

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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JOINT STATEMENT: END HARASSMENT AND INTIMIDATION OF MEDIA WORKERS AND CRITICS IN MALAYSIA

Malaysian authorities must immediately put an end to their increasing attacks on freedom of expression and the media, international non-governmental organisations Amnesty International, CIVICUS World Alliance for Citizen Participation and the International Commission of Jurists (ICJ) said today. The questioning of Al Jazeera journalists on 10 July 2020, is the latest example of the use of laws including the Sedition Act 1948 and Section 233 of the Communications and Multimedia Act to limit free speech and press freedom in the country. These laws are incompatible with international human rights law and standards and should be repealed by the legislature.

In the latest move in the clampdown on criticism and other expression, authorities have targeted those involved in the making of the documentary “Locked Up in Malaysia’s Lockdown,” by news broadcaster Al Jazeera and its 101 East series – which reported on the authorities arrests of migrant workers during the COVID-19 pandemic. Al-Jazeera is being investigated for sedition, defamation and has been accused of being in breach of the Communications and Multimedia Act by the Malaysian authorities.

On 3 July 2020, Al Jazeera on its 101 East Stream published a documentary that investigated the arrest, detention and ill-treatment of undocumented migrant workers and refugees, during the outbreak of COVID-19 in Malaysia. The documentary highlighted raids conducted by authorities, the inhumane conditions of detention as well as the situation of migrant workers who fear arrest. Those detained were found to be kept in cramped facilities, while migrant workers at risk of detention suffered from a severe lack of adequate food. The documentary also highlighted the chilling effect the government crackdown has had on the migrant worker community, who fear for their lives and safety.

Rather than addressing the concerns raised in the documentary, the government has instead sought to question the reporters involved and pursue migrant workers who spoke with the media outlet. By initiating a public campaign against migrants and refugees and publishing personal details of the migrant workers who were featured, the authorities have also placed the lives and safety of those interviewed in jeopardy.

The government’s subsequent threats to revoke the visas of foreign workers, appears intended to intimidate other migrant workers from speaking up about human rights violation, abuses and mistreatment. These actions have resulted in a worrying rise in intolerance towards freedom of expression, including critical views. Amnesty International, CIVICUS World Alliance for Citizen Participation and the International Commission of Jurists (ICJ) consider these actions as forms of harassment and intimidation of the media, migrant workers, and of those exercising their right to freedom of expression, including criticism or dissent. The use of the Sedition Act 1948, Section 233 of the Communications and Multimedia Act and criminal investigations against the media set a dangerous precedent and are incompatible with standards of international law. The laws place restrictions on the exercise of freedom of expression that are overbroad, unnecessary and disproportionate, and inconsistent with rule of law and human rights principles. The organizations reiterate their previous calls on the Government of Malaysia to abolish both laws, which have historically been used to silence voices of those challenging governmental policy.

BACKGROUND

Since the COVID-19 pandemic emerged earlier this year the Malaysian government has launched a crackdown on refugees, asylum-seekers and migrant workers, carrying out a series of raids on settlements in Kuala Lumpur and

Selangor. Many raids were most notably carried out as Labour Day operations, on 1 May 2020 but have also continued after.

On 21 May the UN Office of the High Commissioner on Human Rights OHCHR office denounced the crackdowns on migrant workers and journalists, in response to these raids. Remaining migrant workers fear for their safety and there have been reports of suicide amongst foreign migrant workers.

Amid growing concern about the nature of the crackdown, the government has increasingly sought to silence criticism.

On 7 July, Heidi Quah, refugee aid worker was questioned by police for posting a statement on the raids and its treatment of children on social media. Her lawyer confirmed she is being investigated under the Penal Code for criminal defamation and the Communications and Multimedia Act (CMA) 1998 for the 'improper use of network facilities or network service.'

Since the Perikatan Nasional government assumed power, numerous investigations have been launched against individuals who have expressed criticism of government actions. Since February 2020, a journalist has been investigated by police for reporting on immigration raids; a member of parliament was investigated for criticising the May parliamentary session for not permitting debates; and a large number of ordinary Malaysians have been convicted for a variety of social media postings, including criticising the enforcement of quarantine orders under the Movement Control Order (MCO).

In another recent attack on media freedom, on 2 July 2020, contempt of court charges were filed against Steven Gan, editor in chief of online news outlet Malaysiakini, over comments that were posted by readers that were allegedly critical of the country's judiciary. The Federal Court will next hear the case on 13 July. If convicted, Gan faces an unlimited prison sentence or fine.