegations of armed robbery. During the 3 weeks when he was chain remanded, he was arrested by IPD Shah Alam, IPD Gombak, IPD Sungai Buloh, IPD Brickfields, IPD Dang Wangi and eventually returned to IPD Shah Alam where he was subjected to a 60 days' detention under POCA.

Police Shootings

SUARAM continues to document and monitor cases of police shootings in Malaysia. Up until 31 October 2017, SUARAM's documentation recorded the following:

Date	Names	Location	State	Race Nationality	No. People Involved	Injured	Death
11-Jan	Unnamed, 32-year old man	Jalan Ansip	Sabah	Unreported	1	1	0

³² As noted in the allegations by L. Thuraisingam who was chain remanded in June 2017. 'Suaram laments continued detention and alleged torture of detainee' (MalaysiaKini, 14 June 2017) <<https://www.malaysiakini.com/news/385586>> accessed 13 November 2017

³³ Interview by the Star with criminal lawyer, Shashi Devan, who outlines chain remand in a detailed manner can be found at – Tan Yi Liang, 'Sitting in jail, waiting to be charged' (The Star Online, 17 May 2017) <<https://www.thestar.com.my/opinion/online-exclusive/in-your-face/2016/05/17/conditions-for-remand/>> accessed 13 November 2017

³⁴ 'Salah Guna Kuasa Polis: Penangkapan Berantai (tukar gari) dan Penyiksaan Dalam Tahnan Tanpa Bicara Selama 27 Hari' (SUARAM, 14 June 2017) <<http://www.suaram.net/?p=8452>> accessed 13 November 2017

27-Jan	Unnamed, both men in their 30's	Jalan Jemeluang	Johor	Indonesian	2	0	2
27-Jan	Unnamed, 53-year old man	Jalan Bukit Cerakah	Selangor	Unreported	1	0	1
30-Mar	Unnamed, 37-year old	Kota Kinabalu	Sabah	Chinese	1	0	1
5-Apr	1. 'Misai' 2. 'Ganesh'	Chemor	Ipoh	Unreported	2	0	2
6-May	1. Unnamed, 34-year old man 2. Unnamed, 39-year old man	Batu 9, Cheras	Selangor	Unreported	2	1	0
9-May	1. Unnamed, 29-years old man 2. Muhamed Nur Mustaqim Abdul Hadi, 26-years old 3. Mohd Shahrin Abd Rani, 33-years old	Kampung Tengkorak Batu	Kedah	Unreported	3	1	0
11-May	Unnamed, 4 men in their 30's	Section 10, Wangsa Maju	Kuala Lumpur	Unreported	4	0	4
21-May	Unnamed ³⁵	Serian	Sarawak	Unreported	1	0	1
6-Jun	Unnamed, 50-year old man	Kampung Banjar, Ayer Tawar	Perak	Unreported	1	1	0
17-Jun	Unnamed ³⁶	Kampung Weng Dalam	Kedah	Unreported	1	0	1
17-Jun	Unnamed, 31-year old	Bukit Mertajam	Penang	Unreported	1	0	1
25-Jun	Unnamed	Kampung Weng Dalam	Kedah	Unreported	4	0	1
9-Oct	Unnamed, 33-year old man	Jalan Pinggir Zaaba	Kuala Lumpur	Unreported	1	1	0
7-Nov	Warning Shots	Klang	Selangor	-	-	-	-
TOTAL					25	5	14

³⁵ It is noted that in this case, the police officer in question was not in the line of duty and it was a result of a personal conflict

³⁶ Person shot dead was later reported to have links with the kidnapping of Raymond Koh

Enforced Disappearances

In February 2017, Malaysia was rocked by the news of the high-profile kidnapping of Raymond Koh, the founder of the NGO *Harapan Komuniti*. CCTV footages collected revealed that Raymond Koh was kidnapped by a group of masked individuals on a road in Petaling Jaya. The footages show that his car was forcibly stopped by 3 vehicles whose occupants disembarked and taken him away³⁷.

The slick manner in which the kidnapping was orchestrated and the subsequent police's lack lustre response to the kidnapping led to public suspicion of the involvement by state agencies. The manner of Raymond Koh's abduction was similar to that of Amri Che Mat who was kidnapped in Kedah by an unidentified group.

Instead of concentrating investigation on his kidnapping, the police³⁸ has seemed more interested in the allegations that Raymond Koh was proselytising Muslims in the country.³⁹ The police also failed to provide timely information to Raymond Koh's family members and left the family in the dark regarding developments in the case.⁴⁰ The former Inspector-General of Police, Khalid Abu Bakar consistently showed disdain for the media and civil society when questioned on the matter. At one point, he was reported to have told the media and NGOs to '*shut your bloody mouth*'.⁴¹

The Citizen Action Group on Enforced Disappearance (CAGED) coordinated by SUARAM and other interested NGOs were also called for questioning for "possible foreign influence". SUARAM was called for police questioning following a twitter post⁴² by Khalid Abu Bakar after the press conference by CAGED on the issue of enforced disappearances.⁴³

³⁷ 'CCTV footage captures pastor Raymond Koh's abduction' (The Star Online, 4 March 2017)

<<https://www.youtube.com/watch?v=Y-jcxSZGS-8>> accessed 13 November 2017

³⁸ Farik Zolkepli, 'Pastor may have been abducted because of conversion attempt' (The Star Online, 6 April 2017)

<<https://www.thestar.com.my/news/nation/2017/04/06/pastor-may-have-been-abducted-because-of-conversion-attempt/#Fr3JjBTwCPkdHM5q.99>> accessed 13 November 2017

³⁹ G. Surach, 'I am disappointed with IGP, says Pastor Koh's wife (Updated)' (The Sun Daily, 23 May 2017)

<<http://www.thesundaily.my/news/2017/05/24/i-am-disappointed-igp-says-pastor-koh%E2%80%99s-wife-updated>> accessed 13 November 2017

⁴⁰ Jo Timbuong and Ashley Tang, 'Pastor Raymond Koh's family hopes for police briefing on case' (The Star Online, 26 June 2017) <<https://www.thestar.com.my/news/nation/2017/06/26/pastor-raymond-kohs-family-hopes-for-police-briefing-on-case/>> accessed 13 November 2017

⁴¹ FMT Reporters, 'Shut your bloody mouth, IGP tells media over Pastor Koh' (Free Malaysia Today, 20 March 2017)

<<http://www.freemalaysiatoday.com/category/nation/2017/03/20/shut-your-bloody-mouth-igp-tells-media-over-pastor-koh/>> accessed 13 November 2017

⁴² Khalid Abu Bakar's tweet calling for the police to summon NGO representative for questioning -

<https://twitter.com/KBAB51/status/860496552258818048>

⁴³ Jastin Ahmad Tarmizi, 'Police question activists over NGO's formation' (The Star Online, 24 May 2017)

<<https://www.thestar.com.my/news/nation/2017/05/24/police-question-activists-over-ngo-formation/>> accessed 13 November 2017.

Freedom of Expression

The restriction on freedom of expression in Malaysia took a turn in 2017. With the application of the Sedition Act 1948 relegated to the back seat by the authorities, arrests, detentions and prosecutions made in relation to freedom of expression have largely fallen under the Communications and Multimedia Act 1998 (CMA) and other laws. The new Inspector-General of Police, Mohamad Fuzi Harun, has taken to using Twitter as a mean to relay news and activities of his office.

Violation of freedom of expression cases documented in 2017

Law	Known cases
Sedition Act 1948	9
Communications and Multimedia Act 1998	146 ⁴⁴
Total	155

The Sedition Act 1948

Application of the Sedition Act 1948 has reduced significantly from its peak in 2015 with just 9 cases documented in 2017. While the overall reduction in arrest, detention and prosecution under the Act is a welcome improvement, the documented cases in 2017 suggests that the Act still stands as one of the more noteworthy laws in restricting freedom of expression despite the existence of other more well-used legal provisions.

List of cases under the Sedition Act 1948 in 2017

No	Name	Cause for Investigation	Date of Investigation
1	Lim Guan Eng	Remarks that MCA, MIC, Gerakan and SUPP should leave BN	14 January 2017
2	Rozaid Abdul Rahman	Publication of the Star's frontpage ⁴⁵	31 May 2017
3	Brian Martin		
4	Dorairaj Nadason		
5	M. Shanmugam		
6	Errol Oh		
7	Mohd Sahar Misni		
8	Zamihan Mat Zin	Remark against a decree by Sultan of Johor	11 October 2017
9	Wan Ji Wan Hussin	Picture with words I (Wan Ji wants the sultanate system to be abolished)	13 October 2017

⁴⁴ Reported number of investigated cases and not necessarily documented by SUARAM.

⁴⁵ 'Six from The Star questioned by cops over front page' (The Star Online, 31 May 2017)

<<https://www.thestar.com.my/news/nation/2017/05/31/six-from-the-star-questioned-by-cops-over-front-page/>> accessed 13 November 2017.

Communications and Multimedia Act 1998

On 6 November 2017, the Parliamentary reply by Deputy Communications and Multimedia Minister, Jailani Johari revealed that there were 269 cases investigated under CMA between January and 30 September 2017. Out of the 269 cases, 146 cases were investigated under Section 233 of CMA with 56 investigation papers submitted to the Attorney-General Chamber.⁴⁶

The practice of cross-state arrests described in SUARAM's report in 2016 remains prevalent. Cases of individuals arrested in other states and brought to Johor are common with the first case noted in January 2017.⁴⁷ Cases where suspects surrendered themselves in their respective states were also brought to Johor for remand process for unspecified reasons.⁴⁸

List of cases under the Communications and Multimedia Act 1998

No	Name	Cause for Investigation, Arrest or Prosecution ⁴⁹	Date
1	Rosli Johol	Condemning country leadership on social media	7 January 2017 ⁵⁰
2	Unknown	Defamatory comment against late Adenan Satem on Facebook	14 January 2017 ⁵¹
3	Unknown	Offensive statement against member of royalty	16 January 2017 ⁵²
4	Tuan Syed Sigaraga (Twitter)	Uploading document of 'Bangsar Johor' IC on Twitter	3 February 2017 ⁵³
5	Mat Tere (Facebook)	Making anti-royalty remark	8 February 2017 ⁵⁴
6	Unknown	Offensive remark against Crown Prince of Johor	9 February 2017 ⁵⁵
7	Arif Senai (Facebook)	Insulting Yang- di-Pertuan Agong and Timbalan Yang di-Pertuan Agong	10 February 2017 ⁵⁶

⁴⁶ Parliament Hansard, 13th Parliament, 5th Session, 3rd Meeting Pg. 25 - <www.parlimen.gov.my/files/hindex/pdf/DR-06112017.pdf> accessed November 2017.

⁴⁷ 'Johor's top cop chides public for postings against royalty' (The Star Online, 19 January 2017). <<https://www.thestar.com.my/news/nation/2017/01/19/johors-top-cop-chides-public-for-postings-against-royalty/>> accessed 13 November 2017

⁴⁸ 'Dua lelaki muat naik kenyataan jelik ditahan' (AstroAwani, 7 September 2017) <<http://www.astroawani.com/berita-malaysia/dua-lelaki-muat-naik-kenyataan-jelik-ditahan-154508>> accessed 13 November 2017

⁴⁹ Greyed rows indicate prosecution.

⁵⁰ Bernama, 'Man detained for condemning PM on social media' (Free Malaysia Today, 7 January 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/01/07/man-detained-for-condemning-pm-on-social-media/>> accessed 13 November 2017

⁵¹ Bernama, 'Schoolgirl arrested over Facebook post about late CM' (MalaysiaKini, 14 January 2017) <<https://www.malaysiakini.com/news/369232>> accessed 13 November 2017

⁵² Low Sock Ken, 'Man arrested for offensive Facebook post against Sultan Johor' (the Sun Daily, 18 January 2017) <<http://www.thesundaily.my/news/2132565>> accessed 13 November 2017

⁵³ 'Student detained on suspicion of uploading document on Bangsa Johor IC' (Malay Mail Online, 3 February 2017) <<http://www.themalaymailonline.com/malaysia/article/student-detained-on-suspicion-of-uploading-document-on-bangsa-johor-ic#VRheeXHYapyve4pp.97>> accessed 13 November 2017

⁵⁴ FMT Reporters, 'TMJ orders man held for anti-royalty remarks freed' (Free Malaysia Today, 12 February 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/02/12/tmj-orders-man-held-for-anti-royalty-remarks-freed/>> accessed 13 November 2017

⁵⁵ Bernama, 'Offensive remarks about TMJ: Man held' (Free Malaysia Today, 9 February 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/02/09/offensive-remarks-about-tmj-man-held/>> accessed 13 November 2017

⁵⁶ Khairul Azran Hussin, 'Lelaki hina Agong ditahan' (Berita Harian Online, 10 February 2017) <<https://www.bharian.com.my/node/246476>> accessed 13 November 2017

8	Unnamed 19-year old	Offensive remark against Crown Prince of Johor on Whatsapp	12 February 2017 ⁵⁷
9	2 unnamed men	Posting false news of police warning on Facebook	22 February 2017 ⁵⁸
10	Unnamed 17-year old	Facebook post calling for public to gather to seek audience with the Sultan and police	24 February 2017 ⁵⁹
11	Unnamed 57-year old	Offensive remark against Johor sultan	25 February 2017 ⁶⁰
12	3 unnamed individuals	Offensive remark and urging people to hold bicycle rally	26 February 2017 ⁶¹
13	Unnamed 64-year old blogger	Making slanderous and seditious statement against country's leader	28 February 2017 ⁶²
14	Hew Kuan Yau - Superman (Facebook)	Facebook posting on banning of beauty and the beast	20 March 2017 ⁶³
15	Unnamed	Insulting Johor Sultan on Facebook	24 March 2017 ⁶⁴
16	Unnamed	Uploading photo of himself holding a placard while holding Bersih 4 and 5 T-shirt	10 April 2017 ⁶⁵
17	(Facebook)	Insult Sultan of Johor on Facebook	12 April 2017 ⁶⁶
18	Kum Eng Choon	Posting offensive comments against Najib Razak and Rosmah Mansor	13 April 2017 ⁶⁷
19	Unnamed 19-year old	Insulting Sultan of Terengganu	13 April 2017 ⁶⁸

⁵⁷ Mohd Fahmi Mohd Yusof, 'Remaja ditahan keluar kenyataan jelik pada TMJ' (Berita Harian Online, 12 February 2017) <<https://www.bharian.com.my/node/247436>> accessed 13 November 2017

⁵⁸ Stephen Then, 'Sarawak cops arrest duo over false FB posts' (The Star Online, 22 February 2017) <<https://www.thestar.com.my/news/nation/2017/02/22/sarawak-cops-arrest-facebook-writers-for-causing-panic/>> accessed 13 November 2017

⁵⁹ Bernama, 'Cops nab Johor teen over public rally on cycling tragedy' (Free Malaysia Today, 24 February 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/02/24/cops-nab-johor-teen-over-public-rally-on-cycling-tragedy/>> accessed 13 November 2017

⁶⁰ Bernama, 'Man arrested for offensive remarks against Johor sultan' (Free Malaysia Today, 25 February 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/02/25/man-arrested-for-offensive-remarks-against-johor-sultan/>> accessed 13 November 2017

⁶¹ Norbaiti Phaharoradzi, 'Three men arrested over FB postings, inciting people to hold bicycle rally' (The Star Online, 26 February 2017) <<https://www.thestar.com.my/news/nation/2017/02/26/three-men-arrested-over-fb-postings-inciting-people-to-hold-bicycle-rally/>> accessed 13 November 2017

⁶² Norbaiti Phaharoradzi, 'Blogger arrested in JB for making slanderous and seditious statements' (The Star Online, 28 February 2017) <<https://www.thestar.com.my/news/nation/2017/02/28/blogger-arrested-in-jb-for-making-slanderous-and-seditious-statements/>> accessed 13 November 2017

⁶³ Predeep Nambiar, "' Superman" arrested over "beauty and the Beast" FB posting' (Free Malaysia Today, 20 March 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/03/20/superman-arrested-over-beauty-and-the-beast-fb-posting/>> accessed 13 November 2017

⁶⁴ Bernama, 'Man arrested for insulting Johor sultan on Facebook' (MalaysiaKini, 24 March 2017) <<https://www.malaysiakini.com/news/376841>> accessed 13 November 2017

⁶⁵ 'Man arrested over placard at Bersih rally' (MalaysiaKini, 10 April 2017) <<https://www.malaysiakini.com/news/378677>> accessed 13 November 2017

⁶⁶ Bernama, 'Cops detain woman for insulting Johor sultan' (MalaysiaKini, 12 April 2017) <<https://www.malaysiakini.com/news/378868>> accessed 13 November 2017

⁶⁷ 'Businessman charged in court for insulting government, prime minister and wife' (Astro Awani, 13 April 2017) <<http://english.astroawani.com/malaysia-news/businessman-charged-court-insulting-government-prime-minister-and-wife-139227>> accessed 13 November 2017

⁶⁸ 'Police arrest 19-year-old for allegedly insulting Terengganu Sultan' (The Star Online, 13 April 2017) <<https://www.thestar.com.my/news/nation/2017/04/13/police-arrest-19-year-old-for-allegedly-insulting-terengganu-sultan/>> accessed 13 November 2017

20	Unnamed	Vulgar and insulting remark against Sultan of Johor and Royal Institution on Facebook	14 April 2017 ⁶⁹
21	A 26-year-old operations executive, and 40-year-old woman factory operator	Fake account impersonating Johor royal family and post offensive remark against Sultan of Johor and Johor Royal Institution	17 April 2017 ⁷⁰
22	44-year-old posted on Facebook	Insulting remarks against Johor royalty	17 April 2017 ⁷¹
23	3 unnamed and 7 more wanted	Offensive remark against the Sultan of Johor and royal institution	18 April 2017 ⁷²
24	Mechanic aged 18	Insulting TMJ and Johor Royalty	22 April 2017 ⁷³
25	Unnamed	Rant in a video against a traffic policeman	7 May 2017 ⁷⁴
26	Premesh Chandran	Press conference video on Khairuddin Abu Hassan	15 May 2017 ⁷⁵
27	Muhammad Zaidi Abdullah (Zaidi Zura)	Intentionally posting the edited picture resembling Prime Minister with three scantily clad women on Facebook	16 June 2017 ⁷⁶
28	Safriduwan Safar	63 pictures 22 videos that were inappropriate and pornographic in his cell phone	8 July 2017 ⁷⁷
29	25-year old	Insulting Johor Princess and the Johor royal institution on Instagram	17 July 2017 ⁷⁸

⁶⁹ Norbaiti Phaharoradzi, 'Cops arrest man over vulgar Facebook post against TMJ' (The Star Online, 14 April 2017) <<https://www.thestar.com.my/news/nation/2017/04/14/cops-arrest-man-over-vulgar-facebook-post-against-tmj/>> accessed 13 November 2017

⁷⁰ 'Duo held for offending Johor royal family' (The Star Online, 17 April 2017) <<https://www.thestar.com.my/news/nation/2017/04/17/duo-held-for-offending-johor-royal-family/>> accessed 13 November 2017

⁷¹ Nabila Ahmad, 'Man arrested for insulting Johor royalty on Facebook' (The Star Online, 17 April 2017) <<https://www.thestar.com.my/news/nation/2017/04/17/man-arrested-for-insulting-johor-royalty-on-facebook/>> accessed 13 November 2017

⁷² '3 direman hina istana Johor' (Harian Metro, 18 April 2017) <<https://www.hmetro.com.my/node/222332>> accessed 13 November 2017

⁷³ Nabila Ahmad, 'Mechanic arrested over offensive remarks against Johor royalty' (The Star Online, 22 April 2017) <<https://www.thestar.com.my/news/nation/2017/04/22/mechanic-arrested-over-offensive-remarks-against-johor-royalty/>> accessed 13 November 2017

⁷⁴ Jastin Ahmad Tarmizi, 'DJ' remanded for rant against cop in viral video' (The Star Online, 7 May 2017) <<https://www.thestar.com.my/news/nation/2017/05/07/dj-remanded-for-rant-against-cop-in-viral-video/>> accessed 13 November 2017

⁷⁵ Premesh Chandran was charged under Section 244(a) of CMA – 'Mkini CEO charged over AG videos' (MalaysiaKini, 16 May 2017) <<https://www.malaysiakini.com/news/382234>> accessed 13 November 2017

⁷⁶ Pleaded guilty and fined RM3,500 – Rahmat Kahirulrijal, 'KL man charged with uploading edited image of PM to FB page' (New Straits Times, 16 June 2017) <<https://www.nst.com.my/news/crime-courts/2017/06/249499/kl-man-charged-uploading-edited-image-pm-fb-page>> accessed 13 November 2017

⁷⁷ 'Teacher claims trial to attempting to have sex with married woman' (The Star Online, 8 July 2017) <<https://www.thestar.com.my/news/nation/2017/07/08/teacher-claims-trial-to-attempting-to-have-sex-with-married-woman/>> accessed 13 November 2017

⁷⁸ Nabila Ahmad, 'Police arrest man for posting remarks insulting Johor Princess' (The Star Online, 17 July 2017) <<https://www.thestar.com.my/news/nation/2017/07/17/police-arrest-man-for-posting-remarks-insulting-johor-princess/>> accessed 13 November 2017

30	Ng Thai Quen Nor Sabariah Mazlan Yusoff	Posting offensive images of the Prime Minister	18 August 2017 ⁷⁹
31	Unnamed 27-year old and 47-year old	Offensive remark against Sultan of Johor and the royal institution	7 September 2017 ⁸⁰
32	Abdul Aziz Isa	Allegedly posting unpleasant remark about the Prime Minister	16 September 2017 ⁸¹
33	Sheikh Noor Affandi Sh. Ab. Ghani	Uploading an insulting comment on the death of the late Sultan of Kedah [7 days imprisonment and RM5,000 fine]	28 September 2017 ⁸²
34	Abd Zarin Mohd Yasin	Publishing a scurrilous statement against a Puteri Umno leader on his Facebook page	13 October 2017 ⁸³
35	35-year old	Insulting comment against the police on Facebook	16 October 2017 ⁸⁴
36	Unnamed student	Insulting Sultan of Perak on social media [fined RM5,000]	17 October 2017 ⁸⁵
37	Christopher Khor Chee Ning	Offensive remark against the police	19 October 2017 ⁸⁶
38	58-year old	Allegedly posting a humiliating image of the Prime Minister and his wife	22 October 2017 ⁸⁷

Printing Presses and Publications Act 1984

The banning of publications under the Printing Presses and Publications Act 1984 (PPPA) remains common with new additions added to the ever-growing list of banned publications under PPPA. Notable bans in 2017 include the book 'Breaking the Silence: Voices of Moderation – Islam in a

⁷⁹ 2 of the accused pleaded guilty later in October 2017 – Yiswaree Palansamy, 'Three charged with online insults against PM' (Malay Mail Online, 18 August 2017) <<http://www.themalaymailonline.com/malaysia/article/three-charged-with-online-insults-against-pm#hF0622YIkWam38ry.97>> accessed 13 November 2017

⁸⁰ 'Dua lelaki muat naik kenyataan jelik ditahan' (Astro Awani, 7 September 2017) <<http://www.astroawani.com/berita-malaysia/dua-lelaki-muat-naik-kenyataan-jelik-ditahan-154508>> accessed 13 November 2017

⁸¹ Sulok Tawie, 'Sarawak DAP chairman's aide nabbed over remarks about PM' (Malay Mail Online, 16 September 2017) <<http://www.themalaymailonline.com/malaysia/article/sarawak-dap-chairmans-aide-nabbed-over-remarks-about-pm#UXv7GD7WCmB4BbUO.97>> accessed 13 November 2017

⁸² 'Seven days jail for man who insulted late Sultan' (Astro Awani, 28 September 2017) <<http://english.astroawani.com/malaysia-news/seven-days-jail-man-who-insulted-late-sultan-156362>> accessed 13 November 2017

⁸³ Khairil Ashraf, 'Umno branch chief charged with insulting Puteri Umno leader' (Free Malaysia Today, 13 October 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/10/13/umno-branch-chief-charged-with-insulting-puteri-umno-leader/>> accessed 13 November 2017

⁸⁴ Zarina Abdullah, 'Bodyguard who insulted Terengganu police released on bail' (New Straits Times, 16 October 2017) <<https://www.nst.com.my/news/crime-courts/2017/10/291822/bodyguard-who-insulted-terengganu-police-released-bail>> accessed 13 November 2017

⁸⁵ 'Teen fined RM5,000 for insulting Perak sultan' (Malaysian Insight, 19 October 2017) <<https://www.themalaysianinsight.com/s/19162/>> 13 November 2017

⁸⁶ Rahmat Kahirulrijal, 'Sales manager charged with uploading offensive remark on police' (New Straits Times, 19 October 2017) <<https://www.nst.com.my/news/crime-courts/2017/10/292705/sales-manager-charged-uploading-offensive-remark-police>> accessed 13 November 2017

⁸⁷ Bernama, 'Ex-lecturer detained for 'humiliating' Najib, Rosmah' (Free Malaysia Today, 22 October 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/10/22/ex-lecturer-detained-for-humiliating-najib-rosmah/>> accessed 13 November 2017

Constitutional Democracy’ by G25. At the time of writing, G25 has filed an application for leave to apply for judicial review to quash the ban imposed under PPPA.⁸⁸

Apart from its impact on publications of books, the PPPA continues to be used against the media. The Star which was investigated under the Sedition Act 1948 and Section 298A of the Penal Code⁸⁹ was issued a show cause letter over the newspaper’s front page and layout.⁹⁰ Following a meeting with the Home Ministry, the editor-in-chief, Datuk Leanne Goh Lee Yen, and the executive editor, Dorairaj Nadason, were suspended pending investigation into the matter.⁹¹

List of books banned under the Printing Presses and Publications Act in 2017

No	Book Title	Author’s Name	Date of Ban
1	Zainab Srikandi Cucu Baginda Muhammad S.A.W	Nurfaridah Rubani	1 March 2017
2	Imam Mahdi Yang Ditunggu Dan Malapetaka Akhir Zaman	Abdul Latif Rafqi	1 March 2017
3	Isu Semasa Dalam Risalah: Hukum Barat Pun Islam	Mun'im A. Sirry/ Al-Mustaqeem Mahmud Radhi (Editor)	2 March 2017
4	Isu Semasa Dalam Risalah: Konsep Kebebasan dan Agama	Al-Mustaqeem Mahmud Radhi (Editor)	2 March 2017
5	Saucy Seaside Postcards	Alan Wykes	2 March 2017
6	Menuju Reformasi Perundangan Islam	Abdullahi Ahmad An-Na'im / Al-Mustaqeem Mahmud Radhi, Adib Zalkapli, Omarsaid	2 March 2017
7	Al-Yahud: Eternal Islamic Enmity & the Jews	Elias Al-Maqdisi & Sam Solomon	2 March 2017
8	From Majapahit to Putrajaya: Searching for Another Malaysia	Farish A. Noor	2 March 2017
9	Kisah Para Nabi	Abu Al-Fida' Isma'il bin Katsir / M.Abdul Ghoffar	14 June 2017
10	Breaking The Silence: Voices of Moderation Islam in Constitutional Democracy	G25 Malaysia	14 June 2017
11	Bid'ah Menurut Ahli Sunnah Wal-Jamaah (Di dalam Buku Ini Terjawab Berbagai Persoalan Bid'ah) Jilid 1	Ust Rasul Bin Dahri	14 June 2017
12	Aina Allah? Di Mana Allah	Mohd Hairi Nonchi	14 June 2017
13	Imam Mahdi Di Ambang Pintu: Kedatangan yang Ditunggu-tunggu Jilid 1	Muhammad Isa Dawud/ Dr. Syamsuddin Ali Nasution	14 June 2017
14	Imam Mahdi Di Ambang Pintu: Kedatangan yang	Muhammad Isa Dawud/ Dr.	14 June 2017

⁸⁸ 'G25 seeking judicial review of book ban' (The Star Online, 16 October 2017)

<<https://www.thestar.com.my/news/nation/2017/10/16/g25-seeking-judicial-review-of-book-ban/>> accessed 13 November 2017

⁸⁹ 'Causing, etc., disharmony, disunity, or feelings of enmity, hatred or ill will, or prejudicing, etc., the maintenance of harmony or unity, on grounds of religion'

⁹⁰ 'Home Ministry issues show cause letter to 'The Star', (The Star Online, 30 May 2017)

<<https://www.thestar.com.my/news/nation/2017/05/30/home-ministry-issues-show-cause-letter-to-the-star/>> accessed 13 November 2017

⁹¹ 'Two top The Star editors suspended' (The Star Online, 30 May 2017)

<<https://www.thestar.com.my/news/nation/2017/05/30/two-top-editors-from-the-star-suspended/>> accessed 14 November 2017

	Ditunggu-tunggu Jilid 2	Syamsuddin Ali Nasution	
15	Menyingkap Misteri Pulau Besar	Ana Faqir	14 June 2017
16	Piramid: Rahsia Purba Yang Dapat Anda Manfaatkan	Prof Dr. Mohd Arief Ph.D	14 June 2017
17	Kasyaf Al-Haq (Mengenal Allah)	Mohd Yusof Cik Wook/ Hj. Shaari Hj. Mohd Yusof	14 June 2017
18	Kisah-Kisah Ghaib Dalam Hadis Sahih	Prof. Dr. Umar Sulaiman Al-Asyqar / Ruqayyah Mansur/ Arifin Ladari	14 June 2017
19	Agama Allah Rahmat Dan Penyelamat Bagi Seluruh Alam	Tuan Haji Abdul Rahim Al-Hassaniyyah	14 June 2017
20	At-Thariq Ilallah Thariqat Al-Hassaniyyah	Tuan Haji Abdul Rahim Al-Hassaniyyah	14 June 2017
21	Berdialog Dengan Jin Islam	Muhammad Isa Dawud/ Suzilawati Abdullah	14 June 2017
22	Fatimah Az Zahara Wanita Solehah Sinaran Zaman	Rosline Harun/ Nurfaridah Rubani	14 June 2017
23	Drive Me Wild	Christine Warren	14 June 2017
24	Habibi	Craig Thompson	14 June 2017
25	Menanti Buah Hati Dan Hadiah Untuk Yang Dinanti	Abdul Hakim Bin Amir Abdat (Abu Unaisah)	14 June 2017
26	Humanisme Islam: Kajian Terhadap Pemikiran Filosofis Muhammad Arkoun	Baedhowi, M. Ag./ Prof. Dr. M. Amin Abdullah	14 June 2017
27	Misteri Merong Maha Wangsa Dan Penyebaran Islam Di Timur (Part 1) Kisah Khalifah Sharif Yang Di-Pertuan Kedah Dan Legasinya	Megat Al-Jefri	14 June 2017
28	28 Hari: Jurnal Rock N'Roll + Anarki Di Kuala Lumpur	Mohd Jayzuan	14 June 2017
29	Menyingkap Misteri Pulau Besar	Ana Faqir	14 June 2017
30	Ulama Yang Bukan Pewaris Nabi	Wan Ji Wan Hussin	6 September 2017
31	Wacana Pemikiran Reformis (Jidil I)	Farouk Musa	6 September 2017
32	Wacana Pemikiran Reformis (Jidil II)	Farouk Musa	6 September 2017
33	Islam Tanpa Keekstreman: Berhujah Untuk Kebebasan	Mustafa Akyol/Nur Asyhraff Mohd Noor/Shuhaib Ar Rummy Isamail/Ahmad Farouk Musa	6 September 2017
34	Islam Without Extremes: A Muslim Case for Liberty	Mustatafa Akyol	6 September 2017
35	Islam Dan Iman: Aturan-Aturan Pokok	Dr. Muhammad Syahrur/ Sabrur R. Soenari	6 September 2017
36	Islam Kemodernan Dan Keindonesiaan	Nurcholish Madjid/ Agus Edi Santoso	6 September 2017
37	Tantra: The Search for Ecstasy	Indra Sinha	6 September 2017
38	Sekitar Masalah Thariqat (naqsyabandiyah)	Drs. H. Imron Abu Amar	6 September 2017
39	Meniti Jalan Hidayah Menuju Toriqah Khotmul-Auliya	Sayidi Ahmad Ah-Hadi Al-Hasani Al-Maghribi/ Ust Mohd	6 September 2017

		Bakri At-Tijany	
40	AKU_, MAKA AKU ADA!	Faisal Tehrani	6 September 2017
41	Terjemahan Al-Qur'an	Knowledge Inbound Sdn. Bhd.	6 September 2017
42	Al-Qur'an Translation	Abdullah Yusuf Ali	6 September 2017
43	The Meaning of The Glorious Quran Korean Edition	Knowledge Inbound Sdn. Bhd.	6 September 2017
44	The Meaning of The Glorious Quran (Chinese Translation Edition)	Knowledge Inbound Sdn. Bhd.	6 September 2017
45	The Meaning of The Glorious Quran (The guidance of Mankind)	Muhammad Farooq-i-Azam Malik	6 September 2017
46	The Quran Modern English Translation	Abdullah Yusuf Ali	6 September 2017
47	Terjemahan Al-Quran Bahasa Melayu	SAM Synergy Media Sdn. Bhd.	6 September 2017
48	The Quran Modern English Translation (Multiple appearances)	Abdullah Yusuf Ali	6 September 2017
49	Terjemahan Al-Quran Bahasa Melayu (Multiple appearances)	SAM Synergy Media Sdn. Bhd.	6 September 2017
50	Translation of the Quran	Abdullah Yusuf Ali	6 September 2017

Freedom of Expression and Religious Authorities

As noted in SUARAM's report of 2016, the religious authorities in the country are gaining more ground in restricting the freedom of expression.

In September 2017, a Turkish journalist and intellectual, Akyol Mustafa, was arrested and detained by the Federal Territories Islamic Affairs Department (JAWI) for a talk on the commonalities between the Abrahamic religions.⁹² Fortunately for him, after the brief detention, he was released and allowed to leave Malaysia. It was reported that he was questioned under Section 11 of the Shariah Criminal Offences (Federal Territories) Act, the offence of teaching without credentials from the religious authorities.

Dr. Ahmad Farouk Musa, Director for Islamic Renaissance Front (IRF), the organization which invited Akyol Mustafa was also called for questioning under Section 43 of the Shariah Criminal Offences (Federal Territories) Act for allegedly abetting Akyol Mustafa.⁹³

Other Restrictions on Freedom of Expression

Apart from the encroachment on the freedom of expression by religious authorities, MCMC also blocked Fan Fiction web portal after receiving complaints that the website allegedly contains

⁹² 'Mustafa Akyol: Jawi didn't like my talk on commonalities between Islam, Christianity' (Malay Mail Online, 28 September 2017) <<http://www.themalaymailonline.com/malaysia/article/mustafa-akyol-jawi-didnt-like-my-talk-on-commonalities-between-islam-christ#ZWuhtFdvYBG12h39.97>> accessed 14 November 2017

⁹³ Sheridan Mahavera, 'Interfaith forum nixed after Islamic authorities call up speakers' (Malaysian Insight, 25 September 2017) <<https://www.themalaysianinsight.com/s/15965/>> accessed 14 November 2017

obscene content⁹⁴ as well as popular online game retailer and portal, Steam following the release of the game 'Fight of Gods'. The action was taken after MCMC provided Steam with a 24-hour ultimatum.⁹⁵

In February 2017, Lena Hendry was found guilty of airing the documentary, 'No Fire Zone' which had not been approved by the Malaysian Censorship Board. She was later fined RM10,000.⁹⁶ Also in February, Valentine's Day was labelled as liable to encourage illicit sex by the Federal Territories mufti Zulkifli Mohamad. He warned Muslims to avoid being associated with activities that can lead to teen pregnancies, babies dumping and illegitimate births.⁹⁷

In April 2017, the Islamic Party of Malaysia (PAS) and several Muslim NGOs staged a protest at Nanyang Siang Pau following the publication of a caricature deemed to be insulting Islam. The caricature was published following the tabling of the Syariah Courts (Criminal Jurisdiction) Act or RU355 in Parliament on 6 April 2017.⁹⁸ Nanyang later apologized for its publication.⁹⁹

⁹⁴ Vanesha Shurentheran, 'MCMC blocks Fan Fiction web portal for obscene content' (Free Malaysia Today, 145 October 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/10/14/mcmc-blocks-fan-fiction-web-portal-for-obscene-content/>> accessed 14 November 2017

⁹⁵ 'MCMC blocks distribution of Fight of Gods' (Malaysian Insight, 8 September 2017) <<https://www.themalaysianinsight.com/s/13957/>> accessed 14 November 2017

⁹⁶ Maizatul Nazlina,

'Activists Lena Hendry fined RM 10,000 over unapproved documentary screening' (The Star Online, 22 March 2017) <<https://www.thestar.com.my/news/nation/2017/03/22/activist-lena-hendry-fined-rm10000-for-screening-unapproved-documentary/>> accessed 14 November 2017

⁹⁷ 'Valentine's Day road to 'zina', FT mufti warns Muslims' (Malay Mail Online, 14 February 2017)

<<http://www.themalaymailonline.com/malaysia/article/valentines-day-road-to-zina-ft-mufti-warns-muslims>> accessed 14 November 2017

⁹⁸ Rahmah Ghazali and others, 'PAS protests against Nanyang, wants paper closed down' (The Star Online, 11 April 2017) <<https://www.thestar.com.my/news/nation/2017/04/11/pas-protests-over-nanyang-cartoon/>> accessed 14 November 2017

⁹⁹ 'Nanyang Siang Pau apologises for 'monkey' cartoon' (The Star Online, 10 April 2017)

<<https://www.thestar.com.my/news/nation/2017/04/10/nanyang-siang-pau-apologises-for-monkey-cartoon/>> accessed 14 November 2017

Freedom of Assembly

Assemblies in 2017 were for most part peaceful although there were sporadic arrests made during some events. The practice of summoning activists and organizers of rallies, protests and assemblies continues to be prevalent while police and other enforcement agencies' response to peaceful assemblies, blockades or protests has been varied.

Peaceful Assembly Act 2012

The Peaceful Assembly Act 2012 (PAA) remains one of the main laws under which activists and organizers are investigated following an assembly. Investigation often falls under Section 9 of PAA for failure to provide a 10-day notice to the police or for organizing an assembly near a restricted area.

On 19 August 2017, Sabah Bersih 4.0 chairperson Jannie Lasimbang was ordered by the Kota Kinabalu High Court to enter her defence on the two charges against her under PAA. She was charged under Section 9(5) and Section 15(3) of PAA¹⁰⁰ but was discharged forthwith by the Magistrate's court in December 2016.¹⁰¹

On 28 August 2017, Maria Chin Abdullah, Mandeep Singh from Bersih and Sim Tze Tzin, Member of Parliament from Parti Keadilan Rakyat were granted discharge not amounting to acquittal by the Magistrate's Court for the charges against them under Section 4(2)(c) of PAA. The discharge was granted after failure of the prosecution to attend the hearing that started two years ago.¹⁰² Unfortunately, they were charged again on 4 October 2017 for the same offence.¹⁰³

On 12 October 2017, the Federal Court decided that it had no jurisdiction to hear the appeal by the prosecutor against Maria Chin Abdullah for the charge against her under Section 9(5) of PAA for organizing Bersih 4 rally in front of Nu Sentral Shopping Complex, Brickfields. She was first charged in the session's court and the public prosecutor had exhausted its appeal when the court of appeal ruled in favour of Maria Chin Abdullah and struck out the charges against her.¹⁰⁴

Community Evictions and Blockades

¹⁰⁰ Safrah Mat Salleh, 'Bersih 4.0 chief Jannie ordered to enter defence' (Borneo Post Online, 19 August 2017) <<http://www.theborneopost.com/2017/08/19/bersih-4-0-chief-jannie-ordered-to-enter-defence/>> accessed 14 November 2017

¹⁰¹ Stephanie Lee, 'Lasimbang acquitted of organising Bersih rally without Permit' (The Star Online, 20 December 2016) <<https://www.thestar.com.my/news/nation/2016/12/20/lasimbang-acquitted-of-organising-bersih-rally-without-permit/>> accessed 14 November 2017

¹⁰² Ho Kit Yen, 'Maria Chin, 2 others get discharge over #KitaLawan rally' (Free Malaysia Today, 28 August 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/08/28/maria-chin-2-others-get-discharge-over-kitalawan-rally/>> accessed 14 November 2017

¹⁰³ Ho Kit Yen, 'Maria Chin, 2 others charged again over #KitaLawan rally' (Free Malaysia Today, 4 October 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/10/04/maria-chin-2-others-charged-again-over-kitalawan-rally/>> accessed 14 November 2017

¹⁰⁴ 'Maria Chin freed of PAA charges' (The Star Online, 12 October 2017) <<https://www.thestar.com.my/news/nation/2017/10/12/maria-chin-freed-of-paa-charges/>> accessed 14 November 2017

Two notable incidents relating to community blockades in the face of eviction and demolition took place in 2017.

In July 2017, residents of Kampung Serampang Indah, more commonly known as Kampung Gatco came under the threat of eviction and demolition of their homes and decided to form a blockade to prevent the developers who were supported by the police from entering their village. The situation started in 1977 when the Great Alonioners Trading Corporation Berhad (Gatco) was incorporated. The company was formed by the National Union of Plantation Workers as a land development scheme for its members. The scheme required each settler to pay a deposit of RM 7,600 for their allocated plot of land. After the failure of the scheme, the liquidator sold the land to Thamarai Holdings Sdn Bhd in 2006 and which subsequently sparked the dispute.¹⁰⁵

On 18 July, 28 of the settlers were arrested for an attempt to prevent lorries from leaving the estate with harvested rubber logs. Even though many of those arrested were senior citizens, the police filed for remand against those detained. They were remanded for three days but the order was overturned by the Seremban High Court on 20 July 2017.¹⁰⁶ During the hearing at the high court, the community members who were detained were shackled together despite their age. On 24 July, 30 of them were arrested for a similar reason and granted a police bail of RM1,000 for all of them.¹⁰⁷

Then on 24 August 2017, three of the community leaders, John Cantius Francis, Pandian Karuppana and Subramaniam Muthaloo were arrested by the police. It was alleged that the three arrested were threatened with detention under POCA for their campaign but the three were later released on police bail.

On 28 August 2017, Gatco residents obtained a 6-day stay from the court pending their appeal to the Court of Appeal. Despite the stay order, Gatco residents were threatened by the police who allowed the developers to bring in their lorries. They were then confronted by unidentified individuals carrying machetes after they tried to stop the developer's lorries from entering their village.

The case took a turn when the Malaysian Anti-Corruption Commission (MACC) arrested a 69-year old suspect in its investigation into Gatco land scheme¹⁰⁸ on 18 September. A week later, two more businessmen were remanded to facilitate investigation by MACC.

Unfortunately, on 9 October 2017 residents of Gatco failed in their appeal to the Court of Appeal.

In another case on 4 October 2017, 4 community activists and 5 from the Socialist Party of Malaysia were arrested for protesting and forming a blockade against the demolition of three houses and

¹⁰⁵ Danial Albakri, 'Kampung Gatco land dispute far from over, say residents' (The Star Online, 4 August 2017) <<https://www.thestar.com.my/news/nation/2017/08/04/kg-gatco-land-dispute-far-from-over-says-residents/>> accessed 14 November 2017

¹⁰⁶ 'Cops fail in remand bid against 28 Gatco settlers' (MalaysiaKini, 21 July 2017) <<https://www.malaysiakini.com/news/389172>> accessed 14 November 2017

¹⁰⁷ 'Police nab Kampung Gatco villagers, again' (MalaysiaKini, 24 July 2017) <<https://www.malaysiakini.com/news/389656>> accessed 14 November 2017

¹⁰⁸ Sarban Singh, 'MACC arrests prime witness in Gatco probe' (The Star Online, 18 September 2017) <<https://www.thestar.com.my/news/nation/2017/09/18/macc-arrests-prime-witness-in-gatco-probe/>> accessed 14 November 2017

two shop houses near the Subang Airport Mosque. They were arrested for investigation under Section 186 of the Penal Code.

The residents of the demolished houses had been staying in the houses there since 1993 and used to serve and work at the mosque. After two decades of residing there, they were given a notice of eviction by Malaysian Airports Holdings Berhad (MAHB)¹⁰⁹ and Petaling District Office.¹¹⁰ The residents initially agreed to move on condition that they were granted due compensation of RM400,000. Unfortunately, the demand was rejected and a counter offer of RM5,000 for each resident was put forward by MAHB.

After the demolition of the houses, the Menteri Besar of Selangor, Azmin Ali, on behalf of the state government offered houses at Kota Damansara with the state government bearing 6 months' rent.¹¹¹ The residents eventually opted to accept another offer by the Urban Wellbeing, Housing and Local Government Minister, Noh Omar of new homes at Lembah Subang with shophouses for the families to continue with their businesses.¹¹² The demolition also set off a spat between Azmin Ali and Noh Omar. A blame-game ensued with both parties claiming their own jurisdiction over the matter.¹¹³

Other violations of the freedom of assembly

The Better Beer Festival 2017 was cancelled following a series of high profile political banter and police claim of terror threats against the event. The opposition to the event first started on 10 September 2017 when the Islamic party described the event as a 'vice festival' and warned that Kuala Lumpur could become Asia's vice centre if such programmes were allowed to carry on unobstructed. This was followed by the Kuala Lumpur City Hall's (DBKL) decision to reject the organisers' application to hold the event at Publika Shopping Gallery¹¹⁴ a week after the statement by the Islamic Party.

Shortly after the decision by DBKL, the police decided to disallow the event¹¹⁵ from taking place citing terror threats against the event.¹¹⁶ The fiasco surrounding the event ended with claims by

¹⁰⁹ Azril Annuar, 'Rep: Enforcement officer continued with Subang property demolition despite stop orders' (Malay Mail Online, 4 October 2017) <<http://www.themalaymailonline.com/malaysia/article/rep-enforcement-officer-continued-with-subang-property-demolition-despite-s#q1HYA6sIFeUsEate.97>> accessed 14 November 2017

¹¹⁰ Muhammad Faiz Sulong, 'Kecewa diusir dari kediaman' (Sinar Harian, 18 November 2016) <<http://www.sinarharian.com.my/edisi/selangor-kl/kecewa-diusir-dari-kediaman-1.587434>> accessed 14 November 2017

¹¹¹ Tharanya Arumugam, 'Two families affected by Subang house demolition to be offered units at PPR Kota Damansara' (The Straits Times, 4 October 2017) <<https://www.nst.com.my/news/nation/2017/10/287391/two-families-affected-subang-house-demolition-be-offered-units-ppr-kota>> accessed 14 November 2017

¹¹² Mohd Azrone Sarabatin, 'Selesai masalah rumah' (Berita Harian Online, 10 October 2017) <<https://www.bharian.com.my/berita/nasional/2017/10/335618/selesai-masalah-rumah>> accessed 14 November 2017

¹¹³ 'Selangor MB blames Noh Omar for failure to stop demolition near Subang airport' (Malay Mail Online, 7 October 2017) <<http://www.themalaymailonline.com/malaysia/article/selangor-mb-blames-noh-omar-for-failure-to-stop-demolition-near-subang-airp#2xb8okFXq3P3Wypo.97>> accessed 14 November 2017

¹¹⁴ 'DBKL pulls the plug on beer festival (updated)' (The Star Online, 18 September 2017) <<https://www.thestar.com.my/news/nation/2017/09/18/dbkl-pulls-the-plug-on-beer-festival/>> accessed 14 November 2017

¹¹⁵ 'IGP: Better Beer Festival target for militants' (Malay Mail Online, 21 September 2017) <<http://www.themalaymailonline.com/malaysia/article/igp-better-beer-festival-target-for-militants>> accessed 14 November 2017

Deputy Prime Minister, Zahid Hamidi that the event was cancelled for the greater good of the nation.¹¹⁷

Freedom of Association

In April, a 12-year old girl was forced to withdraw from a chess championship after the organisers of the National Scholastic Chess Championship 2017 had described her dress as ‘seductive’. Coach Kaushal Khandhar posted on Facebook alleging that the chief arbiter informed the contestant that her dress was improper.¹¹⁸

Jaringan Rakyat Tertindas (JERIT) activist Kohila Yanasekaran who is also a member of the Socialist Party of Malaysia (PSM) was sacked by Bank Negara Malaysia (BNM) following a series of internal inquiries into her affiliation with the human rights movement and PSM. On 4 May 2017, she was given a show cause letter by BNM for showing support for PSM candidate as a JERIT activist in 2013; her support for Arutchelvan during the general election in 2013, and participating in the 2016 May Day Celebration. After her hearing in June 2017, she was dismissed and asked to leave the office immediately.¹¹⁹ Appeal on the decision was rejected on 5 September 2017. A challenge against her dismissal was filed at court on 7 November 2017.¹²⁰

List of Individuals Detained or Investigated for Assembly in 2017

No	Names	Event	Investigated On
1	5 Indigenous Activists	Blockade at Simpang Petei	23 January 2017 ¹²¹
2	Jules Rahman Ong	Blockade at Matau Cawas	24 January 2017
3	Too Chee Hung	Blockade at Matau Cawas	24 January 2017 ¹²²
4	16 Indigenous Activist	Blockade at Gua musang	24 January 2017 ¹²³

¹¹⁶ Hani Shamira Shahrudin, ‘Beer festival cancellation: Intel on terror threat is genuine, no compromise on safety, say police’ (New Straits Times, 4 October 2017) <<https://www.nst.com.my/news/nation/2017/10/287187/beer-festival-cancellation-intel-terror-threat-genuine-no-compromise>> accessed 14 November 2017

¹¹⁷ NST Team, ‘Cancellation of beer festival for ‘greater good’ of country -Deputy PM’ (New Straits Times, 24 October 2017) <<https://www.nst.com.my/news/nation/2017/10/294587/cancellation-beer-festival-greater-good-country-deputy-pm>> accessed 14 November 2017

¹¹⁸ Victoria Brown, ‘Seductive dress gets girl barred from chess tournament’ (The Star Online, 28 April 2017) <<https://www.thestar.com.my/news/nation/2017/04/28/girl-forced-to-withdraw-from-chess-tourney-due-to-seductive-dress/>> accessed 14 November 2017

¹¹⁹ JERIT, ‘Pemecatan Kohila: Bank Negara mencabul hak asasi dan kebebasan individu’ (ALIRAN, 7 November 2017) <<https://aliran.com/coalitions/jerit/pemecatan-kohila-bank-negara-mencabul-hak-asasi-dan-kebebasan-individu/>> accessed 14 November 2017

¹²⁰ K Pragalath, ‘Axed BNM staff seeks reinstatement, damages’ (Berita Daily, 9 November 2017) <<http://www.beritadaily.com/axed-bnm-staff-seeks-reinstatement-damages/>> accessed 14 November 2017

¹²¹ FMT Reporter, ‘Logging blockade destroyed, 5 Orang Asli held in Kelantan’ (FMT News, 23 January 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/01/23/logging-blockade-destroyed-5-orang-asli-held-in-kelantan/>> accessed 11 November 2017

¹²² Faiz Zainudin, ‘2 journalists arrested for covering Orang Asli protest in Kelantan’ (FMT News, 24 January 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/01/24/two-journalists-16-orang-asli-arrested-in-gua-musang/>> accessed 11 November 2017

5	Lee Chean Chung	Protest at Felda HQ	10 February 2017 ¹²⁴
6	Azrul Mohd Khalib	BEBAS Rally on RU355	6 March 2017
7	Arutchelvan	May Day rally	18 May 2017
8	V. Selvam	May Day rally	19 May 2017
9	28 Gatco Settlers	Blockade at Gatco	20 July 2017 ¹²⁵
10	30 Gatco Settlers	Blockade at Gatco	25 July 2017 ¹²⁶
11	Mohd Ashraf	Scuffle at Putra World Trade Centre	27 July 2017 ¹²⁷
12	11 Indigenous Activist	Kampung Terai, Pos Piah	14 August 2017 ¹²⁸
13	Mohd Ashraf	Nothing to Hide 2.0	16 August 2017
14	Ivy Josiah and Ho Yock Lin	Bebas Maria March	16 August 2017 ¹²⁹
15	13 unnamed youth	Nothing to Hide 2.0	21 August 2017 ¹³⁰
16	Residents and 5 PSM Members	Blockade against demolition	4 October 2017 ¹³¹
17	Jamal Yunos & 7 Others	Beer smashing stunt	6 October 2017 ¹³²

¹²³ Kow Gah Chie, '16 Orang Asli activists, two journalists detained in Gua Musang' (MalaysiaKini, 24 January 2017) <<https://www.malaysiakini.com/news/370303>> accessed 14 November 2017

¹²⁴ Justin Zack, 'PKR Youth leader being investigated over protest at Felda HQ' (The Star Online, 10 February 2017) <<https://www.thestar.com.my/news/nation/2017/02/10/pkr-youth-leader-being-investigated-over-protest-at-felda-hq/>> accessed 14 November 2017

¹²⁵ Sheith Khidhir bin Abu Bakar, '28 Gatco settlers released on bail' (Free Malaysia Today) <<http://www.freemalaysiatoday.com/category/nation/2017/07/20/28-gatco-settlers-released-on-bail/>> accessed 14 November 2017

¹²⁶ Melissa Darlyne Chow, '30 Kampung Gatco settlers arrested for blocking lorries transporting logs' (Free Malaysia Today, 14 November 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/07/25/30-kampung-gatco-settlers-arrested-for-blocking-lorries-transporting-logs/>> accessed 14 November 2017

¹²⁷ 'Cops to summon 14 over Armada Umno Youth fracas' (The Malaysian Insight, 27 July 2017) <<https://www.themalaysianinsight.com/s/8780/>> accessed 14 November 2017

¹²⁸ '11 orang asli men arrested for obstructing forest rangers' (The Star Online, 14 August 2017) <<https://www.thestar.com.my/news/nation/2017/08/14/11-orang-asli-men-arrested-for-obstructing-forest-rangers/>> accessed 14 November 2017

¹²⁹ Elly Fazaniza, 'Police question women activists over peaceful march last year' (the Sun Daily, 16 August 2017) <<http://www.thesundaily.my/news/2017/08/16/police-question-women-activists-over-peaceful-march-last-year>> accessed 22 November 2017

¹³⁰ 13 unnamed youth were arrested in total – 'IGP: More people to be arrested over forum fracas' (The Star Online, 17 August 2017) <<https://www.thestar.com.my/news/nation/2017/08/17/more-people-to-be-arrested-over-forum-fracas/>> accessed 14 November 2017

¹³¹ Rashvinjeet S. Bedi and Jastin Ahmad Tarmizi, 'Nine arrested at protest against demolition of houses in Subang' (The Star Online, 4 October 2017) <<https://www.thestar.com.my/news/nation/2017/10/04/nine-arrested-at-protest-against-demolition-of-houses-in-subang/>> accessed 14 November 2017

18	Lim Yi Wei	Anti-Kleptocracy Rally	16 October 2017
19	Darell Leiking	Candlelight vigil for Warisan Leaders	17 October 2017 ¹³³
20	Junz Wong		
21	Loretto Padua Jr		
22	Honorsius Bosuin		
23	Johair Marlani		
24	Munirah Majilis		
25	Jo-Anna Henley Rampas		
26	Nicholas Chak		
27	Norazmi Alimat		
28	Mentoh Aru		
29	Ng Yap Hwa	Justice for Teoh Beng Hock protest	21 October 2017
30	Tong Wai Yee	Justice for Teoh Beng Hock protest	21 October 2017 ¹³⁴

¹³² They were arrested under Section 143 and 268 of the Penal Code – Dawn Chan, ‘Jamal Yunus, 7 others arrested over beer smashing stunt’ (New Straits Times, 6 October 2017) <<https://www.nst.com.my/news/crime-courts/2017/10/287922/jamal-yunos-7-others-arrested-over-beer-smashing-stunt>> accessed 14 November 2017

¹³³ ‘Police summon 11 Warisan members for questioning’ (The Malaysian Insight, 17 October 2017) <<https://www.themalaysianinsight.com/s/18918/>> accessed 14 November 2017

¹³⁴ Both were briefly arrested – ‘Two protestors for Teoh Beng Hock nabbed outside Najib event’ (MalaysiaKini, 21 October 2017) <<https://www.malaysiakini.com/news/399034>> accessed 14 November 2017

Freedom of Movement

Apart from the restriction imposed on human rights activists from leaving the country, activists from abroad have also been barred from entering the country with reasons that were not specified clearly to those withheld.

A series of legal challenges were mounted by several activists and politicians throughout 2017. In May 2017, Maria Chin Abdullah's application for judicial review on the travel ban imposed on her was dismissed by the Kuala Lumpur High Court. The presiding judge ruled that Section 59A of the Immigration Act 1959¹³⁵ was not subject to review.¹³⁶ The court decided that the right of Malaysians to travel overseas is a privilege and not a right.

In July, Tony Pua, Member of Parliament for Petaling Jaya Utara, failed in his bid to challenge the Immigration Department director-general's decision to bar him from travelling abroad. The Court of Appeal upheld the High Court's decision and maintained that the decision for the deprivation of the right to travel freely was allowed if it was made in accordance with the law.¹³⁷ Undeterred, Zunar filed an application to challenge the same travel ban imposed upon him in October 2017.¹³⁸

The appeal by Tony Pua against the Court of Appeal decision was dismissed by the Federal Court on 6 November 2017. The Federal Court ruled that the rights under Article 5 of the Federal Constitution was only to challenge authorities for unlawful detention. Tony Pua had contended that the case merited a legal consideration as the freedom of movement of citizen out of the country was a right and not a privilege as insisted by the government.¹³⁹

Out of 622,678 Malaysians who have been barred from travelling overseas since 2010, 315,458 of them were due to failure to service their student loans under the National Higher Education Fund Corporation (PTPTN); 123,592 due to insolvency; 99,817 by the Inland Revenue Board; 65,883 by the National Registration Department; 6837 by the Employee's Provident Fund; 5,792 by the police; and 1,925 by the Customs Department.¹⁴⁰

Apart from restricting Malaysians from travelling abroad, the Immigration Department has actively prevented selected foreign activists from entering Malaysia. In 2017, Han Hui Hui, a prominent activist from Singapore was denied entry.¹⁴¹ Others included Adilur Rahman Khan, a prominent

¹³⁵ "There shall be no judicial review in any court of any act done or any decision made by the Minister or the Director General..." Section 59A Immigration Act 1959

¹³⁶ M. Mageswari, 'Court dismisses Maria Chin's bid to challenge travel ban' (The Star Online, 18 May 2017) <<https://www.thestar.com.my/news/nation/2017/05/18/court-dismisses-maria-chin-bid-to-challenge-travel-ban/>> accessed 14 November 2017

¹³⁷ Maizatul Nazlina, 'Tony Pua's appeal to challenge 2015 travel ban fails' (The Star Online, 5 July 2017) <<https://www.thestar.com.my/news/nation/2017/07/05/tony-pua-fails-travel-ban/>> accessed 14 November 2017

¹³⁸ 'Malaysia on trial as Zunar challenges travel ban' (Malaysian Insight, 13 October 2017) <<https://www.themalaysianinsight.com/s/18369/>> accessed 14 November 2017

¹³⁹ V Anbalagan, 'Tony Pua's travel ban challenge fizzle out' (Free Malaysia Today, 6 November 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/11/06/tony-puas-travel-ban-challenge-fizzles-out/>> accessed 14 November 2017

¹⁴⁰ 'Half of those barred from overseas travel are PTPTN defaulters' (Malaysian Insight, 16 July 2017) <<https://www.themalaysianinsight.com/s/7672/>> accessed 14 November 2017

¹⁴¹ 'Singaporean activist deported, barred from workshop' (FIDH, 23 June 2017) <<https://www.fidh.org/en/region/asia/malaysia/singaporean-activist-deported-barred-from-workshop>> accessed 14 November 2017

human rights lawyer and Secretary of Odhikar, a human rights organization in Bangladesh¹⁴² and the Philippines Commissioner for Human Rights, Chito Gascon.

Han Hui Hui was denied entry when she tried to enter Malaysia to take part in a youth study tour organized by SUARAM and *Innovation for Change – East Asia*. Adilur Rahman Kahn was denied entry when he tried to enter the country to attend a conference on “Abolition of the Death Penalty in Malaysia and in Asia-Pacific”.

Adilur was detained at the Kuala Lumpur International Airport. Despite being held for almost a full day, no reason for his detention was given to him. A subsequent statement by Immigration Department merely said that Adilur was one of those individuals banned from entering Malaysia.¹⁴³

A guest invited by the Human Rights Commission of Malaysia (SUHAKAM) was also not spared exclusion by the Malaysian Immigration Department. Chito Gascon was temporarily denied entry into Malaysia when he arrived to join a regional conference on Democracy in Southeast Asia organized by SUHAKAM and the Kofi Annan Foundation. The reason given for his brief detention was that he had participated in an award ceremony for Bersih 2.0 by the May 18 Foundation in 2016.¹⁴⁴

¹⁴² ‘Adilur Rahman Khan detained at Airport by Malaysian Authorities, Forced to Board Flight Back to Bangladesh’ (FLD, 20 July 2017) <<https://www.frontlinedefenders.org/en/case/adilur-rahman-khan-detained-airport-malaysian-authorities-forced-board-flight-back-bangladesh>> accessed 14 November 2017

¹⁴³ FMT Reporters, ‘Bangladeshi activist alleges harsh conditions in KLIA lockup’ (Free Malaysia Today, 23 July 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/07/23/bangladeshi-activist-alleges-harsh-conditions-in-klia-lockup/>> accessed 14 November 2017

¹⁴⁴ Sharon Tan, ‘Philippines commissioner held over Bersih do’ (Malaysian Insight, 2 September 2017) <<https://www.themalaysianinsight.com/s/13240/>> accessed 14 November 2017

Freedom of Religion

In 2016, Minister in Prime Minister Department, Jamil Khir Baharom, had said that 'liberal' groups would be monitored and may have their publications censored if they try to post on the print and electronic media.¹⁴⁵ This is paralleled with a rise in religious fundamentalism and growing extremism with news of 'extremist' beliefs appearing across sections of the community alongside a surge in the incidence of religious intolerance.

Unilateral Conversion

The issue pertaining to the unilateral conversion of minors remains unresolved despite promises by the government. The Law Reform (Marriages and Divorce) Act 1976 was supposed to resolve the issue of unilateral child through Section 88A, which ensured that a child of non-Muslim marriage cannot be converted to Islam without the consent of both parents.¹⁴⁶ However, Parliament omitted Section 88A of the bill when the Act was tabled claiming that it conflicts with provisions under the Federal Constitution. The bill was passed in August 2017 without the original amendments that could have prevented unilateral conversion.¹⁴⁷

The original amendment was intended to curtail the challenges posed by unilateral conversion of children after the separation of their parents and subsequent conversion into Islam. One of the notable cases of this is the case of M. Indira Gandhi who had fought a prolonged legal battle for the religious affiliation and the custody of her children.¹⁴⁸

Apart from the unilateral conversion of minors, there were also allegations of unilateral conversion of individuals by state authorities in 2017. In April, Momogun National Congress (MNC) told the National Registration Department (NRD) to stop changing the religious status of poor and illiterate Dusun and Murut villagers in Sabah. The president, Henrynus Amin, alleged that NRD officials are changing the religious status of illiterate and unsuspecting people without their consent.¹⁴⁹

Syariah Courts (Criminal Jurisdiction) Act Amendment (RU355)

The private bill submitted by PAS President, Abdul Hadi Awang, went through a rollercoaster ride in 2017 with the government initially expressing support for the bill before changing their mind. Towards the end of the April Parliament session, the bill was successfully tabled with the support of

¹⁴⁵ Nicholas Cheng, 'Liberal Muslims being monitored, Parliament told' (The Star Online, 17 March 2016) <<https://www.thestar.com.my/news/nation/2016/03/17/liberal-muslims-being-monitored-parliament-told/#jWfPljb7kQxtyBt8.99>> accessed 14 November 2017

¹⁴⁶ K Siladass, 'Proposed Section 88A is not unconstitutional' (Malaysiakini, 5th May 2017) <<https://www.malaysiakini.com/letters/381344>> accessed on 11th November 2017

¹⁴⁷ D. Kanyakumari, 'Law Reform Bill passed early Thursday' (The Star Online, 10 August 2017) <<https://www.thestar.com.my/news/nation/2017/08/10/unilateral-conversion-passed/>> accessed on 10th August 2017

¹⁴⁸ Yiswaree Palansamy, 'Indira Gandhi: 'I can't see a future for myself and my children'' (Malay Mail Online, 9th August 2017) <<http://www.themalaymailonline.com/malaysia/article/indira-gandhi-i-cant-see-a-future-for-myself-and-my-children#X5S0BpO59d0yJuzq.97>> accessed on 11th November 2017

¹⁴⁹ The Malay Mail, 'NRD urged to stop alleged 'paper conversion' of Sabah villagers to Islam' (The Malay Mail Online, 19 April 2017) <<http://www.themalaymailonline.com/malaysia/article/nrd-urged-to-stop-alleged-paper-conversion-of-sabah-villagers-to-islam#pbygDTZre6g5TMjo.97>> accessed on 11 November 2017

the government with the possibility that it may take over the private member's bill submitted by Hadi.¹⁵⁰

However, this did not materialize as the government retracted its support and decision claiming that "the government had reconsidered the motion after taking into account the consensus of the Barisan Nasional coalition parties."¹⁵¹ Some of the key aspects of the amendment include the option to increase the permitted maximum penalty that the Syariah court may sentence.

Religious Misconduct

In January 2017, a total of 52 unmarried individuals were detained for travelling together on motorcycles during an operation carried out by the Terengganu Religious Affairs Department (JHEAT) together with the Road Transport Department (JPJ) and the police. The operation was carried out under the Syariah Criminal Offences (Ta'zir) (Terengganu) Enactment 2001 with objective to curb "social ills".¹⁵²

In February 2017, Mohd Ridhuan Gimam and Siti Sarah Maulad Abdullah sued the Federal Territories Islamic Affairs Department (JAWI) for wrongly arresting them for *khalwat* (close proximity) despite being able to produce their marriage certificate for the officers on the scene.¹⁵³ The scuffle during his arrest had resulted in minor injuries to one of the accused.

On 26 September 2017, Wan Khairul Hayyee Wali was charged with breaching Islamic regulations by the Kelantan Islamic Religious Affairs Department (Jaheaik) for wearing shorts in public.¹⁵⁴ Wan Khairul said that he had stopped by a stall to buy burger while on his way to play futsal.¹⁵⁵

Intolerance against Minority Islamic Sects

Targeting non-Sunni Islamic schools of thought remains prevalent in Malaysia. Apart from overt discrimination by selected religious leaders or scholars, one of the more common restrictions is seen in the banning of publications by these religious minority sects. As can be seen in the chapter on freedom of expression, many of the books banned under PPPA are books that are deemed to be 'deviationist' teachings. As of 31 October 2017, Faisal Tehrani's writings and his books are still

¹⁵⁰ Melissa Darlyne Chow, 'Hadi tables bill to amend RUU 355 in Parliament' (New Straits Times, 6 April 2017) <<https://www.nst.com.my/news/2017/04/227758/hadi-tables-bill-amend-ruu-355-parliament>> accessed 14 November 2017

¹⁵¹ FMT Reporters, 'Najib calls off plan to table Hadi's bill' (Free Malaysia Today, 29 March 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/03/29/najib-calls-off-plan-to-table-hadis-bill/>> accessed 14 November 2017

¹⁵² Faiz Zainudin, 'Terengganu law does bar unwed Muslim couples on bikes, confirms lawyer' (Free Malaysia Today, 22 January 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/01/22/terengganu-law-does-bar-unwed-muslim-couples-on-bikes-confirms-lawyer/>> accessed on 11 November 2017

¹⁵³ Khairil Ashraf, 'Couple take Jawi to court over khalwat arrest' (Free Malaysia Today, 17 February 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/02/17/couple-take-jawi-to-court-over-khalwat-arrest/>> accessed on 11 November 2017

¹⁵⁴ Sira Habibu 'Muslim man who wore shorts to play futsal faces fine by Kelantan religious authorities' (The Star Online, 26 September 2017) <<https://www.thestar.com.my/news/nation/2017/09/26/muslim-man-who-wore-shorts-to-play-futsal-faces-fine-by-kelantan-religious-authorities/>> accessed 14 November 2017

¹⁵⁵ 'Kelantan religious authorities: Summonses against indecently dressed Muslims to educate' (The Star Online, 27 September 2017) <<https://www.thestar.com.my/news/nation/2017/09/27/kelantan-religious-authorities-summonses-against-indecently-dressed-muslims-to-educate/>> accessed 14 November 2017

under the list of banned publications for alleged espousing Shia teachings.¹⁵⁶ Similarly, in the case of Mustafa Akyol, his book was banned for alleged deviant teachings.¹⁵⁷

The religious authorities consider the issue of religious deviation as part of their line of duty. An officer from the Kedah Islamic Religious Affairs Department, Abdul Rahman Ismail, has asked for an investigation into the existence of an alleged deviationist movement on Pulau Tuba after a video of the movement had gone viral on social media.¹⁵⁸ In East Malaysia, the Sabah Fatwa Council has banned 22 deviant teachings which includes the teachings of the Nasrul Haq group, Tuan Haji Uyut Utun, Qadiani, Tariqah Hasaniah, Tai Tujuh group, Aliran dan Dakyah Wahabiah, Millah Abraham@Ibrahim and Hizbut Tahrir, as well as Hairi Nonchi books.¹⁵⁹

Arrests of members of the Shia community remain common in Malaysia. On 1 October 2017, the Selangor state religious authorities reportedly detained over 200 Iraqi nationals for taking part in a Shia Muslim ceremony.¹⁶⁰ The next day, Inspector-General of Police, Mohamad Fuzi Harun, commented on the matter¹⁶¹ attributing the arrest to JAIS and stating that the National Fatwa Council had issued an edict against such ceremonies.¹⁶² On 3 October, the Selangor Islamic Department (JAIS) director, Haris Kasim said that he could not comment on the matter as the investigation was being conducted by police.¹⁶³ Those arrested were reportedly released following pressure by the Iraqi authorities.¹⁶⁴

Restriction on other religious minorities

In May 2017, Universiti Utara Malaysia lecturer Kamarul Zaman Yusoff lodged a police report against Selangor speaker Hannah Yeoh for allegedly harbouring a 'Christian agenda' in her book, 'Becoming Hannah: A Personal Journey by Hannah Yeoh', which was published on January 2015. Kamarulzaman claimed that Hannah Yeoh was proselytizing to Muslims in the book. This led to 15

¹⁵⁶ FMT Reporters, 'In upcoming novel, banned author tells the story of a Malay lesbian' (20 October 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/10/20/in-upcoming-novel-banned-author-tells-the-story-of-a-malay-lesbian/>> accessed on 11 November 2017

¹⁵⁷ Sheridan Mahavera, 'Home Ministry bans books by Muslim think tank, academic' (The Malaysian Insight, 3 October 2017) <<https://www.themalaysianinsight.com/s/17029/>> accessed on 11 November 2017

¹⁵⁸ Bernama, 'Langkawi authorities ordered to investigate sect' (The Malaysian Insight, 18 October 2017) <<https://www.themalaysianinsight.com/s/19030/>> accessed on 11 November 2017

¹⁵⁹ Bernama, 'Sabah bans 22 deviant teachings' (17 October 2017) <<https://www.themalaysianinsight.com/s/18933/>> accessed on 11 November 2017

¹⁶⁰ FMT Reporters, '200 Iraqi Shias released in Selangor after pressure from Baghdad' (Free Malaysia Today, 1 October 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/10/01/200-iraqi-shias-released-after-pressure-from-baghdad/>> accessed 14 November 2017

¹⁶¹ Vanesha Shurentheran, 'IGP confirms arrest of Iraqi nationals in Shia ceremony' (Free Malaysia Today, 2 October 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/10/02/igp-confirms-arrest-of-iraqi-nationals-in-shia-ceremony/>> accessed 14 November 2017

¹⁶² Vanesha Shurentheran, 'IGP confirms arrest of Iraqi nationals in Shia ceremony' (2 October 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/10/02/igp-confirms-arrest-of-iraqi-nationals-in-shia-ceremony/>> accessed on 11 November 2017

¹⁶³ Khairil Ashraf, 'Poser over arrests of 200 Iraqi Shia Muslims' (Free Malaysia Today, 3 October 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/10/03/poser-over-arrests-of-200-iraqi-shia-muslims/>> accessed 14 November 2017

¹⁶⁴ FMT Reporters, '200 Iraqi Shias released in Selangor after pressure from Baghdad' (Free Malaysia Today, 1 October 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/10/01/200-iraqi-shias-released-after-pressure-from-baghdad/>> accessed 14 November 2017

Muslim non-governmental organizations including Jaringan Muslimin Pulau Pinang (JMPP), Ikatan Muslimin Malaysia (ISMA) and Gabungan Pelajar Melayu Semenanjung (GPMS) lodging a police report against Hannah Yeoh alleging that she was preaching Christianity to the people in the country.¹⁶⁵

In June 2017, PAS Information Chief, Nasrudin Hassan called for the banning of the 'Nations of the Golden Gate Aligning with Jerusalem's Jubilee', which he alleged was intended to promote 'Zionist Christianity' and 'Jewish culture'.¹⁶⁶ Deputy Prime Minister Ahmad Zahid Hamidi reportedly ordered the police to ban the gathering citing that it would hurt Muslims if it was allowed to be held.¹⁶⁷ With the growing pressure by various quarters, the organizers eventually called off the event.¹⁶⁸ Nasrudin Hassan further lashed out against evangelical Christians and called them threats to Muslims in his Facebook page.¹⁶⁹

In August 2017, a photo of the Atheist Republic chapter in Malaysia went viral on social media.¹⁷⁰ The deputy minister in-charge of Islamic affairs, Asyraf Wajdi Dusuki, called on JAWI to investigate the group.¹⁷¹ This was echoed by the minister in the Prime Minister's Department, Shahidan Kassim, who called for atheists to be hunted down as there are no place for them under the Federal Constitution.¹⁷²

Other Issues

In February 2017, Domestic Trade, Cooperatives and Consumerism Ministry confiscated 90 paintbrushes in Kuala Lumpur because they were allegedly made of hog's bristles while having the 'halal' logo stamped on the handle.¹⁷³ This caused mass speculation that there would be a

¹⁶⁵ Mohamed Basyir, 'Muslim NGOs lodge police report against Hannah Yeoh for preaching Christianity' (New Straits Times, 24 September 2017) <<https://www.nst.com.my/news/nation/2017/09/283586/muslim-ngos-lodge-police-report-against-hannah-yeoh-preaching>> accessed 14 November 2017

¹⁶⁶ FMT Reporters, 'PAS urges ban on 'Zionist Christian' assembly in Melaka' (Free Malaysia Today, 5 June 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/06/05/pas-urges-ban-on-zionist-christian-assembly-in-melaka/>>

¹⁶⁷ 'Zahid: Jerusalem Jubilee gathering banned' (The Star Online, 5 June 2017) <<https://www.thestar.com.my/news/nation/2017/06/05/zahid-jerusalem-jubilee-gathering-banned/>> accessed 14 November 2017

¹⁶⁸ Jane Raj, 'Organisers call off Melaka 'Jerusalem Jubilee' congregation after police reports lodged' (The Star Online, 5 June 2017) <<https://www.nst.com.my/news/nation/2017/06/246066/organisers-call-melaka-jerusalem-jubilee-congregation-after-police>> accessed 14 November 2017

¹⁶⁹ FMT Reporters, 'Nasrudin urges Muslims to resist Christian evangelism' (Free Malaysia Today, 6 June 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/06/06/nasrudin-urges-muslims-to-resist-christian-evangelism/>>

¹⁷⁰ Reuters, 'Malaysia probes atheist group after uproar over Muslim apostates' (Free Malaysia Today, 8 August 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/08/08/malaysia-probes-atheist-group-after-uproar-over-muslim-apostates/>> accessed on 11 November 2017

¹⁷¹ Bernama, 'Deputy minister: Probe underway on Muslims joining Atheist Club' (Malay Mail Online, 6 August 2017) <<http://www.themalaymailonline.com/malaysia/article/deputy-minister-probe-underway-on-muslims-joining-atheist-club#7xopoD8BzGHbm4ZI.97>> accessed on 11 November 2017

¹⁷² Kamles Kumar, 'Atheists in Malaysia should be hunted down, minister says' (Malay Mail Online, 8 August 2017) <<http://www.themalaymailonline.com/malaysia/article/atheists-in-malaysia-should-be-hunted-down-minister-says#jbmYd3mvc2jt5EZR.97>> accessed on 11 November 2017

¹⁷³ AFP, 'Malaysia seizes paintbrushes made with pig bristles labelled as 'halal'' (The Straits Times, 8 February 2017) <<http://www.straitstimes.com/asia/se-asia/malaysia-seizes-paintbrushes-made-with-pig-bristles-labelled-as-halal>> accessed 14 November 2017

nationwide raid on stores.¹⁷⁴ However, after analysis revealed that the brushes contained goat's hair the ministry returned the paint brushes to the respective stores.¹⁷⁵

In June 2017, Gopi Krishnan Gopal alleged that he had been told to convert to Islam if he wanted to continue running his canteen business in Politeknik Seberang Perai. Gopi Krishnan was the only non-Muslim operator who participated in the open tender by Politeknik Seberang Perai. He alleged that the head of administration told him that he needed to convert to Islam or he would not be able to fulfil the ISO syariah procedures.¹⁷⁶

In September 2017, a launderette service in Johor put up a sign limiting his clientele to 'Muslims Only'. This went viral on social media. In interviews, the owner stated that he was merely fulfilling his duty as a Muslim.¹⁷⁷ The Johor mufti Mohd Tahrir Samsudi commended this move saying that it prioritized cleanliness. However, following a reprimand from the Sultan of Johor, the owner relented on his policy and apologized to the Sultan and to the people of Johor.¹⁷⁸

That was not the end to the issue as well-known preacher Zamihan Mat Zin condemned the Sultan's decision. He also made disparaging remarks against the Chinese, calling them 'unhygienic' and accused them of 'not washing up after defecating and urinating'.¹⁷⁹ This led to the revocation of his preaching credentials in Selangor.¹⁸⁰

In response to his verbal spat against the Sultan of Johor and his denial of having made the derogatory statement against the Sultan despite the video of him doing so going viral, the Sultan of Johor called Zamihan a liar and decreed that the Johor Islamic Religious Department (JAINJ) should cease dealing with the Malaysian Islamic Development Department (JAKIM)¹⁸¹.

¹⁷⁴ Stephen Then, 'Ministry seizes non-halal paint brushes' (The Star Online, 10 February 2017)

<<https://www.thestar.com.my/metro/community/2017/02/10/ministry-seizes-nonhalal-paint-brushes/>> accessed 14 November 2017

¹⁷⁵ Malaysiakini, 'Ministry returns brushes to traders, pig bristles were actually goat's hair' (Malaysiakini, 31 May 2017)

<<https://www.malaysiakini.com/news/384135>> accessed on 11 November 2017

¹⁷⁶ Malaysiakini, 'I was told to convert to Islam, claims polytechnic canteen operator' (Malaysiakini, 29 June 2017)

<<https://www.malaysiakini.com/news/386962>> accessed on 11 November 2017

¹⁷⁷ The Star Online, 'Muar launderette adopts Muslims-only policy' (The Star Online, 24 September 2017)

<<https://www.thestar.com.my/news/nation/2017/09/24/muar-laundrette-adopts-muslims-only-policy/>> accessed on 11 November 2017

¹⁷⁸ Predeep Nambiar, 'Owner of Muslim-only laundrette apologises after rebuke from Johor Sultan' (Free Malaysia Today, 27 September 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/09/27/owner-of-muslim-only-laundrette-apologises-after-rebuke-from-johor-sultan/>> accessed on 11 November 2017

¹⁷⁹ The Star Online, 'Zamihan remanded over racial slur' (The Star Online, 17 October 2017)

<<https://www.thestar.com.my/news/nation/2017/10/13/zamihan-remanded-over-racial-slur-he-is-detained-for-two-days-and-will-be-investigated-under-seditio/>> accessed on 11 November 2017

¹⁸⁰ The Star Online, 'Unfazed Zamihan proclaims himself 'warrior of truth' (The Star Online, 17 October 2017)

<<https://www.thestar.com.my/news/nation/2017/10/17/unfazed-zamihan-proclaims-himself-warrior-of-truth/>> accessed on 11 November 2017

¹⁸¹ 'Johor Sultan brands Zamihan liar; cuts off Jakim' (Malay Mail Online, 14 October 2017)

<<http://www.themalaymailonline.com/malaysia/article/johor-sultan-brands-zamihan-liar-cuts-off-jakim>> accessed 14 November 2017

A similar controversy arose in in Kangar, Perlis where the owner of a self-service launderette put up a notice stating that the service of the shop was 'for Muslim use only'. Soon after, the shop owner removed the notice following the advice of the Perlis Mufti Mohd Asri Zainul Abidin.¹⁸²

In a related case, religious teacher Shahul Hamid Seeni Muhammad who is also the headmaster of Maahad Tahfiz Darul Tahzhib had used the word 'haram' to refer to Muslims who patronize hair salons run by non-Muslims in a video. He denied the allegations against him.¹⁸²

¹⁸² Adie Suri Zulkefli & Dزيyaul Afnan Abdul Rahman, 'Operator of Perlis' 'Muslims-only' launderette changes strategy after mufti's advice' <<https://www.nst.com.my/news/nation/2017/09/285522/operator-perlis-muslims-only-launderette-changes-strategy-after-muftis>> accessed on 11 November 2017

In 2017, there was substantial concern over abuses by the Election Commission on several issues.

Voter Registration

Following the decision by the Election Commission not to renew the tenure of Assistant Registrar Officers (AROs), the net total of registered voters has reportedly decreased following the closure of AROs.¹⁸³ Electoral watchdog Bersih 2.0 launched a voter registration campaign on 21 February 2017 to address the 4.4 million qualified voters who were not registered.¹⁸⁴ Statistics released by the Election Commission in August reveal that there are still 3.8 million voters who have not registered.¹⁸⁵ However, without the AROs, the registration process is severely inconvenienced.

There is also a growing concern that selected political parties are abusing the system and objecting to the legitimate registration of new voters.¹⁸⁶ The abuse was observed and documented¹⁸⁷ by Bersih 2.0 at the Election Commission office.¹⁸⁸ The observers present witnessed a group of 'objectors' who were following instructions. Member of Parliament, Ong Kian Ming also reported the same activity when he observed the process at the Election Commission's Selangor branch in April 2017.¹⁸⁹

Irregularities in Electoral Roll

Concern over phantom voters and the deliberate and systematic transfer of voters persevered in 2017. The effort to detect and identify phantom voters was frustrated by the Election Commission's decision to refuse the provision of quarterly supplementary electoral rolls in database format in soft copy with effect from the first quarter of 2017.¹⁹⁰ The issue of phantom voters was again exposed by Bersih 2.0. On 25 April, Bersih 2.0 revealed that they found an address which had 32

¹⁸³ Ong Kian Ming, 'The Election Commission Must Restore Assistant Registrar Officers (AROS) of Political Parties to Stop the Decrease in the Number of Registered Voters', (OngKianMing, 25 August 2015)

<<http://ongkianming.com/2015/08/25/press-statement-the-election-commission-must-restore-assistant-registrar-officers-aros-of-political-parties-to-stop-the-decrease-in-the-number-of-registered-voters/>> accessed 14 November 2017

¹⁸⁴ Tarrence Tan, 'Over 4 million eligible voters yet to register, says Bersih' (Free Malaysia Today, 21 February 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/02/21/over-4-million-eligible-voters-yet-to-register-says-bersih/>> accessed 14 November 2017

¹⁸⁵ Yasmin Ramlan, 'Young must vote for future of Malaysia, says Bersih 2.0' (Malaysian Insight, 1 September 2017) <<https://www.themalaysianinsight.com/s/13070/>> accessed 14 November 2017

¹⁸⁶ A. Ruban and Yiswaree Palan samy, 'Some Chinese claim blocked from registering as voter' (Malay Mail Online, 8 March 2017) <<http://www.themalaymailonline.com/malaysia/article/some-chinese-claim-blocked-from-registering-as-voters>> accessed 14 November 2017

¹⁸⁷ 'Bersih alarmed by attempts to 'disenfranchise' new voters in S'gor' (Malaysian Times, 8 March 2017) <<http://www.themalaysiantimes.com.my/bersih-alarmed-by-attempts-to-disenfranchise-voters-in-sgor/>> accessed 14 November 2017

¹⁸⁸ Tarrence Tan, 'Action to prevent voter registration stuns Bersih' (Free Malaysia Today, 8 March 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/03/08/action-to-prevent-voter-registration-stuns-bersih-2-0/>> accessed 14 November 2017

¹⁸⁹ FMT Reporters, 'Ong: EC wasting everyone's time in new voter objections' (Free Malaysia Today, 18 April 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/04/18/ong-ec-wasting-everyones-time-in-new-voter-objections/>> accessed 14 November 2017

¹⁹⁰ Bersih 2.0, 'Media Statement (16 October 2017): SPR is making a concerted effort to stop the detection of problems in the electoral roll' (Bersih, 16 October 2017) <<https://www.bersih.org/media-statement-16-october-2017-spr-is-making-a-concerted-effort-to-stop-the-detection-of-problems-in-the-electoral-roll/>> accessed 14 November 2017

names registered to it for the Bukit Baru state seat in Malacca. After investigations, Bersih 2.0 also revealed several other locations in the country with the same discrepancies.¹⁹¹

On 30 July, Jamal Yunus reportedly discovered 7,000 new voters in the Sekinchan state seat. He expressed the hope that at least 85% of the 7,000 voters would be voting for Barisan Nasional in the upcoming general elections. He also stated during the opening of Subang Umno Youth meeting that they will move voters using all methods possible even if it costs millions.¹⁹²

On 31 May 2017, MP Ong Kian Ming revealed on his blog the discovery of 28,416 voters who have been added into the electoral role using Section 14 of the Elections (Registration of Electors) Regulations 2002.¹⁹³ In October 2017, Democratic Action Party (DAP) lawmakers in Johor raised concerns over the presence of army voters in an army camp that has yet to be completed and another which has been closed down 3 years ago.¹⁹⁴ In November 2017, Bersih 2.0 discovered two additional army camps which are still under construction but have had 2,645 voters transferred into the new camps. The two camps in question are the Bera Camp in Pahang and Hutan Melintang Camp in Perak.¹⁹⁵

Re-delineation

The Election Commission carried out the second notice of its proposed re-delineation exercise for Peninsular Malaysia in March 2017 despite the stay order for the Selangor exercise by the Kuala Lumpur High Court. The Election Commission attempted to by-pass the requirements by omitting Selangor from its second notice.

In June 2017, four Johor voters challenged the Election Commission over the publication of the second notice of the proposed re-delineation exercise which excludes the state of Selangor. The challenge followed the legal challenges filed by voters in Selangor¹⁹⁶ and Malacca.¹⁹⁷ In July, the Kelantan deputy Menteri Besar also filed a case against the Election Commission in the Kota Bahru

¹⁹¹ Ho Kit Yen, 'Bersih claims 32 voters under one roof in opposition seat' (Free Malaysia Today, 25 April 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/04/25/bersih-claims-32-voters-under-one-roof-in-opposition-seat/>> accessed 14 November 2017

¹⁹² Low Han Shaun, 'Red shirts Jamal claims to have found 7,000 new voters in Sekinchan' (Malaysian Insight, 30 July 2017) <<https://www.themalaysianinsight.com/s/9061/>> accessed 14 November 2017

¹⁹³ '*...Any person who has applied to be registered in the supplementary electoral roll for any registration area for which he is qualified to be so registered may, if his name has been omitted from the supplementary electoral roll, submit a claim to the registered whom he has made the application to have his name entered in the suppletory electoral roll*'

¹⁹⁴ Wong Kai Hui, 'Army voters at uncompleted and terminated camps raise GE14 concerns' (MalaysiaKini, 31 October 2017) <<https://m.malaysiakini.com/news/400218>> accessed 14 November 2017

¹⁹⁵ Minderjeet Kaur, 'Bersih discovers 2 incomplete army camps with registered voters' (Free Malaysia Today, 7 November 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/11/07/bersih-discovers-2-incomplete-army-camps-with-registered-voters/>> accessed 14 November 2017

¹⁹⁶ Ho Kit Yen, 'EC faces third suit over proposed redelineation' (Free Malaysia Today, 8 June 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/06/08/ec-faces-third-suit-over-proposed-redelineation/>> accessed 14 November 2017

¹⁹⁷ Kelly Koh, 'Residents' challenge against EC over Malacca re-delineation exercise to be heard next week' (New Straits Times, 13 April 2017) <<https://www.nst.com.my/news/crime-courts/2017/04/230125/residents-challenge-against-ec-over-malacca-re-delineation-exercise>> accessed 14 November 2017

High Court.¹⁹⁸ In the same month, the Selangor state government managed to secure an order by the court that prevents the Election Commission from submitting the re-delineation report to the Prime Minister which excludes the state of Selangor.¹⁹⁹

The Election Commission won the appeal at the Court of Appeal.²⁰⁰ Similarly, Bersih 2.0 also expressed concerns that the objections in other states may also be ruled unfavourably against them.²⁰¹

Political Financing and Corruption

Following the issue of possible election offences in Sarawak in 2016,²⁰² the Malaysian Anti-Corruption Agency (MACC) commented on the matter of travel allowance and distribution of rice as part of the election campaign. MACC Deputy Chief Commissioner of Operations, Azam Baki, reportedly told reporters that the provision of travel allowance constitutes bribery but the provision of rice or donation to the poor folk does not constitute bribery.²⁰³

The view is a slight improvement when compared to the views of the Election Commission Chairperson, Abdul Aziz Mohd Yusof, who claimed that the practice of providing transport allowance is not considered a bribe if there are no conditions attached.²⁰⁴ The minister in the Prime Minister Department in charge of government integrity and human rights, Paul Low, moreover dismissed the suggestion by MACC and maintained that provision of travel allowance is not a form of bribery.²⁰⁵

With regards to the proposed bill to regulate political funding, Paul Low stated that the proposed legislation for legal reform in this area will not be ready before the 14th general elections.²⁰⁶

¹⁹⁸ Ida Lim, 'Kelantan deputy MB latest to sue EC, cites Selangor's absence in redelineation' (Malay Mail Online, 15 July 2017) <<http://www.themalaymailonline.com/malaysia/article/kelantan-deputy-mb-latest-to-sue-ec-cites-selangors-absence-in-redelineatio>> accessed 14 November 2017

¹⁹⁹ Alyaa Azhar, 'S'gor gets injunction to stop EC from submitting redelineation report to PM' (Malaysia Kini, 5 July 2017) <<https://www.malaysiakini.com/news/387533>> accessed 14 November 2017

²⁰⁰ 'EC wins redelioneation exercise appeal against Selangor' (Malay Mail Online, 20 July 2017) <<http://www.themalaymailonline.com/malaysia/article/ec-wins-redelineation-exercise-appeal-against-selangor>> accessed 14 November 2017

²⁰¹ Yap Pik Kuan, Muzliza Mustafa, Yasmin Ramlan, 'Court ruling disappointing, but 'expected', says Bersih' (Malaysian Insight, 30 October 2017) <<https://www.themalaysianinsight.com/s/20721/>> accessed 14 November 2017

²⁰² Lu Wei Hoong, 'Bersih unveils seven election offense in S'wak, slams 'incompetent' EC' (MalaysiaKini, 13 May 2016) <<https://www.malaysiakini.com/news/341384>> accessed 14 November 2017

²⁰³ 'MACC: Travel allowance for voters is deemed a bribe' (The Star Online, 2 September 2017) <<https://www.thestar.com.my/news/nation/2017/09/02/macc-travel-allowance-for-voters-is-deemed-a-bribe/>> accessed 14 November 2017

²⁰⁴ 'EC: Cash for transport with no conditions not a bribe' (MalaysiaKini, 26 July 2013) <<https://www.malaysiakini.com/news/236839>> accessed 14 November 2017

²⁰⁵ Sean Augustin and Minderjeet Kaur, 'Travel allowance for voters not vote buying, says Paul Low' (Free Malaysia Today, 2 September 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/09/02/travel-allowance-for-voters-not-vote-buying-says-paul-low/>> accessed 14 November 2017

²⁰⁶ Azril Annuar, 'Minister says political funding Bill won't be tabled before GE 14' (Malay Mail Online, 2 September 2017) <<http://www.themalaymailonline.com/malaysia/article/minister-says-political-funding-bill-wont-be-tabled-before-ge14>> accessed 14 November 2017

The independence of the Malaysian judiciary was dealt another blow following the appointment of Raus Sharif as the Chief Justice of Malaysia. His appointment²⁰⁷ was controversial as his service as a judge was extended on the advice of the outgoing Chief Justice, Arifin Zakaria, who left office on 31 March 2017.²⁰⁸ During its Extraordinary General Meeting in August, the Bar Council adopted a resolution outlining the concerns relating to the appointment of Raus Sharif and Zulkefli bin Ahmad Makinudin.²⁰⁹ Apart from objections by the Bar Council, Former Chief Justice Abdul Hamid Mohamad also argued that the extension of Raus Sharif was unconstitutional.²¹⁰

The Bar Council has filed for an application to challenge the constitutionality of the extension and appointment of the Chief Justice, Raus Sharif and Court of Appeal President, Zulkifli Ahmad Makinuddin. The challenges posed are on the constitutional validity of:²¹¹

- *The advice tendered by Arifin to the King on March 30 that Raus and Zulkefli be appointed as additional judges under Article 122 (1A) of the Federal Constitution.*
- *Arifin's advice to the prime minister upon being consulted as to whether Zulkefli should be appointed Court of Appeal president under Article 122B of the Federal Constitution.*
- *The announcement of Raus' appointment as an additional judge on July 7 this year while he was still a serving judge.*
- *The appointment of Raus as chief justice of the Federal Court with effect from August 4 after he had attained the mandatory retirement age of 66 years and six months.*
- *The appointment of Zulkefli as an additional judge announced on July 7 this year when he was still a serving judge.*
- *The appointment of Zulkefli as Court of Appeal president with effect from September 28 this year after attaining the mandatory retirement age of 66 years six months.*

Former Prime Minister Mahathir Mohamad tried to obtain leave to annul the appointments of the two judges. Mahathir filed for two judicial reviews in August and September respectively to revoke the appointment of the two judges. One of the applications was to compel the current Prime Minister to advise the king to revoke the appointment of the two judges and the other was to bar the two judges from performing their judicial and administrative function as their appointment was unconstitutional. On 6 November 2017, the first application was dismissed by the High Court.

²⁰⁷ 'Raus Sharif sworn in as chief justice for 3 years' (Malaysian Insight, 5 August 2017)

<<https://www.themalaysianinsight.com/s/9726/>> accessed 14 November 2017

²⁰⁸ V Anbalgan, 'Ex-CJ: My advice to make Raus, Zulkefli additional judges is legal' (Free Malaysia Today, 12 July 2017)

<<http://www.freemalaysiatoday.com/category/nation/2017/07/12/ex-cj-my-advice-to-make-raus-zulkefli-additional-judges-is-legal/>> accessed 14 November 2017

²⁰⁹ 'Resolution Adopted at the Extraordinary General Meeting of the Malaysian Bar Held at KL and Selangor Chinese Assembly Hall' (The Malaysian Bar, 3 August 2017)

<http://www.malaysianbar.org.my/malaysian_bar_s_resolutions/resolution_adopted_at_the_extraordinary_general_meeting_of_the_malaysian_bar_held_at_kl_and_selangor_chinese_assembly_hall_thursday_3_aug_2017.html> accessed 14 November 2017

²¹⁰ 'Former CJ: Further extension to Raus' tenure would be unconstitutional' (MalaysiaKini, 4 July 2017)

<<https://www.malaysiakini.com/news/387379>> accessed 14 November 2017

²¹¹ The following is quoted from Malaysian Insight – Bede Hong, 'Six questions in Bar's challenge against Raus' appointment as chief justice' (Malaysia Insight, 9 November 2017) <<https://www.themalaysianinsight.com/s/22120/>> accessed 14 November 2017

Anwar Ibrahim has also filed for a review of the decision on his civil suit on similar grounds. The challenge on his civil suit was on the grounds that the three-man bench chaired by the Court of Appeal President was illegally constituted as his appointment was unconstitutional.²¹²

²¹² V Anbalagan, 'Anwar files for review saying bench illegal constituted' (Free Malaysia Today, 10 November 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/11/10/anwar-files-for-review-saying-bench-illegally-constituted/>> accessed 14 November 2017

Gender & Sexuality

By and large, the discussion of LGBTIQ and the acknowledgement of the community remains a controversial topic in Malaysia. The social stigma attached to LGBTIQ merely feeds into the legitimization and condoning of harassments against the community and those identified or affiliated with them.

In April 2017, the law against sexual offences was strengthened by the government: Section 377CA of the Penal Code was expanded to make it an offence to insert any object or part of the body other than the penis into the victim's private parts. While the amendment is in line with the introduction of the Sexual Offence against Children Act 2017,²¹³ there is concern that the sections amended in the Penal Code are part of the laws that restrict consensual 'non-conforming' sexual acts.

In May 2017, an online news website singled out an activist, Muhammad Afiq Mohamad Noor, and posted a series of alleged quotes that were taken from him in a forum some years ago. The posting resulted in personal threats against the activist by unidentified individuals who harassed him and his family members at his home.

In the same month, a student-organized LGBT event at a private university titled 'Courage in the Face of Adversity' in conjunction with Pride Month had to be cancelled. The said university later said that they did not cancel the event but that the organiser had failed to obtain the prior approval from the management. They also stressed that the decision was made by the management without pressure from any party or community.²¹⁴

Following a programme²¹⁵ in June 2017, a pride event was highlighted by the same website which had focused on Muhammad Afiq. The posting singled out another activist who was identified as the organizer of the event. Throughout the month, the website continued its attacks against the LGBTIQ community and singled out activists who had supported the LGBTIQ movement.

In July 2017, the screening of a Vietnamese film, "Hot Boy Noi Loan va Cau Chuyen ve Thang Cuoi" (Lost in Paradise) was cancelled by the organizers following protest by Jaringan Muslimin Pulau Pinang and Gabungan Perwakilan Melayu Pulau Pinang. While the protest did not garner much public support, organizers cancelled the screening after its promotion on Facebook created controversy and negative feedback.²¹⁶

In August 2017, Jaringan Melayu Malaysia Wilayah Persekutuan (JMMWP) lodged a complaint to the Federal Territory Islamic Religious Department (JAWI) against Marina Mahathir for allegedly supporting the LGBT group.²¹⁷ Her supposed support for the community was based on her 'liking' a

²¹³ Martin Carvalho & Others, 'Sexual assault laws to be made clear' (The Star Online, 5 April 2017) <<https://www.thestar.com.my/news/nation/2017/04/05/sexual-assault-laws-to-be-made-clear-penal-code-to-be-amended-to-avoid-ambiguity-and-injustice-due-t/>> accessed 14 November 2017

²¹⁴ 'University under fire over cancelled LGBT event' (MalaysiaKini, 14 November 2017) <<https://www.malaysiakini.com/news/382610>> accessed 14 November 2017

²¹⁵ Big Gay Iftar

²¹⁶ Predeep Nambiar, 'Poor turnout for protest against penangpac 'gay movie' screening' (Free Malaysia Today, 12 July 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/07/12/poor-turnout-for-protest-against-penangpac-gay-movie-screening/>> accessed 14 November 2017

²¹⁷ 'Jawi urged to probe Marina Mahathir over LGBT 'like'' (Sin Chew, 2 August 2017) <<http://www.mysinchew.com/node/118101>> accessed 14 November 2017

twitter post,²¹⁸ which had mentioned that the recognition of LGBT couples is good as they can adopt children abandoned by straight couples.²¹⁹

In September 2017, Minister in the Prime Minister Department, Jamil Khir Baharom stated in Parliament that all quarters must work with the enforcement authorities to curb the repeat of the 'Big Gay Iftar'. The minister described the programme as an unhealthy culture and highlighted the need for all parties to cooperate to prevent the spread of such culture.²²⁰

On 21 September 2017, Deputy Prime Minister Zahid Hamidi responded to a claim that there would be a gay party organized in Kuala Lumpur on 30 September 2017 and said that instructions were given to the police not to approve the gathering. The supposed organizer of the programme denied any intention to organize a 'White Party Bangkok'²²¹ in Malaysia and stated that they had no intention of bringing the event to Malaysia.

In Penang, a symposium on transgender was organized by lawmakers and NGOs. It was also attended by the Royal Malaysian Police and the state religious authorities which facilitated an exchange of views and concerns between stakeholders on the matter.²²² A group of lawmakers in the state led by Teh Yee Cheu attempted to publish the finding of the symposium as an official document in the state assembly as a first step for the state to recognize the community.²²³ The findings of the symposium contain three recommendations which include: access to medical facilities, gender-neutrality in washroom, public utilities and issues with law enforcement.²²⁴

²¹⁸ 'Kumpulan Melayu mahu Jawi siasat Marina keran asokong LGBT' (Malaysian Insight, 2 August 2017) <<https://www.themalaysianinsight.com/bahasa/s/9404/>> accessed 14 November 2017

²¹⁹ Loose translation from original – '*Kalau iktiraf pasangan LGBT kan bagus, boleh adopt ank-anka yang dibuang straight couple ni.*'

²²⁰ 'Jamil: Cooperate with authorities to prevent repeat of 'big gay iftar' (MalaysiaKini, 8 September 2017) <<https://www.malaysiakini.com/news/394459>> accessed 14 November 2017

²²¹ A gay dance music festival organized in Bangkok - <http://whitepartybangkok.com/about/>

²²² 'Transgender Symposium on Arrest and Detention'
<http://tanjongbunga.com/content/display/article/site:tanjongbunga-param:transgender_symposium_on_arrest_and_detention-link:7126> accessed 14 November 2017

²²³ Opalyn Mok, 'At Penang assembly, reps fight for rights of transgender community' (Malay Mail Online, 10 November 2017) <<http://www.themalaymailonline.com/malaysia/article/at-penang-assembly-reps-fight-for-rights-of-transgender-community>> accessed 14 November 2017

²²⁴ Predeep Nambiar, 'Publish findings on transgenders in assembly papers, urge Penang reps' (Free Malaysia Today, 10 November 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/11/10/publish-findings-on-transgenders-in-assembly-papers-urge-penang-reps/>> accessed 14 November 2017

National Human Rights Commission of Malaysia (SUHAKAM)

The Human Rights Commission of Malaysia (SUHAKAM) has gone through a year of recovery following the financial restrictions imposed upon it in 2016 and with newly appointed commissioners.

In 2017, SUHAKAM was able to resume its operation at full capacity after the restoration of its budget. Unfortunately, this did not bring substantive changes in the recognition of SUHAKAM's role and contribution by the government. Parliament continues with its unenviable record of not debating SUHAKAM's annual report and findings. SUHAKAM's recommendation for the review of its founding law was similarly disregarded by the government and Parliament.

During the debate over the tabling of the SOSMA renewal in Parliament in April 2017,²²⁵ Deputy Home Minister Nur Jazlan claimed that SUHAKAM had visited and approved the state of affairs in detention under security laws. This raised the old concern that SUHAKAM is being treated as a convenient rubber stamp and misrepresented when it is politically convenient for the government to do so.²²⁶ The misrepresentation of SUHAKAM's stance is not a new development as a similar practice was observed in 2015 when the issue of SUHAKAM's budget cut was in the news.

As noted in SUHAKAM's Annual Report 2016, the Commission shared that in some circumstances, there was 'confusion' within government agencies with regard to SUHAKAM's inquiry into human rights violations. For example, letters sent by SUHAKAM highlighting their concern over the use of POCA in selected cases was perceived by the Ministry of Home Affairs as representing that of the detainees under Section 19A(4) of POCA.²²⁷

Complaints and Responses

Interventions by SUHAKAM in 2017 have been effective to some extent. At crucial junctures, SUHAKAM has mitigated further abuses in selected cases especially those relating to chain remand and police brutality. Unfortunately, these interventions have not been enough to put an end to the practice of chain remand. Inquiries by SUHAKAM on complaints by victims of human rights violations have in some cases galvanized actions by the police and reopened investigations into previously dismissed cases. While this does not guarantee any sort of reprieve for the victims or criminal action taken against perpetrators, it does show that SUHAKAM's interventions can have some impact.

Complaints lodged by members of the public are accepted and processed with request for meetings by family members usually granted if necessary. Requests for monitors and observers are also fulfilled by SUHAKAM. While the overall performance is commendable, there were several incidents when SUHAKAM failed to perform which, in some cases, resulted in dire repercussions.

²²⁵ Ida Lim, 'Home Minister seeks to extend Sosma detention clause for another five years' (Malay Mail Online, 29 March 2017) <<http://www.themalaymailonline.com/malaysia/article/home-minister-seeks-to-extend-sosma-for-another-five-years>> accessed 14 November 2017

²²⁶ Hansard 4 April 2017 < [http://www.parlimen.gov.my/files/hindex/pdf/DR-04042017%20\(2\).pdf](http://www.parlimen.gov.my/files/hindex/pdf/DR-04042017%20(2).pdf) >

²²⁷ '*...and every such person shall be entitled to make representation to an Advisory Board...*' – POCA <<http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Act%20297%20-Diluluskan%2030112015.pdf>>

In the case of T. Benedict,²²⁸ the wife of the deceased submitted a complaint to SUHAKAM requesting immediate intervention. Unfortunately, the complaint was set aside and was not addressed. SUHAKAM's intervention could have prevented T. Benedict's demise.

Public Inquiry into enforced disappearances

Following complaints lodged by family members of missing individuals and various civil society groups, SUHAKAM established a public inquiry into the allegations of enforced disappearances and police misconduct relating to the investigation of the 4 individuals who were kidnapped or have gone missing.

The public inquiry sought to determine whether the cases of kidnapping and disappearance of Raymond Koh, Amri Che Mat, Joshua and Ruth Hilmy are cases of enforced disappearances as defined under the International Convention for Protection of all Persons from Enforced Disappearances or are cases of involuntary disappearance in breach of criminal, civil or human rights law.²²⁹ As of 31 October 2017, the inquiry is still on-going.

²²⁸ Refer to Chapter 2 on custodial death

²²⁹ 'Press Statement No.41 of 2017: SUHAKAM's Public Inquiry into the Incidents of Disappearances of Individuals' (SUHAKAM, 5 October 2017) <<http://www.suhakam.org.my/press-statements-no-41-of-2017-suhakams-public-inquiry-into-the-incidents-of-disappearances-of-individuals/>> accessed 14 November 2017

Indigenous People's Rights

The struggle of the indigenous peoples in Malaysia over the recognition of customary lands in Perak, Sabah and Sarawak, the incursion of logging operations in Kelantan and the legal tussle in Johor continued in 2017.

Kelantan

On 17 January 2017, the Indigenous peoples' community in Pos Balar managed to secure a decision against the logging company operating in Kelantan. The presiding magistrate ruled that the Orang Asli have legal possession of the land and have the right to stop loggers from operating on their land.²³⁰

However, the victory on legal ownership was short lived as a few days later the blockade against the logging company by the community at Simpang Petai, Gua Musang was demolished. On 23 January, 30 Kelantan Forestry Department (KFD) personnel reportedly broke through and demolished the barricade and arrested 5 of the community members who were present.²³¹

On 24 January, 16 community members and 2 journalists were detained during the dismantling of another barricade in Gua Musang.²³² The community members were released immediately after the dismantling but the 2 journalists who were engaged with Channel News Asia to film a documentary on deforestation in Kelantan were taken away by the forestry department. They were investigated²³³ under Section 47(1) of the National Forest Enactment 1968.²³⁴

A few days later, the community rebuilt the blockade at Gua Musang and suffered the same fate. On 6 February 2017, vehicles bearing the forestry department logo approached the barricade and proceeded to dismantle the barricade with machetes before two bulldozers pushed aside the blockade. The blockade and a traditional hall built by the community was also set ablaze.

In April 2017, the Temiar Orang Asli community in Pos Belatim was finally named official owners of 1,300 hectares of their customary land near Gua Musang after a long legal battle that started in 2011.²³⁵ The High Court Judge also ordered the state government to gazette the land as the customary land of the Temiar. The community first discovered that part of their customary land had been contracted out to private company by the Kelantan state government in 2011.

²³⁰ Tarrence Tan, 'Court quashes bid to log on Orang Asli land' (FMT News, 17 January 2017)

<<http://www.freemalaysiatoday.com/category/nation/2017/01/17/court-quashes-bid-to-log-on-orang-asli-land/>> accessed 11 November 2017

²³¹ <http://www.freemalaysiatoday.com/category/nation/2017/01/23/logging-blockade-destroyed-5-orang-asli-held-in-kelantan/>

²³² <http://www.freemalaysiatoday.com/category/nation/2017/01/24/two-journalists-16-orang-asli-arrested-in-gua-musang/>

²³³ <https://www.nst.com.my/news/2017/01/206972/foreign-journalists-detained-trespassing-gua-musang-forest-reserve>

²³⁴ 'No entry into closed forest with certain exception'

²³⁵ Sharifah Mahsinah Abdullah, 'Justice for Temiars: Gua Musang territory named "customary land" of Orang Asli' (New Straits Times, 23 April 2017)

<<https://www.nst.com.my/news/nation/2017/04/233277/justice-temiars-gua-musang-territory-named-customary-land-orang-asli>> accessed 11 November 2017

In response to the violence and threats against the community, the community staged two protests and handed over their memoranda to the Peninsula Forestry Department²³⁶ and Kelantan Forestry Department.²³⁷

Johor

In 2015, the High Court in *Sangka Chuka & Anor V. Pentadbir Tanah Daerah Mersing, Johor & Ors* recognised the customary rights of Jakun Orang Asli of 15,000 acres land which forms part of the Endau-Rompin National Park. The court also held that the eviction notice served on the Orang Asli was flawed and defective. The case is now in the court of appeal. The hearing of the case had been adjourned for the third time and this time the judge gave her opinion before hearing the full merit of the case.²³⁸ This caused unease among the applicants as the judge has revealed her position on the case before hearing the merit of the case.²³⁹

Perak

A group of Orang Asli in Kampung Ralak threatened to set up a blockade as heavy logging in their ancestral has been going on for years, destroying their burial ground and their livelihood.²⁴⁰ Representatives from four villages in Pos Piah jointly submitted a memorandum to the *Menteri Besar* of Perak asking for his intervention into the logging activities and also requesting the logging activity in their area to be reviewed.²⁴¹

Sabah

The Sabah Forest Development Authority (SAFODA) and its joint venture firm Acacia Forest Industries Sdn Bhd's attempt to evict hundreds of villagers in Pitas district of Sabah using summary procedure was dismissed by the High Court.²⁴² The court held that the proper procedure to seek an eviction is through a full trial hearing as this is not a plain and obvious situation where the villagers are trespassers.

Sarawak

²³⁶ Faiz Zainudin, 'Kelantan Orang Asli stage protest march in KL' (FMT News, 15 February 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/02/15/kelantan-orang-asli-stage-protest-march-in-kl/>> accessed 11 November 2017

²³⁷ 'Gua Musang Orang Asli object to logging activities' (The Star Online, 17 August 2017) <<https://www.thestar.com.my/news/nation/2017/08/17/kelantan-forestry-department-given-seven-days-to-stop-logging-activities/#>> accessed 11 November 2017

²³⁸ 238

²³⁹ 'Malaysia: Court adjourns Appeal but gives an 'opinion'' (IPHRD Network, 13 October 2017) <<http://iphrddefenders.net/malaysia-court-adjourns-appeal-but-gives-an-opinion/>> accessed 17 November 2017

²⁴⁰ Joshua Lim and Patrick Lee, 'Orang Asli in Perak threaten blockade' (The Star Online, 9 Jun 2017) <<https://www.thestar.com.my/news/nation/2017/06/09/orang-asli-in-perak-threaten-blockade/>> accessed 11 November 2017

²⁴¹ Nuradzimmah Daim and Farah Suhaidah Othman, 'Gov't welcomes meeting with Orang Asli on logging activity in Sg Siput' (new Straits Times, 22 August 2017) <<https://www.nst.com.my/news/government-public-policy/2017/08/271286/govt-welcomes-meeting-orang-asli-logging-activity-sg>> accessed 11 November 2017

²⁴² Ruben Sario, 'Pitas villagers win reprieve after High Court dismisses eviction bid' (The Star Online, 7 September 2017) <<https://www.thestar.com.my/news/nation/2017/09/07/pitas-villagers-win-reprieve/>> accessed 11 November 2017

In three different court cases, the Federal Court ruled in favour of the Sarawak Forestry Department and Land Custody and Development Authority (LCDA).

In March, natives from Kelabit, Lun Bawang and Penan tribes lost their native customary right (NCR) to the Sarawak Forestry Department, the state government and four timber companies.²⁴³ The court ruled that because six natives from the three tribes had resettled to another area, they could no longer claim their right to the NCR land.

The Dayak suffered a loss after two decades of legal battle when the Federal Court agreed with the state government and LCDA that the Sarawak Land Code protects the indefeasibility of the lease title, i.e. the lease title cannot be defeated even if it is shown NCR had been created over the land.²⁴⁴ However, the apex court ordered the state government and the superintendent of the Lands and Survey Department Samarahan division to pay compensation.

The third court case involved the Ibans losing their land to palm oil development companies. The court recognised the 600ha of disputed land was NCR land owned by the Orang Asal. However, it ruled that the agreement between the state government and the developer is held to be valid even though the natives to the NCR did not consent to the development project.²⁴⁵ The judge also ordered the authorities to regularise the compulsory acquisition of the NCR lands from the landowners and a local inquiry to be held to identify the rightful owners who are to be paid compensation.

²⁴³ Hafiz Yatim, 'Natives lose NCR land case against S'wak Forestry Dept' (Malaysiakini, 15 March 2017) <<https://www.malaysiakini.com/news/375783>> accessed 11 November 2017

²⁴⁴ Desmond Davidson, 'Dayaks lose NCR land to plantation firms after 20-year legal fight. (The Malaysian Insight. 13 October 2017) <<https://www.themalaysianinsight.com/s/18395/>> accessed 11 November 2017

²⁴⁵ Hafiz Yatim, 'Ibans lose NCR land case against S'wak gov't in apex court' (Malaysiakini, 7 November 2017) <<https://www.malaysiakini.com/news/401126>> accessed 11 November 2017

Refugees and Asylum Seekers

Described as the “world’s most persecuted minority”, the Rohingyas have been facing an ongoing violence against them in Myanmar for years. The latest exodus began on August 25 after alleged Rohingya insurgents armed with knives and home-made bombs attacked more than 30 police posts in the northern Rakhine state. The attacks led to a security crackdown by Myanmar security forces.²⁴⁶ Since the start of the security forces retaliation, more than half a million Rohingyas have fled Myanmar.²⁴⁷

Similar to the boat people crisis in recent years, the large numbers of Rohingyas forced to seek refuge in neighboring countries makes this not merely a domestic problem but an international one. As of end May 2017, there were 150,204 refugees and asylum-seekers registered with UNHCR in Malaysia, a small increase compared to 149,500 reported earlier this year. Of this number, 94,361 were refugees while the remaining 55,843 were asylum seekers. 133,725 of these are from Myanmar while 16,479 are from other countries, including 3,548 Pakistanis, 2,328 Sri Lankans, 2,095 Yemenis, 2,062 Somalis, 1,980 Syrians, 1,461 Iraqis, 1,082 Afghans, 698 Palestinians, and 440 Iranians.²⁴⁸

Despite the fact that Malaysia is still not a signatory to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol which grants rights for refugees and asylum seekers, the Malaysian government has made notable efforts in advocating for the Rohingyas and taking a stand on the issue at the regional and global levels. In December last year, the Malaysian Prime Minister Najib Razak himself led a protest against what he called a “genocide” of the Muslim Rohingya minorities in Myanmar. He also said that the persecution of the Rohingya is an insult on Islam.²⁴⁹

On 1 March 2017, the government initiated a pilot program to allow 300 Rohingya United Nations High Commission for Refugees (UNHCR) card holders to work legally in Malaysia. The selected refugees would have to pass security and health screening before being allowed to enter the country’s workforce and they would be assigned to selected companies in the plantation and manufacturing sectors.²⁵⁰ The purpose of this project is to address the human trafficking issue and to prevent the exploitation of Rohingyas as forced labour and illegal workers in the country. Moreover, this project would reportedly allow refugees in Malaysia to improve their own protection and self-reliance.²⁵¹

²⁴⁶ ‘Myanmar: What sparked latest violence in Rakhine?’ (BBC News, 19 September 2017)

<<http://www.bbc.com/news/world-asia-41082689>> accessed 14 November 2017

²⁴⁷ ‘Rohingya emergency’ <<http://www.unhcr.org/en-my/rohingya-emergency.html>> accessed 14 November 2017

²⁴⁸ Farhana Syed Nokman, ‘More than 150,000 UNHCR – registered refugees, asylum-seekers in Malaysia’ (New Straits Times, 26 July 2017) <<https://www.nst.com.my/news/nation/2017/07/260905/more-150000-unhcr-registered-refugees-asylum-seekers-malaysia>> accessed 14 November 2017

²⁴⁹ Eileen Ng, ‘Malaysia’s prime minister leads protest against ‘genocide’ against Muslims in Rohingya’ (The Independent, 4 December 2016) <<http://www.independent.co.uk/news/world/genocide-of-rohingya-burma-aung-san-suu-kyi-malaysian-pm-najib-razak-leads-protest-against-a7454656.html>> accessed 14 November 2017

²⁵⁰ Haikal Jalil, ‘Pilot project to allow Rohingya UNHCR card holders work legally to begin from March: Zahid’ (The Sun Daily, 2 February 2017) <<http://www.thesundaily.my/news/2148173>> accessed 14 November 2017

²⁵¹ Melissa Goh, ‘Rohingya refugee to be allowed to work in Malaysia from March’ (Channel News Asia, 2 February 2017) <<http://www.channelnewsasia.com/news/asiapacific/rohingya-refugees-to-be-allowed-to-work-in-malaysia-from-march-7538444>> accessed 14 November 2017

On 8 September 2017, the UMNO Youth staged two protests. The first was held in front of the United Nations' Malaysian headquarters in Jalan Dungun, Damansara Heights at 10am and the second was held in front of the Myanmar Embassy at 3pm.²⁵² In the first protest, a memorandum of demands was submitted to the United Nations urging them to put an end to the escalating violence in Myanmar's Rakhine state.²⁵³ On 9 September 2017, Prime Minister Najib Razak sent off a humanitarian mission to Bangladesh comprising of 12 personnel from the Armed Forces after the Defence Ministry had received permission from the Bangladeshi government to deliver aid directly to the refugees. Twelve tonnes of canned food, rice, biscuits, milk powder, hygiene products and water purification tablets were transported.²⁵⁴

The government also broke ASEAN norms on this matter by disassociating Malaysia from the ASEAN Chairman's Statement on the crisis in Myanmar's Rakhine state. Foreign Minister Anifah Aman said that the statement is a "misrepresentation of the reality of the situation."²⁵⁵ He also said that the statement was not based on consensus and that it did not identify the Rohingya as one of the affected communities.²⁵⁶ The Foreign Minister said he has given up hope on ASEAN and will continue to raise the plight of the Rohingyas at the United Nations and Organisation of Islamic Cooperation (OIC).²⁵⁷ During his speech in the Annual Coordination Meeting of OIC foreign ministers held on the sidelines of the 72nd Session of the United Nations General Assembly, Anifah urged OIC members to stand together in condemning the heinous and abhorrent acts of violence and terrorism in all forms and manifestations. Through their involvement in resolving this conflict, he hopes to contribute to the security and stability in the region.²⁵⁸

Although the Malaysian government has made substantial efforts in dealing with the Rohingya crisis internationally, their actions on the domestic front have been contradictory and led to skepticism by civil societies and the Rohingya community in Malaysia. On August 30, some 1,500 protesters demonstrated near Jalan Tun Razak in Kuala Lumpur to hand over a memorandum to the Myanmar

²⁵² Veena Babulal, 'Two demos to protest atrocities against Rohingya in KL on Friday – Khairy Jamluddin' (New Straits Times, 8 September 2017) <<https://www.nst.com.my/news/nation/2017/09/277430/two-demos-protest-atrocities-against-rohingya-kl-friday-khairy-jamaluddin>> accessed 14 November 2017

²⁵³ 'Umno Youth Wing urges UN to resolve Rohingya crisis' (The Straits Times, 8 September 2017) <<http://www.straitstimes.com/asia/se-asia/two-demonstrations-in-support-of-myanmars-rohingya-to-be-held-in-malaysia>> accessed 14 November 2017

²⁵⁴ Fernando Fong, 'Humanitarian mission: Aid to reach Rohingya today' (New Straits Times, 9 September 2017) <<https://www.nst.com.my/news/nation/2017/09/277953/humanitarian-mission-aid-reach-rohingya-today>> accessed 14 November 2017

²⁵⁵ 'Wisma Putra: Asean Chairman's statement on Rohingya crisis a 'misrepresentation of the situation' (The Star Online, 24 September 2017) <<https://www.thestar.com.my/news/nation/2017/09/24/asean-chairman-statement-malaysia-stance/>> accessed 14 November 2017

²⁵⁶ NST, Malaysia calls ASEAN chairman's statement on Rakhine a 'misrepresentation of the reality' (New Straits Times, 24 September 2017) <<https://www.nst.com.my/news/nation/2017/09/283630/malaysia-calls-asean-chairmans-statement-rakhine-misrepresentation>> accessed 14 November 2017

²⁵⁷ 'Malaysia to keep raising Rohingya plight at the United Nations, OIC' (The Sun Daily, 6 September 2017) <<http://www.thesundaily.my/news/2017/09/06/malaysia-keep-raising-rohingya-plight-united-nations-oic>> accessed 14 November 2017

²⁵⁸ 'Rohingya still need our help, Anifah tells OIC' (The Star Online, 24 September 2017) <<https://www.thestar.com.my/news/nation/2017/09/24/rohingya-still-need-our-help-anifah-tells-oic/>> accessed 14 November 2017

Embassy to protest against the atrocities and killing of Rohingya Muslims in Myanmar.²⁵⁹ What started off as a peaceful rally ended in the arrest of forty-four Rohingyas for allegedly holding an illegal protest gathering.²⁶⁰ Furthermore, the police also prevented the Rohingyas protestors from entering the area of the Embassy, forcing them to gather outside the vicinity.

Some quarters have also highlighted these contradiction by the Malaysian government when the Prime Minister Najib Razak has focused only on the killing of Muslims in Myanmar while completely ignoring the inter-Muslim bloodletting in other nations such as Afghanistan, Iraq, Pakistan, Somalia, Sudan, Syria, Yemen as well as the persecution of Shia Muslims in Malaysia.²⁶¹

²⁵⁹ Faisal Asyraf, '44 Rohingya protestors nabbed over illegal rally' (New Straits Times, 30 August 2017) <<https://www.nst.com.my/news/nation/2017/08/274717/44-rohingya-protestors-nabbed-over-illegal-rally>> accessed 14 November 2017

²⁶⁰ 'Dozens of Rohingyas arrested after protest against Myanmar embassy (Video)' (Malay Mail Online, 30 August 2017) <<http://www.themalaymailonline.com/malaysia/article/dozens-of-rohingyas-arrested-after-protest-against-myanmar-embassy#LujZGzHbeKzzwBvd.97>> accessed 14 November 2017

²⁶¹ FMT Reporters, 'Myanmar Bloodletting: Malaysia and OIC are hypocrites says report' (Free Malaysia Today, 12 September 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/09/12/myanmar-bloodletting-malaysia-and-oic-are-hypocrites-says-report/>> accessed 14 November 2017

Death Penalty

The amendments to the mandatory death penalty under the Dangerous Drugs Act 1952 remains elusive throughout 2017 with sporadic discussion surfacing on several occasions. There have been discussions on various fronts but there is no sign of the tabling of the amendment.

In a reply to Parliament in August 2017, Minister Azalina Othman Said revealed that the cabinet has unanimously agreed to allow judges to impose an appropriate penalty on drug traffickers instead of the mandatory death sentence under Section 39B of the Dangerous Drugs Act 1952.²⁶²

Known Executions in 2017

Name	Crime	Date of Execution
Rames Batumalai	Murder – Section 302 Penal Code	15 March 2017
Suthar Batumalai	Murder – Section 302 Penal Code	15 March 2017
Yong Kar Mun	Section 3 of the Firearms Act (Increased Penalties) 1971	24 May 2017
Unknown	Murder – Section 302 Penal code	24 May 2017

The execution of the Batumalai brothers left their family in shock as they were in the midst of applying for clemency when they were executed on 15 March 2017. The two brothers were convicted of murder in April 2010. They were first scheduled to be executed on 24 February 2017 but were spared the gallows following a clemency application that was submitted to the Negri Sembilan Pardons Board. The application of clemency did not stop the subsequent execution date.²⁶³

The practice of ‘last-minute’ notice for visits by the prison authorities continues to be practiced in 2017. In 2016, the families of the 3 executed men, Gunasegar Pitchaymuthu, Ramesh Jaykumar and his brother Sasivarnam Jayakumar were given notice to visit their family members only two days prior to the execution. In 2017, Yong Kar Mun’s family was given the same treatment with notice given to the family on 22 May 2017.

The case of a South Korean student also raised concern about the integrity and reliability of the criminal justice system with regards to drug offences which carries the mandatory death penalty. On 5 October 2017, Kim Yun-Soung who was pursuing a degree in Malaysia was acquitted of the charge against him under Section 39B of the Dangerous Drugs Act 1952. The Inspector in charge of the investigation who was the most crucial witness out of the 4 witnesses for the case blatantly lied

²⁶² Minderjeet Kaur, ‘Cabinet agrees to amend death penalty for drug traffickers’ (Free Malaysia Today, 7 August 2017) <<http://www.freemalaysiatoday.com/category/nation/2017/08/07/cabinet-agrees-to-amend-death-penalty-for-drug-traffickers/>> accessed 14 November 2017

²⁶³ Rashvinjeet S. Bedi, ‘Malaysian Prabakaran executed in Singapore’ (The Star Online, 14 July 2017) <<https://www.thestar.com.my/news/nation/2017/07/14/malaysian-prabakaran-executed-in-singapore/>> accessed 14 November 2017

to the court and only revealed that he was lying when confronted with irrefutable evidence.²⁶⁴ Kim was remanded for a year before his trial.

Malaysian Executed Abroad

Malaysia based NGOs and civil society attempted to stall the execution of S. Prabakaran, a Malaysian who was found guilty of smuggling a form of pure heroin into Singapore in April 2012. Appeals were made to the Singaporean government on behalf of Prabakaran²⁶⁵ from both sides of the causeway while lawyers based in Malaysia attempted to convince the Malaysian government to intervene and refer Singapore to the International Court of Justice (ICJ) on the grounds that they were denied a fair trial.

Attempts pleading for clemency and to compel the Malaysian government to act were unsuccessful. The application to the Kuala Lumpur High Court for leave for judicial review on behalf of S. Prabakaran and another was dismissed.²⁶⁶ On the morning of 14 July 2017, S. Prabakaran was executed in Changi Prison.²⁶⁷

²⁶⁴ Sarban Singh, 'S.Korean student freed on drug charge' (The Star Online, 5 October 2017) <<https://www.thestar.com.my/news/nation/2017/10/05/s-korean-student-freed-of-drug-charge-judge-acquits-20yearold-after-police-officer-admits-he-lied-in/>> accessed 14 November 2017

²⁶⁵ 'NGOs appeal to Singapore to spare Malaysian on death row' (The Straits Times, 24 January 2017) <<http://www.straitstimes.com/asia/se-asia/ngos-appeal-to-singapore-to-spare-malaysian-on-death-row>> accessed 14 November 2017

²⁶⁶ S Tamarai Chelvi, 'Court dismisses judicial leave application by two Msians facing death row in Singapore' (The Sun Daily, 24 March 2017) <<http://www.thesundaily.my/news/2205269>> accessed 14 November 2017

²⁶⁷ Rashvinjeet S. Bedi, 'Malaysian Prabakaran executed in Singapore' (The Star Online, 14 July 2017) <<https://www.thestar.com.my/news/nation/2017/07/14/malaysian-prabakaran-executed-in-singapore/>> accessed 14 November 2017