

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Are there any reports of licensing bodies requiring Muslim shareholders or Muslim names for businesses?**
- 2. Some reports indicate that there might have been two protests at the High Commission - one on 11 November and one on 25 November 2007. Please provide any reports on the bodies involved in those protests, the reasons for the protest and the repercussions for those involved?**

RESPONSE

- 1. Are there any reports of licensing bodies requiring Muslim shareholders or Muslim names for businesses?**

The US Department of State report on human rights practices in Malaysia for 2007 indicates that “[t]he constitution defines all ethnic Malays as Muslims and stipulates that Islam is the official religion.” The report also indicates that “[t]he constitution provides for equal protection under the law and prohibits discrimination against citizens based on sex, religion, race, descent, or place of birth. However, the constitution also provides for the “special position” of ethnic Malays and the indigenous groups of the eastern states of Sabah and Sarawak (collectively, bumiputras), and discrimination based on this provision persisted. Government policies and legislation gave preferences to bumiputras in housing, home ownership, awarding of government contracts and jobs, educational scholarships, and other areas. Nonbumiputras regularly complained about these preferences, arguing that government subsidies for disadvantaged persons should be dispensed without regard to race.” The report also indicates that the “extensive preferential programs designed to boost the economic position of bumiputras... limited opportunities for nonbumiputras in” areas including

“business permits and licenses”. According to Malaysia’s government, the “programs were necessary to ensure ethnic harmony and political stability. Ethnic Indian citizens, who did not receive such privileges, remained among the country’s poorest groups” (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Malaysia*, March, Sections 2(c) & 5 – Attachment 1).

An article dated 30 November 2007 on the South Asia Human Rights Documentation Centre (SAHRDC) website notes that “[t]he source of marginalisation and discrimination in Malaysia today can be traced directly back to independence, which brought with it the recognition of a raft of special rights for the Malay population. These rights covered most aspects of life: from property ownership (special land rights) to employment (rights in relation to admission to public services and issuance of licences to operate particular businesses) and education (the right to scholarships and bursaries), Malays had preferential treatment.” The article refers to “the New Economic Policy (NEP) of 1971” in Malaysia, which “entrenched a policy of affirmative action in favour of ‘Bumiputras’ (‘Sons of the Soil’).” One of the policies set out in the NEP was “the requirement that 30 percent of corporate equity be owned by Bumiputras in order for a company to be listed on the Stock Exchange”. According to the article:

Post-independence, Malaysia has been plagued with a never-ending stream of consecutive laws which divide the population along racial lines and ensure continuing preference for Malays. The first of these sets of laws was the New Economic Policy (NEP) of 1971. Introduced in response to race riots in 1969, the NEP entrenched a policy of affirmative action in favour of ‘Bumiputras’ (‘Sons of the Soil’). The NEP included: the requirement that 30 percent of corporate equity be owned by Bumiputras in order for a company to be listed on the Stock Exchange; a quota for a certain percentage of housing on new developments to be only available to Bumiputra buyers and for them to receive a seven percent discount; and certain projects to be open only to Malay contractors.

Whilst the NEP lapsed in 1990, it has been continually reintroduced under other guises: the National Development Policy (NDP) made sure it continued until 2000. Most recently, the Ninth Malaysia Plan ensures affirmative action for Bumiputras until 2020, something that the United Malay National Organisation (UMNO), the party that leads the ruling coalition government, prides itself on. Thus the policy of affirmative action for Bumiputras is now entrenched deep at the heart of Malaysian society (Voice of the Asia-Pacific Human Rights Network 2007, ‘It’s your problem too – Malaysia cannot wish away the fact of discrimination against ethnic Indians’, South Asia Human Rights Documentation Centre (SAHRDC) website, 30 November <http://www.hrhc.net/sahrhc/hrfeatures/HRF178.htm> - Accessed 25 March 2008 – Attachment 2).

A copy of Chapter 16 of the ‘Ninth Malaysia Plan 2006-2010’, entitled ‘Achieving growth with distribution’ is attached. In relation to wealth ownership, the plan includes the following information:

16.59 While the Government remains committed to ensure the attainment of at least 30 per cent Bumiputera equity ownership, this will only be achievable within a longer time frame. In this regard, the 30 per cent target for Bumiputera ownership in the corporate sector as well as the 3.0 per cent target for the Indian community will be extended to 2020. Moreover, in the current economic context, other factors apart from equity ownership have gained salience as measures of wealth ownership. Therefore, during the Plan period, the focus of distribution programmes will be expanded beyond mere equity ownership of share capital to include other aspects of wealth ownership, in particular Bumiputera ownership of productive assets, both physical and non-physical. In line with this, policies and programmes that expand Bumiputera

ownership of residential and commercial urban property, intellectual property rights, as well as commercial enterprises, particularly SMEs [Small Medium Enterprises], will be undertaken.

The plan also indicates that during the Eighth “Plan period, measures were introduced to encourage potential entrepreneurs among the Indian community to participate in various entrepreneurial development programmes. Business licences were also provided to ensure greater participation of the Indian community in business to increase their equity ownership in the corporate sector.” In relation to the Ninth Plan period, it is stated that:

16.64 Additional measures will be undertaken to increase the Indian equity ownership to 3.0 per cent by 2020. More opportunities will be provided to the Indian community to participate in selected unit trust schemes. To further encourage the Indian community to venture into business, financial assistance as well as training programmes will be made more accessible to potential and capable entrepreneurs. During the Plan period, opportunities will continue to be given to school leavers among the low-income Indian households to participate in various skills training courses at *Pusat Giat MARA*. In addition, *Pusat Putra*, a new skills training institution, will be established to assist youth, particularly Indians to acquire relevant skills, especially in ICT and auto-mechanics (‘Chapter 16 – Achieving growth with distribution’ in ‘Ninth Malaysia Plan 2006-2010’ 2006, MyGovernment: The Malaysia Government’s Official Portal website, pp. 337, 347 & 348 <http://www.epu.jpm.my/rm9/html/english.htm> - Accessed 28 March 2008 – Attachment 3).

An article dated 8 March 2008 refers to “Samy Vellu, a minister in the government and president of the Malaysian Indian Congress (MIC),” unveiling “statistics about the grants and funds allocated for the Indian community to counter the claims of the opposition that the Indians had been neglected. He listed the money given for Tamil schools, medical institutes, temples, micro loans and social programmes among other areas.” The opposition said that “these funds went to the friends of the Indians in the government”. According to the article, “Indians and Chinese cannot start new businesses unless they have a Malay partner” (‘Malaysian Indians fighting elections for equal treatment’ 2008, *Indo-Asian News Service*, 8 March – Attachment 4).

Another recent article in *The Wall Street Journal Asia* dated 10 March 2008 notes that “[t]he NEP was supposed to last only two decades. In any case, surely Malaysia’s elites didn’t envision the scope of the pro-bumiputra, or indigenous Malay, bent that evolved. Consider just a few of the discriminatory policies that are now on the books. On the corporate front, foreign and domestic non-manufacturing firms have to take on bumi partners who hold at least 30% of the share capital. Firms that want to list on the Kuala Lumpur stock exchange are required to reserve 30% of their equity for bumi shareholders. Bumis get preferential housing loans and easier access to business licenses and government contracts. Department stores and supermarkets have to reserve 30% of their shelf space for bumi products -- regardless of consumer preferences” (Kissel, Mary 2008, ‘Pro-Malay Malaise’, *The Wall Street Journal Asia*, 10 March – Attachment 5).

An article in the *Straits Times* dated 31 December 2007 notes that “[s]ince licences to open businesses require adherence to the NEP, many Indians are not in a position to engage in legitimate businesses. Many end up taking sub-contracts with reduced profit margins. Indians even find it hard to obtain licences to collect rubbish as these permits are meant for Malays. Given this squeeze, many Indians turn to menial jobs. Others resort to crime and other anti-social activities. Meanwhile, conflict over access to scarce resources also often leads to

fratricidal violence in the community” (Ramasamy, P. 2007, ‘Indians’ discontent has been boiling for a while’, *Straits Times*, 31 December – Attachment 6).

An article on the FT.com (Financial Times) website dated 30 August 2007 refers to Malaysia using “positive discrimination policies since the 1970s to close the gap between the indigenous Malay majority and the economically dominant Chinese. Chinese or Indian Malaysians and foreigners must have ethnic Malay partners to start businesses in some sectors” (Wood, Andrew 2007, ‘Malaysia ethnic policy stirs doubts’, *FT.com*, 30 August <http://www.ft.com/cms/s/0/9bc29502-572a-11dc-9a3a-0000779fd2ac.html> - Accessed 4 Sept 2007 – Attachment 7).

The Freedom House 2006 countries at the crossroads report on Malaysia indicates that “firms owned by non-Malays have been required by law to allocate 30 percent of their equity to Malay recipients, usually at discounted rates, lest their operating licenses be withdrawn” (Freedom House 2006, *Countries at the Crossroads 2006: Country Report – Malaysia* <http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=7&ccrpage=31&ccrcountry=134> – Accessed 26 March 2008 – Attachment 8).

A recent *Associated Press* article dated 11 March 2008 refers to opposition parties winning “control of the governments in 5 of Malaysia’s 13 states in elections Saturday”. Former deputy prime minister Anwar Ibrahim, whose People’s Justice Party was part of a three-party opposition alliance that formed coalition governments in four of the five states won by the opposition, said that the governments in those states “will “reduce race-based affirmative-action policies and begin to implement a more competitive merit-based system””. He also “told reporters in Kuala Lumpur that the opposition did not have the power to abolish the New Economic Policy nationwide” (‘Search Opposition parties vow to end race-based policy in 5 Malaysian states’, *Associated Press*, 11 March – Attachment 9).

In relation to business names, a search of the sources consulted did not locate specific information on whether licencing bodies in Malaysia require Muslim names for businesses. However, an undated document on the Companies Commission of Malaysia website which provides guidelines for an application for a business name, indicates that businesses can be registered in the owner’s name, or in a trade name that “refers to the name, style, topic or identity under which a business is carried out”. The document sets out the procedure for applying for the approval of a trade name with the Registrar of Businesses of the Companies Commission of Malaysia and includes the following information on names that cannot be registered without the Minister’s approval:

- A. Contain a word that has a connection with the king, queen or ruler of a country of members of the royal family or monarchy, including the word “King” or words with a similar pronunciation.
- B. Contain a word that has a connection with any Government, State Government Department, statutory body, authority or agency or any municipality/town council or other local authority including names that contain words such as “Federal”, “State” or “National”;
- C. Contain a word that has a connection with any Asean, Commonwealth or other foreign countries or the United Nations or any international organisation.

- D. Contain the word “Chartered” or any word that suggests a connection with any society or body incorporated by “Royal Charter”.
- E. Contain the words “Society”, “Association”, “Foundation”, “Trust”, “Armed Forces”, “Co-operative”, “International” or any equivalent expression.
- F. Contain a word that is insulting or likely to be offensive to members of the public.
- G. Contain a word that is misleading as to the type, scope or importance of the business carried on or to be carried on under such name.
- H. Contain a word that is offensive to any race or religion (‘Guidelines for application for a business name’ (Undated), The Companies Commission of Malaysia website http://www.ssm.com.my/en/docs/Guidelines_for_Application_for_a_Business_Name.pdf - Accessed 28 March 2008 – Attachment 10).

2. Some reports indicate that there might have been two protests at the High Commission - one on 11 November and one on 25 November 2007. Please provide any reports on the bodies involved in those protests, the reasons for the protest and the repercussions for those involved?

A search of the sources consulted did not locate information on a protest at the British High Commission in Malaysia on 11 November 2007. Information was found regarding a large demonstration organised by the Hindu Rights Action Force (HINDRAF), which was held in Kuala Lumpur on 25 November 2007. It was the intention of the protestors to present a memorandum to the British High Commission in relation to the British sending Indians to Malaysia to work as labourers during colonial rule.

The US Department of State report on human rights practices in Malaysia for 2007 indicates that “[o]n November 25, the Hindu Rights Action Force (HINDRAF), a small activist NGO, organized a demonstration in Kuala Lumpur with the intent to present the British High Commission with a memorandum asking for Queen Elizabeth II’s intervention on their behalf.” Police dispersed the demonstrators and approximately 400 people were arrested, most of whom were subsequently released. Thirty one demonstrators were charged with offences. Five HINDRAF leaders were arrested “under the ISA” [Internal Security Act] on 13 December 2007 and police “indicated they would be held without trial for a period of two years.” It is stated in the report that:

On November 25, the Hindu Rights Action Force (HINDRAF), a small activist NGO, organized a demonstration in Kuala Lumpur with the intent to present the British High Commission with a memorandum asking for Queen Elizabeth II’s intervention on their behalf. HINDRAF’s leaders intended to highlight the marginalization of the country’s Indian minority. Approximately 20,000 demonstrators gathered at multiple points around the city in defiance of warnings from government officials and the police. Police actively dispersed the crowds of demonstrators over a period of six hours, repeatedly using tear gas and water cannons. During and after the rally, the police arrested approximately 400 persons. The police released the majority of those detained, but the attorney general charged 31 demonstrators with, among other things, the attempted murder of a police officer, illegal assembly, and destruction of property. Human rights activists, opposition leaders, and other civil society leaders condemned the attempted murder charges as politically motivated and meant to intimidate others from participating in future demonstrations. The attorney general dropped the attempted murder charge in December.

...On December 13, police arrested five HINDRAF leaders--P. Uthayakumar, M. Manoharan, R. Kenghadharan, Ganabatirau, and T. Vasantha Kumar--under the ISA and indicated they would be held without trial for a period of two years. After the November 25 rally, government officials, the police, and the government-influenced mainstream media reports on HINDRAF included claims the NGO was a militant organization with links with foreign militant groups including the Liberation Tigers of Tamil Ealam and the Hindu fundamentalist group, National Volunteer's Organization (Rashtriya Swayamsevak Sangh). An official from the Office of the Prime Minister, in a published statement, explained the decision to use ISA as follows: "The government had warned HINDRAF not to engage in activities that would inflame communal tensions and had charged its leaders in court for sedition. This did not stop the spread of inflammatory rhetoric. On two occasions, the leaders of HINDRAF issued implicit threats that the group would turn to violence if its demands were not met. The Royal Malaysian Police have also uncovered links with international terrorist organizations. While the government is determined to take action against the five individuals in open court, it is also determined to preempt any unfortunate incidents that may be inspired by the irresponsible words and deeds of a small minority." Local and international NGOs and civil society groups condemned the detention under the ISA and appealed to the government to charge the five in an open court (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Malaysia*, March, Section 2 (b) – Attachment 1).

The article dated 30 November 2007 on the South Asia Human Rights Documentation Centre (SAHRDC) website refers to "ethnic Indians, mostly Tamils," holding "protest demonstrations recently in Kuala Lumpur." The article includes information on the reasons for the protest. According to the article:

Countless teargas canisters and water cannons were fired on a reportedly 10,000-strong rally of ethnic Indians as it attempted to march to the British High Commission in Kuala Lumpur. The police used extreme levels of force to arrest more than 240 of the protesters. The group, organised by the Hindu Rights Action Force (HINDRAF), had gathered near the famous Petronas Towers before the planned march to the Commission to demand reparations from the United Kingdom for sending Indians to Malaysia to work as labourers under colonial rule. However, it is widely acknowledged that their real protest was against discriminatory measures of the Malaysian government, which exclude them from job opportunities and leave them confined to a life of poverty.

...Ethnic Indians make up eight percent of Malaysia's population. Ethnic Malays comprise about 60 percent while ethnic Chinese are 25 percent of the population. One of the key gripes of the HINDRAF protesters was the failure of the British Reid Commission Report of 1957, at the time of independence, to incorporate rights for the Indian community. Their concerns were valid. The source of marginalisation and discrimination in Malaysia today can be traced directly back to independence, which brought with it the recognition of a raft of special rights for the Malay population. These rights covered most aspects of life: from property ownership (special land rights) to employment (rights in relation to admission to public services and issuance of licences to operate particular businesses) and education (the right to scholarships and bursaries), Malays had preferential treatment.

...Sidelined by this affirmative action, *The Far Eastern Economic Review* reports, "Malaysia's Indians are at the bottom of the country's social and economic scale." And history has not been on their side. The vast majority of the ethnic Indian population of Malaysia was brought to the country by the British in colonial times to work as indentured labourers on rubber plantations. They now account for seven percent of the Malaysian population (according to UNDP statistics) and whilst some work in city employment as engineers, IT specialists, doctors etc, the vast majority are still uneducated agricultural workers. The reliance on plantation work by the majority of Malaysian Indians has led to

increased poverty as plantations have been closed down leaving many people homeless and forcing others to resort to relocating to urban areas.

...To put the protest in context, such political outbursts are rare in a country which has successfully implemented a system of divide and rule. The coalition, fronted by the UMNO, is made up of parties divided on racial lines from the Malaysian Chinese Association (MCA) to the Malaysian Indian Congress (MIC). These parties have found their success on preaching to the ethnic line and their promises to represent their various racial groups, whilst proving to be hollow, have generally prevented any unrest. Nevertheless, the racial separation permeates all aspects of society. For example, Dr Soong has drawn attention to a study by the Universiti Malaya which shows that “98 percent of Malay students do not mix with non-Malays, while 99 per cent of Chinese students, and 97 percent of Indian students do not mingle with other races.” This situation can only threaten to become explosive when one of the groups is treated advantageously (Voice of the Asia-Pacific Human Rights Network 2007, ‘It’s your problem too – Malaysia cannot wish away the fact of discrimination against ethnic Indians’, South Asia Human Rights Documentation Centre (SAHRDC) website, 30 November <http://www.hrhc.net/sahrdc/hrfeatures/HRF178.htm> - Accessed 25 March 2008 – Attachment 2).

The article in the *Straits Times* dated 31 December 2007 refers to the demolition of Hindu temples being a trigger for the protest. According to the article, “Hindu Indians have been the most hit by the onset of Islamisation” in Malaysia. “Since many Hindu temples have not been properly registered or have failed to obtain registration, they have become the targets of the state and local authorities.” It is stated in the article that:

The Hindraf march on Nov 25 - only a few days before Deepavali - was triggered by the demolition of a 70-year-old Hindu temple in Kampung Jawa, Shah Alam.

In fact, insensitive temple demolition, rather than economic deprivation, seems to be at the heart of Indian anger. Before the Kampung Jawa temple demolition, state officials tore down some historic temples in Selangor, Kedah, Perak, Negeri Sembilan and Malacca - all states with large Indian-Hindu concentrations. Such incidents have convinced many Indians that the Malay-Muslim elite wants to rid the country of places of non-Muslim worship.

The article also includes information on other Indian grievances including economic deprivation and the spread of syariah law, and provides details regarding the demonstration on 25 November 2007 and the Malaysian government’s response to the protest (Ramasamy, P. 2007, ‘Indians’ discontent has been boiling for a while’, *Straits Times*, 31 December – Attachment 6).

An *Indo-Asian News Service* article dated 28 November 2007 indicates that the “more than 10,000 ethnic Indians” at the Sunday rally “were protesting against the marginalisation of ethnic Indians in the country and also to support a \$4 trillion lawsuit filed in London in August by Hindraf demanding that Britain compensate Malaysian Indians for bringing their ancestors to the country as indentured labourers and exploiting them.” According to the article, Hindraf had “denied that the demonstration was politically motivated and racist.” V.K. Regu, Hindraf’s secretary, had “said the protestors’ objective was to express the grievances of the ethnic Indian community, the *New Straits Times* reported Wednesday.” He “added that the movement was not aligned or affiliated to any political party but welcomed support from anyone” and “that Hindraf resorted to the rally after having exhausted all avenues to highlight the plight of the Indian community” (‘Hindu group says protest was not politically motivated’ 2007, *Indo-Asian News Service*, 28 November – Attachment 11).

Another article dated 25 November 2007 indicates that “[w]hile agreeing that Tamil grievances run deep, opposition lawmakers and civil rights activist [sic] are also worried by the exclusively religious and ethnic character of Hindraf and its leaders.” Anwar Ibrahim had “described the protest as an important “safety valve” to let off anger over long simmering Tamil grievances and urged the government to allow free expression to air them”, but also “expressed concern at the exclusive approach of Hindraf and urged its leaders to consider a more balanced and inclusive approach when addressing Tamil grievances.” He had “said grouses should be directed at the corrupt coalition government led by Badawi that is guilty of serious abuses of power and continues to neglect the plight, not only of Indians, but also all other ethnic groups” (Kuppusamy, Baradan 2007, ‘Ethnic Indians on the warpath’, *Inter Press Service (IPS)*, 25 November – Attachment 12).

The following articles include information on the repercussions for those involved in the demonstration on 25 November 2007. An *Associated Press Newswires* article dated 24 November 2007 notes that police had “refused to issue a permit for the rally for security reasons and warned that protesters could face arrest.” The article also indicates that police had arrested the chairman of the Hindu Rights Action Force, “Waytha Moorthy Ponnusamy, his brother and a senior associate Friday. The three men were later charged in court with making seditious comments, which carries a maximum penalty of three years in prison” (Zappei, Julia 2007, ‘Malaysia brings sedition charges against planners of rally for Indians’ economic woes’, *Associated Press Newswires*, 24 November – Attachment 13).

A *BBC News* article dated 26 November 2007 refers to the chairman of Hindraf, Waytha Moorthy Ponnusamy, and two associates, who were arrested and charged with sedition prior to the demonstration, being “released as the authorities were unable to provide copies of the remarks which provided the basis of the case against them” (‘Malaysia Hindu activists released’ 2007, *BBC News*, 26 November – Attachment 14). A further article in the *South China Morning Post* dated 29 January 2008 indicates that “Hindraf’s chairman, Waytha Moorthy,” had “left Malaysia after the rally to escape arrest”. The article also includes information on the reasons for the protest on 25 November 2007 (Montlake, Simon 2008, ‘Bitter torrent As elections loom, Kuala Lumpur is seeking to ease racial tensions with ethnic Indians’, *South China Morning Post*, 29 January – Attachment 15).

An article in the *New Sunday Times* dated 9 December 2007 indicates that Malaysia’s government supported the action by the Companies Commission of Malaysia to annul “the business licence of Hindraf Enterprise, which is linked to the Hindu Rights Action Force”. The Commission had taken the action “against the company due to its links to activities carried out by Hindraf, which were deemed not conducive to national security and public safety.” The article also indicates that Prime Minister Datuk Seri Abdullah Ahmad Badawi had “said that Hindraf was not a registered society and there was no need for the government to ban the movement.” He said Hindraf’s activities were being closely monitored and that “there was no plan to revoke the members’ or leaders’ passports.” He also said that “Malaysians are free citizens. They are allowed to to [sic] travel to any country they wish” and ““We will not revoke their international passports, unless they are charged with or convicted of a criminal offence”” (‘Govt supports ban on Hindraf’s business licence’ 2007, *New Sunday Times*, 9 December – Attachment 16).

An *Associated Press Newswires* article dated 17 December 2007 refers to Malaysian prosecutors dropping “attempted murder charges against 31 ethnic Indians” who “were arrested on Nov. 25 when more than 20,000 ethnic Indians demonstrated in the streets in an

unprecedented public show of anger in defiance of a government ban. They were charged with attempted murder for a non life-threatening head injury to one policeman, provoking an international outcry.” According to the article:

Prosecutors said all charges were being dropped against five Indians, all students. Attempted murder charges -- punishable by 20 years in prison -- were dropped against the remaining 26 defendants. In exchange, they pleaded guilty to causing mischief and illegal assembly during a rally last month.

All 26 were freed on bail but could face up to five years in jail and a fine when they are sentenced Dec. 27, lawyers said (Zappei, Julia 2007, ‘Malaysian prosecutors drop attempted murder charges against 31 ethnic Indians’, *Associated Press Newswires*, 17 December – Attachment 17).

A further article in the *Straits Times* dated 28 December 2007 indicates that a Malaysian court had “postponed to Feb 1 the sentencing of 26 men and youths who pleaded guilty to taking part in an illegal rally organised by a Hindu rights group.” This would “allow the Attorney-General to jointly charge in the same court all 64 who were arrested during the rally last month”, as “[t]he other 38 had been charged in another court which did not have jurisdiction to hear the case.” The 26 people faced “charges of mischief and illegal assembly” and “possible jail sentences of up to five years” (Hassan, Hazlin 2007, ‘Sentencing postponed for 26 in Hindraf rally’, *Straits Times*, 28 December – Attachment 18).

Another article dated 2 February 2008 indicates that a Malaysian court was to try 66 ethnic Indians “on charges of participating in an illegal rally organised by a Hindu rights group against the alleged marginalisation of the community and causing mischief.” It is stated in the article that:

The 66 include the opposition Parti Keadilan Rakyat (PKR) Supreme Council member N Gobalakrishnan. All have been charged with being involved in unlawful assembly in front of the Sri Subramaniam Temple in Batu Caves on November 25 last year, which was organised by the non-governmental Hindu Rights Action Forum (Hindraf).

All the accused, aged between 20 and 56, are also being charged with showing criminal violence to intimidate police during the rally. These people, who were also accused of damaging seven vehicles and two gates at the temple, will be tried by a court.

All the accused claimed trial after the charges were read to them. All the 66 are on 500 ringgit (Rs 6000) bail and have to report to the nearest police station once a month (‘Malaysian court to try 66 ethnic Indians’ 2008, *The Press Trust of India Limited*, 2 February – Attachment 19).

In relation to the five Hindraf leaders detained under the ISA, an article dated 26 February 2008 refers to Malaysia’s High Court dismissing a “habeas corpus (wrongful detention) application of the five members of the non-governmental Hindu Rights Action Force (Hindraf),” who had been detained on 13 December 2007 under the ISA. The “Kuala Lumpur High Court Judicial Commissioner Zainal Azman Ab Aziz ruled that the detention order issued against them on December 13 last year was valid under the law.” The detention order had been issued by “Premier Abdullah Badawi in his capacity as Internal Security Minister”. The “[l]ead “lawyer for the five, Karpal Singh, said he would be filing an appeal against the court decision at the Federal Court tomorrow” (Balasubramanian, Jaishree 2008, ‘Malaysian court rejects freedom bid of five Hindraf members’, *The Press Trust of India Limited*, 26 February – Attachment 20).

An *Agence France-Presse* article dated 21 March 2008 indicates that “Lawyer Manoharan Malayalam,” one of the “leaders of rights group Hindraf, who were detained last December under the Internal Security Act (ISA)”, had been elected to a state seat at elections held on 8 March 2008. Malayalam was “standing for the Democratic Action Party (DAP)” and “was elected from his jail -- soundly beating the government incumbent in the state seat on March 8.” Prime Minister Abdullah Ahmad Badawi’s “Barisan Nasional coalition won the election on March 8 but with a reduced majority and lost an unprecedented five states to the three-party opposition alliance of the DAP, the Islamic PAS and Keadilan.” [DAP leader Lim Kit Siang] “said the election result showed that ethnic Indian support for the government had plunged” (‘Malaysian opposition urges PM to free detainees’ 2008, *Agence France-Presse*, 21 March – Attachment 21).

A recent *Indo-Asian News Service* article dated 25 March 2008 refers to the “UN Special Rapporteur on the independence of judges and lawyers” urging “the Malaysian government to review the detention of the five Hindu Rights Action Force (Hindraf) leaders and release them unconditionally.” The five men “are being held for two years under the stringent Internal Security Act (ISA) and charged with sedition after they organised a protest rally on Nov 25 last year” (‘Free Hindraf leaders, UN official urges Malaysia’ 2008, *Indo-Asian News Service*, 25 March – Attachment 22).

Although a search of the sources consulted did not locate information on a protest at the British High Commission in Malaysia on 11 November 2007, there were reports of another major protest held in Kuala Lumpur on 10 November 2007. A *BBC News* article dated 10 November 2007 indicates that the protest, estimated by police to involve “between 10-30,000 people”, had been “organised by a group called Bersih which is made up of opposition parties and dozens of non-governmental organisations.” The protestors, who were marching “to demand electoral reform”, were prevented by the police “from entering central Merdeka Square”, but “a small group did march to the national palace, home of Malaysia’s king, to present a memorandum detailing their concerns” (Brant, Robin 2007, ‘Malaysia police break up protest’, *BBC News*, 10 November <http://news.bbc.co.uk/2/hi/asia-pacific/7088877.stm> - Accessed 28 March 2008 – Attachment 23). The US Department of State report on human rights practices in Malaysia for 2007 also refers to demonstrators marching “to the National Palace to petition the king for electoral reform measures” on 10 November 2007 (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Malaysia*, March, Section 2(b) – Attachment 1). There is no reference to the British High Commission in either report on the protest held on 10 November 2007.

List of Sources Consulted

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UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State <http://www.state.gov/>

MyGovernment: The Malaysia Government’s Official Portal website

<http://www.gov.my/MyGov/BI/Directory/Citizen/>

The Companies Commission of Malaysia website <http://www.ssm.com.my/en/main.php>

United Nations (UN)

UN High Commissioner for Refugees (UNHCR) Refworld website

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain>

Non-Government Organisations

Human Rights Watch <http://www.hrw.org/>

Amnesty International <http://www.amnesty.org>

Freedom House website <http://www.freedomhouse.org/template.cfm?page=1>

International News & Politics

BBC News <http://news.bbc.co.uk>

Region Specific Links

South Asia Human Rights Documentation Centre (SAHRDC) website

<http://www.hrdc.net/sahrdc/>

Search Engines

Copernic <http://www.copernic.com/>

Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

MRT/RRT Library Catalogue

List of Attachments

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