



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

FACTSHEET

ENFORCED DISAPPEARANCES IN MALAYSIA

October 2019

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USCIRF's Mission

To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

Overview

The Southeast Asian nation of Malaysia has a rich, multicultural, and largely harmonious society. Nevertheless, ongoing social tensions pertaining to race, ethnicity, and religion continue to simmer below the surface, as *they have for several decades*. Aspects of these tensions are manifest in formal legal structures that hinder the life of anyone who is not a Sunni Muslim. Much of the discrimination is bureaucratic and causes little physical harm to ethnic and religious minorities. However, a series of mysterious and eerily similar disappearances involving prominent religious minority leaders indicates a new and disturbing trend. SUHAKAM, Malaysia's independent human rights commission, *recently determined* at least two of these cases could be classified as enforced disappearances and implicated Malaysian law enforcement officials. In June 2019, the Malaysian government established a *special task force* to reinvestigate these crimes.

The [International Convention for the Protection of All Persons from Enforced Disappearance](#) considers "enforced disappearance ... to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law."

Religious Freedom Conditions

According to Malaysia's constitution, Islam is the official religion of the federation. Sunni Muslims comprise the majority of the population (more than 61 percent), and are generally free to worship and proselytize so long as they adhere to the official state-approved interpretation of Islam.

Non-Muslims, non-Sunni Muslims, and minority ethnic communities face varying degrees of discrimination. In the past, non-Sunni Muslims have been subject to baseless accusations of extremism and their houses of worship singled out for unprovoked acts of vandalism. These communities are also hindered by stricter

government regulations. The Malaysian government has labeled Shi'a and Ahmadiyya Muslims, Baha'i, and the Al-Arqam sect as "deviant" and forbids them from assembling or worshiping publicly. All non-Muslims are banned from proselytizing Sunni Muslims and face criminal charges if they are even accused of doing so. While conversion to Islam is a fairly straightforward process, conversion from Islam to any other faith is bureaucratically difficult and government officials seldom recognize it.

Prominent Cases of Enforced Disappearances

A number of prominent Malaysian religious minority leaders have mysteriously disappeared in recent years. [Pastor Raymond Koh's](#) case is perhaps the most widely known. The audacious nature of his February 2017 abduction sparked widespread condemnation and served as the catalyst that uncovered a disturbing trend of similar disappearances. Prior to his abduction, Pastor Koh ran a nongovernmental organization (NGO) that worked extensively with people living with HIV/AIDS, recovering drug addicts, and single mothers and their children. Local Islamic authorities once investigated the organization over allegations that the group was working to convert Muslims to Christianity in addition to its various social and charitable endeavors.

On February 13, 2017, Pastor Koh was driving his car to visit a friend in Petaling Jaya, a city just outside the capital of Kuala Lumpur. [CCTV footage](#) revealed that upon exiting the highway, a convoy of three black SUVs, two cars, and two motorbikes abruptly boxed in Koh's vehicle. He was made to stop his car and up to 15 masked men jumped out of the surrounding vehicles. In broad daylight, they forced Pastor Koh into one of their vehicles and fled the scene, one of the masked men speeding off in Koh's car. The entire episode lasted just 40 seconds. The speed, coordination, and efficiency of the abduction suggest it had been meticulously rehearsed. No one has seen or heard from Pastor Koh since, and his family has insisted that the abduction was religiously motivated.

Pastor Koh's wife, [Susanna Liew](#), spoke of her husband's disappearance at the U.S. Department of State's [2019 Ministerial to Advance Religious Freedom](#), where she noted similarities between his disappearance and those of other religious figures from minority communities.

Prior to serving as the current deputy prime minister, then opposition leader Wan Azizah Wan Ismail observed parallels between Pastor Koh's abduction and the unsolved disappearance of social activist [Amri Che Mat](#). Similarities

between the two cases are striking. Amri Che Mat was born and raised as a Sunni Muslim but took an interest in Shi'a Islam later in life. Like Pastor Koh, religious authorities had also investigated Mat over suspicions that his NGO was using philanthropic efforts as cover to spread Shi'a teachings. On the night of November 24, 2016, Mat announced to his family that he was going out. His wife, Norhayati Ariffin, recalled that there were several occupied cars and motorbikes with their lights turned off outside their home in Kangar, the state capital of Perlis, before her husband left that night. They had been there for the past week, but the vehicles were gone approximately 30 minutes after Mat departed.

It is unclear what happened next, but later that night [witnesses reported](#) seeing Mat's car stopped on the road and surrounded by up to five vehicles. Early the following morning, police informed Mat's wife they had found her husband's abandoned vehicle about 20 kilometers away at a vacant building. Like Pastor Koh, no one has seen or heard a word from Amri Che Mat since he left his house that evening. Subsequently, both victims' families have expressed dismay that some friends and acquaintances now fear associating with them.

Pastor Joshua Hilmy and his wife Ruth are also potential victims of enforced disappearance. Pastor Hilmy converted to Christianity from Islam and had once been detained under the now repealed Internal Security Act. The previous government—in power for more than six decades until it was voted out in 2018—often used this controversial law, which was originally intended to combat terrorism, to stifle peaceful dissent and indefinitely detain critics and other social and political activists. Ruth is an Indonesian citizen and Christian from birth. She and her husband were reportedly well-liked and active members of their community in Petaling Jaya. Details surrounding their disappearance are even less clear; by all accounts, they simply vanished without a trace. Ruth's family claims to have lost all contact with them in November 2016. However, it was not until March 6, 2017, that the couple's [landlord filed a missing persons report](#). To date, no additional information about their whereabouts or wellbeing has surfaced.

Elements of proselytization and religious conversion appear as a common thread in each disappearance. Although Pastor Koh's case is the only incident that Malaysian authorities have classified as an abduction, the fact that all three transpired over the course of two-and-a-half months is striking. In June 2017, Malaysia's

government-appointed human rights commission, known by its acronym SUHAKAM, declared it would launch an independent investigation into the disappearances of Raymond Koh, Amri Che Mat, and Joshua and Ruth Hilmy. The latter investigation has not yet commenced due to time and resource constraints.

On April 3, 2019, SUHAKAM announced its determination that both [Raymond Koh](#) and [Amri Che Mat](#) were victims of enforced disappearances. SUHAKAM also concluded that both men were targeted specifically for their religious activities and that the abductions were carried out by the Special Branch, an intelligence unit affiliated with the Malaysian police force. Separate witnesses came forward to report the presence of a gold-colored Toyota Vios at both known abduction sites. This vehicle was later traced to a former Special Branch police officer whom authorities have thus far not been able to locate. The perpetrators may have acted independently, as SUHAKAM did not find evidence to support claims they were operating with state institutions' knowledge, support, or authorization.

Following these revelations, in June 2019, the Malaysian government established a special task force to reinvestigate the two kidnappings. Both victims' families criticized the task force's initial composition due to perceived conflicts of interest and a lack of representation by women and racial and ethnic minorities. In July, the Ministry of Home Affairs restructured the seven-person task force in an attempt to secure more balanced and independent perspectives. Despite staffing changes, Pastor Koh's wife has [stated publicly](#) that she has little confidence the task force will conduct a fair and objective investigation.

Conclusion

The aforementioned cases are each disturbing in their own right, but together they are emblematic of a wider disregard for fundamental human rights in Malaysia. Pervasive, institutionalized barriers remain in place that prevent Malaysians from practicing their faith or nonbelief in accordance with their conscience. Malaysia's constitution states that "every person has the right to profess and practice his religion." It also grants state and federal government officials the authority to forbid proselytizing to Muslims. Malaysians who do not subscribe to the state-backed interpretation of Islam face varying degrees of harassment and discrimination, and penalties for violating religious regulations can be severe.

SUHAKAM's efforts to investigate cases like the enforced disappearances just described and to pressure the Malaysian government to conform with international human rights standards demonstrate the importance of unbiased and independent review mechanisms. SUHAKAM's independence affords it a unique position to advance religious freedom and related human rights in Malaysia by uncovering the truth behind the disappearances of Raymond Koh, Amri Che Mat, and Joshua and Ruth Hilmy, and by calling for the culpable parties to be held accountable for their actions.

On the 2019 International Day of the Victims of Enforced Disappearances, Secretary of State Mike Pompeo released a [statement](#) condemning the prevalence of enforced disappearances and urging justice for its victims. In its [2019 Annual Report](#), the U.S. Commission on International Religious Freedom (USCIRF) again placed Malaysia on its Tier 2, where it has been since 2014, for engaging in or tolerating religious freedom violations that meet at least one of the elements of the "systematic, ongoing, and egregious" standard for designation as a "country of particular concern," or CPC, under the [International Religious Freedom Act](#) (IRFA).



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