

Prime Minister Najib Razak
Government of Malaysia
28 August 2015

Dear Prime Minister Dato' Sri Haji Mohammad Najib bin Tun Haji Abdul Razak,

We, the undersigned freedom of expression and human rights organizations, are seriously concerned about the recent developments restricting the right to freedom of expression and the right to protest in Malaysia. Specifically, we call attention to:

- the blocking of the news website Sarawak Report, beginning in July 2015;
- the subsequent arrest warrant for Sarawak Report's founder, Ms. Clare Rewcastle Brown, dated 4 August 2015;
- the revocation of publishing permits of two print newspapers, also in July 2015, and;
- further plans to tighten control over the right to freedom of expression online.

Ahead of planned Bersih 4.0 protests on 29 and 30 August 2015, the Malaysian Communications and Multimedia Commission (MCMC) has announced its intention to block websites which encourage people to take to the streets, and on 27 August bersih.org was not accessible for some internet users in Malaysia.¹ We call for the restrictions on freedom of expression to be lifted and that the right to protest is fully respected during the Bersih 4.0 events.

We note that the Malaysian Constitution guarantees the rights to freedom of expression and freedom of assembly, and that as a UN member state and as a matter of international customary law, Malaysia must respect the guarantees for these rights contained in the Universal Declaration of Human Rights. The UN Human Rights Council has affirmed that rights that are enjoyed offline must also be protected online (HRC resolution 26/13), and we recall your promise echoing this affirmation, never censor the internet.²

In relation to the blocking of Sarawak Report, we note that Government blocking of an entire news website will rarely if ever be considered a necessary or proportionate restriction on freedom of expression under international law. Such measures, imposed often without adequate legal authority or due process guarantees, undermine democratic debate and deny all people the right to seek, receive, and impart information.

¹ <http://www.skmm.gov.my/skmmgovmy/media/General/pdf/Presser-Bersih.pdf>

² <http://www.themalaysianinsider.com/malaysia/article/najib-repeats-promise-of-no-internet-censorship>

Furthermore, we recall that the UN Human Rights Committee in General Comment No. 34³ has been emphatic that “all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition.” Shutting down a website for reporting on alleged wrongdoing by public officials is wholly disproportionate.

In relation to the harassment of individual journalists, we reiterate that revealing alleged wrongdoing in the public interest is the duty of the media, and a protected act of freedom of expression. Journalists engaged in such whistleblowing, or reporting on the whistleblowing activities of others, should be protected from any form of sanction, including restrictions on their freedom of movement or reprisals against their publications.

We therefore condemn the suspension of publication permits for the Edge Financial Daily and the Edge Weekly, noting that requirements for print or online media to register are contrary to international standards on freedom of expression. We are deeply concerned by the recent announcement by the Communications and Multimedia Minister that online news portals may also be required to be registered under forthcoming amendments to the Communications and Multimedia Act.⁴ The suspension or revocation of such permits is an extreme form of prior censorship and a serious violation of international human rights law.

In particular, we will be watching as civil society and individuals in Malaysia exercise their rights to freedom of expression and assembly in the Bersih 4.0 events on 29 and 30 August 2015.

For these reasons, we respectfully request your Government to:

- protect the right to protest in Malaysia, in particular to facilitate the Bersih 4.0 events;
- revoke its blocking order on Sarawak Report and websites it deems encouraging people to take to the streets, such as bersih.org, and refrain from further website blocking;
- lift the suspensions of the Edge Media’s publishing permits, and repeal all registration requirements for media entities and any power to suspend or ban publications;
- revoke its arrest warrant for Sarawak Report’s founder Clare Rewcastle-Brown;
- ratify the International Covenant on Civil and Political Rights and the optional protocols thereto; and
- review all national laws governing freedom of expression and freedom of assembly to ensure their compliance with international human rights law.

³ <http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>

⁴ <http://www.thestar.com.my/News/Nation/2015/08/06/Govt-considers-registering-portals-Minister-Proposed-amendments-to-cyber-laws-will-strengthen-social/>

Yours Sincerely,

Access

Article 19

Association for Progressive Communications

Human Rights Watch

