



International
Commission
of Jurists

www.hrw.org



a joint programme
OMCT **fidh**
SOS-Torture Network
The Observatory
for the Protection
of Human Rights Defenders



Lawyers' Rights Watch Canada

December 10, 2015

Mohamed Apandi Ali
Attorney General
Attorney General's Chambers
No 45, Persiaran Perdana
Precint 4, 62100 Putrajaya, Malaysia

Via Fax: 60-3 889-05670

Via Email: pro@agc.gov.my

Re: Prosecution of Lena Hendry

Dear Attorney General Mohamed Apandi Ali,

We write to you as organizations that are deeply concerned by the decision of the Malaysian authorities to prosecute Lena Hendry for her involvement in the screening of the award-winning human rights documentary, "No Fire Zone: The Killing Fields of Sri Lanka,"

in Kuala Lumpur on July 9, 2013. The charges against her violate Malaysia's obligations to respect the rights to freedom of opinion and expression, notably to receive and impart information. We respectfully urge you to drop the charges against Hendry. Her trial in Magistrate Court 6 in Kuala Lumpur is slated to begin on December 14, 2015.

As you know, Hendry is being charged under section 6 of the Film Censorship Act 2002, which imposes a mandatory prior censorship or licensing scheme on all films before they can be screened at any event, except films sponsored by the federal government or any state government. If convicted, she faces up to three years in prison and a fine up to RM 30,000.

The prosecution appears intended to restrict the activities of Hendry and members of the KOMAS, the human rights education and promotion organization with which she works, by hindering their efforts to provide information and share their perspectives on human rights issues.

International human rights law and standards, such as found in article 19 of the Universal Declaration of Human Rights, states that "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers."

Malaysia has committed to ensuring that all human rights defenders are able to carry out their activities without any hindrance or fear of reprisals from the government. In November, Malaysia voted in favor of a resolution on "Recognizing the role of human rights defenders and the need for their protection" in the 3rd Committee of the United Nations General Assembly. The resolution set out the urgent need for governments to protect human rights defenders worldwide. Article 1 of the UN Declaration on Human Rights Defenders, adopted unanimously by the UN General Assembly on December 9, 1998, states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels." Article 12(2) provides that the government shall "take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of his or her rights."

In addition to dropping the charges against Hendry, we also urge you, as attorney general, to seek to repeal provisions of the Film Censorship Act 2002 that allow unnecessary and arbitrary government interference in the showing of films in Malaysia. This policy denies

Malaysians the opportunity to benefit from a range of viewpoints on issues of importance to Malaysian society and that affect Malaysia's role in the world.

Sincerely,

Brad Adams
Director, Asia Division
Human Rights Watch

Gail Davidson
Executive Director
Lawyers' Rights Watch Canada

Jodie Ginsberg
Chief Executive
Index on Censorship

Karim Lahidji
President
International Federation for Human Rights (FIDH)

Mary Lawlor
Director
Front Line Defenders

Edgardo Legaspi
Executive Director
Southeast Asian Press Alliance (SEAPA)

Marie Manson
Program Director for Human Rights Defenders at Risk
Civil Rights Defenders

Champa Patel
Interim Director, South East Asia and Pacific Regional Office
Amnesty International

Amy Smith
Executive Director

Fortify Rights

Oliver Spencer

Head of Asia

Article 19

Gerald Staberock

Secretary General

World Organization Against Torture (OMCT)

Sam Zarifi

Regional Director for Asia and the Pacific

International Commission of Jurists

Cc:

Ahmad Zahid Hamidi, Minister of Home Affairs

Joseph Y. Yun, Ambassador of the United States of America to Malaysia

Luc Vandebon, Ambassador of the European Union to Malaysia

Victoria Treadell, British High Commissioner to Malaysia

Christophe Penot, Ambassador of France to Malaysia

Holger Michael, Ambassador of Germany to Malaysia

Rod Smith, Australian High Commissioner to Malaysia

Judith St. George Canadian High Commissioner to Malaysia

Dr John Subritzky, New Zealand High Commissioner to Malaysia

Ibrahim Sahib, Sri Lanka High Commissioner to Malaysia