

DEFENDING HUMAN RIGHTS

20 YEARS



KUAKASONG

SUARAM 20 YEARS DEFENDING HUMAN RIGHTS



10 pages
D8/10

save the leading government human rights organization in Malaysia. It was founded in 1987 by those who were disappointed by the lack of progress in the human rights field.

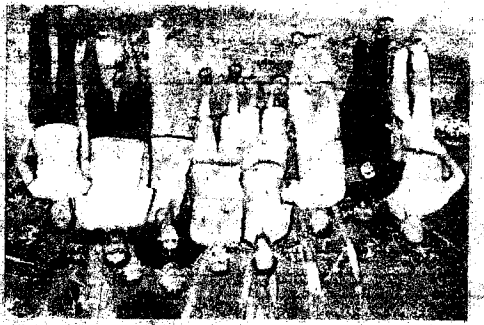
The organization was set up to provide a platform for human rights activists to express their views and to work together to defend human rights. The organization has since become a leading force in the human rights movement in Malaysia.

The organization has since become a leading force in the human rights movement in Malaysia. It has been instrumental in the establishment of the National Human Rights Commission (NHRC) and the Human Rights Foundation (HRF).

The organization has since become a leading force in the human rights movement in Malaysia. It has been instrumental in the establishment of the National Human Rights Commission (NHRC) and the Human Rights Foundation (HRF).

The organization has since become a leading force in the human rights movement in Malaysia. It has been instrumental in the establishment of the National Human Rights Commission (NHRC) and the Human Rights Foundation (HRF).

The organization has since become a leading force in the human rights movement in Malaysia. It has been instrumental in the establishment of the National Human Rights Commission (NHRC) and the Human Rights Foundation (HRF).



"The past two decades have seen considerable deterioration in many areas of human rights and civil liberties in Malaysia. But it has not been a free fall. It has not been without hope precisely because of the efforts of organizations with dedicated persons who are prepared to work against the odds, often in frustrating circumstances, and with a remaining sense of urgency. One such organization is SUARAM."

Penang, Malaysia
Human Rights Foundation
Malaysia (Penang Chapter)



10 pages
D8

D8/2

Copyright (c) Kua Kia Soong & Suaram 2009

ISBN 978-983-44070-3-2

Published by
SUARAM KOMMUNIKASI
433A, Jalan 5/46
46000 Petaling Jaya,
Selangor
Tel: +603-77843525
Fax: +603-77843526
Email: suaram@suaram.net
Website: <http://www.suaram.net>

Cover design and layout by
Bright Lights At Midnight

Printed by
POLAR VISTA Sdn Bhd (318716-P0)
15, Jalan 6/118C,
Desa Tun Razak, Cheras,
56000 Kuala Lumpur

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form, or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the publisher.

D8/3

CONTENTS

Foreword by Yeo Yang Poh viii

INTRODUCTION: BORN UNDER THE ISA 1

- Birth of SUARAM, 1989 2
- Malaysian Human Rights Centre 2
- Annual Malaysian Human Rights Report 3
- A Collective of Committed Activists 3
- For Equality, Justice & Democracy 5
- Coalition Building 6
- Reformasi! 8
- Branches in the South and North 8
- SUARAM's Green Desk 9
- Education and Training 9
- SUARAM Outreach 10
- International Solidarity 10
- Political Tsunami of 2008 12
- The Struggle Continues... 13

1. SUARAM'S EARLY YEARS, 1989-94 15

- SUARAM Launched, 1989 15
- SUARAM Sets Up Office, 1990 16
- Malaysian Charter on Human Rights, 1993 17
- Support Committee for Indigenous Peoples 18

2. STOP BAKUN DAM CAMPAIGN, 1995 21

- Coalition against Bakun Dam, 1995 24
- Seminar on the Bakun HEP, 1995 26
- Sungai Asap Resettlement Scheme 27
- Fact Finding Mission to Bakun, 1999 29
- Mission's Conclusion and Recommendations 32

3. ASIA PACIFIC CONFERENCE ON EAST TIMOR, 1996 35

- APCET II, 1996 35
- Civil Suit against the Police and Government 38

4. ASIA PACIFIC PEOPLES' ASSEMBLY, 1998 39

- Struggle for Human Rights in Malaysia 40

MALAYSIA HUMAN RIGHTS REPORT 2008 CIVIL & POLITICAL RIGHTS

SUARAM's annual Human Rights Report on Malaysia is widely recognised as the most objective, comprehensive and dependable source of information on the state of human rights in Malaysia. It documents the human rights violations as well as the struggles of human rights defenders that take place in Malaysia during the year.

In this 2008 report, we note the new political realities brought about by the unprecedented results of the 12th General Elections, in which the ruling Barisan Nasional (BN) suffered its biggest loss in Malaysian electoral history since 1969.

Despite this setback, the BN government continued to use outdated and draconian laws such as the Internal Security Act (ISA), the Emergency Ordinance (EO) and the Dangerous Drugs Act (DDA) to detain individuals without trial. Other restrictive and repressive laws, including the Police Act, the Printing Presses and Publications Act (PPPA), the Official Secrets Act (OSA) and the Sedition Act continued to be invoked by the government to suppress voices of dissent and curb basic freedoms of expression, assembly and association.

The establishment of the Independent Police Complaints and Misconduct Commission (IPCC) as recommended by the Royal Police Commission a few years ago remained unfulfilled. This has led to numerous abuses of power by the police throughout the year.

2008 also saw growing religious intolerance, most clearly demonstrated in warnings issued by Muslim leaders against non-Muslims who discussed matters relating to Islam and the ban on non-Muslims from using certain words deemed to be the exclusive right of Islam. The rights of refugees, asylum seekers and migrants continued to be seriously violated by the government.

Malaysia's credibility at the international level took a further blow for its lack of commitment in promoting and protecting human rights, as illustrated in the possible downgrading of the Human Rights Commission of Malaysia (SUHAKAM) by an international governing body.

ISBN 978-983-44070-2-5



9 789834 407025 >

MALAYSIA HUMAN RIGHTS REPORT 2008 CIVIL & POLITICAL RIGHTS

MALAYSIA HUMAN RIGHTS REPORT 2008 CIVIL & POLITICAL RIGHTS



D8/6

D8/7

Insidious Suppression Apparatus	41
Other Violations	42
Products of Struggles	45
5. SUARAM BRANCHES SOUTH AND NORTH	47
SUARAM Johor 1999	47
SUARAM Penang 2002	49
6. SAVE OUR SUNGAI SELANGOR CAMPAIGN, 2000	53
sos Selangor	53
Water Conservation Campaign	54
Clean up our Rivers	55
Inconsistent Official Statistics*	56
Endangered Flora and Fauna	57
Displacing Our Original People	58
7. PEOPLE BEFORE PROFITS, 2000	59
Community Resistance	60
Unequal Development	61
Rich and Well-connected	63
Environmental Destruction	65
Conference Resolutions	68
8. POLICING THE MALAYSIAN POLICE, 2004	71
Royal Commission on the Police	71
Abuse of the remand procedure	73
Abuse of police powers	74
Submission to the Royal Commission, 2004	75
Crisis of Public Security	76
Accountability	77
Independent Complaints Board	79
9. ANTI-ISA CAMPAIGN	81
Torture under the ISA: Pre-1987	81
Torture during Operation Lalang: 1987	83
Torture under the ISA: Post-1987	83
Al Arqam, 1994	85
Recent Torture under the ISA	86
Reformasi, 1998	87
Campaign to Abolish the ISA, 2000	87
10. REFUGEES AND LOCAL DEMOCRACY DESKS, 2006	91
SUARAM Starts Refugee Desk, 2006	91
Local and Participatory Democracy	92
11. SUARAM'S HUMAN RIGHTS REPORTS	95
1998 Report	96
1999 Report	97
2000 Report	100
2001 Report	102
2002 Report	104
2003 Report	108
2004 Report	110
2005 Report	113
2006 Report	115
2007 Report	116
2008 Report	120
2009 Report	123
CONCLUSION: SUARAM'S CHALLENGES	127
Days of Hope	127
Products of Struggles	128
Commitment to Activism	129
Appendix	
SUARAM's Covenant of Guiding Principles	131
SUARAM Publications	139

D8/8

Published by:
SUARAM Komunikasi
433A, Jalan 5/46
Gasing Indah
46000 Petaling Jaya
Selangor
Malaysia
Tel: +603 7784 3525
Fax: +603 7784 3526
Email: suaram@suaram.net
Website: www.suaram.net

Cover design and layout by:
Bright Lights At Midnight

Printed by:
Polar Vista Sdn. Bhd.

Photograph images on the front and back covers:

A mob of protestors led by several Malay- and Islamic-based political parties and NGOs forcibly halting a public forum on religious conversions organised by the Malaysian Bar Council on 9 August 2008. Intolerance towards matters of race and religion was one of the most regressive trends in 2008, creating an environment which severely hampered the state of human rights in the country.

SUARAM © 2009

D8/9

CONTENTS

Introduction	5
Acknowledgments	7
Executive Summary	9
CHAPTER 1: Detention Without Trial and Restriction of Movement	13
CHAPTER 2: Abuse of Power by the Malaysian Police and Other Law Enforcement Agencies	39
CHAPTER 3: Freedom of Speech and Expression	63
CHAPTER 4: Freedom of Information	81
CHAPTER 5: Freedom of Assembly and Association	95
CHAPTER 6: Freedom of Religion and Matters Pertaining to Religion	111
CHAPTER 7: Refugees, Asylum Seekers, Undocumented Migrants and Trafficked Persons	129
CHAPTER 8: Law and The Judiciary	147
CHAPTER 9: Human Rights Commission of Malaysia (SUHAKAM)	153
CHAPTER 10: Free and Fair Elections	175
VOICES OF THE PEOPLE: SELECTED STORIES	
Adat and Human Rights in Sarawak	198
US-Malaysia Free Trade Agreement: Who Benefits?	208
CONCLUSION AND GENERAL TRENDS	
A Call for Genuine Human Rights Reforms	213