



July 15, 2011

The Honorable Hillary Clinton
Secretary of State
2201 C Street, N.W.
Washington, D.C. 20520-0001

Re: Malaysian Government's Crackdown on Rally and Detention of Opposition Leaders

Dear Secretary Clinton:

We are writing to express our grave concerns regarding the brutal crackdown by Malaysian authorities on the "Walk for Democracy" rally organized by the Coalition for Clean and Fair Elections (Bersih 2.0) that was held on July 9, 2011 in Kuala Lumpur.

As a country with close economic and political ties to Malaysia, the United States government cannot remain conspicuously silent in the wake of this crackdown on basic civil liberties and human rights. We urge you to send a strong public message to the Malaysian government that this type of behavior is not consistent with democratic principles and is contrary to Malaysia's obligations as a member of the UN Human Rights Council. We ask that you call upon the Malaysian government to protect the rights of all Malaysian citizens to freely exercise their fundamental rights to expression, association, and assembly, and to peacefully express dissent in the future without threat of arrest or reprisal. Specifically, the U.S. government should publicly demand that Malaysia end the campaign of harassment and prosecution against Bersih supporters and other groups that advocate peacefully, lift the ban on Bersih and other groups, and launch an independent, impartial and transparent investigation into the crackdown and hold accountable those officers who are found to have used excessive force.

In the weeks leading up to the rally, over 200 people were arbitrarily arrested, detained, charged, or summoned for questioning for simply wearing Bersih's trademark yellow T-shirts or distributing its literature. Among those arrested were six staff members and one volunteer of the coalition, which is chaired by one of Malaysia's leading human rights lawyers and the former president of the Malaysian Bar Council, Ms. Ambiga Sreenevasan, whom you honored in 2009 with an International Courage of Women Award. On July 1, the Home Affairs Minister declared Bersih an illegal organization under the Societies Act, an action which was condemned by Frank La Rue, the UN Special Rapporteur on the right to freedom of opinion and expression, who said "Declaring Bersih illegal based on claims that it is trying to topple the government or is a risk to national security and public order - in the absence of any credible evidence to substantiate such claims - is also an unnecessary restriction of civil and political rights."

Ahead of the rally, police set up roadblocks shutting off all major arteries into Kuala Lumpur. Those who managed to get into the city were attacked with tear gas, batons, and chemically-infused water cannons. Numerous protestors were injured and opposition party member Mr. Allahyarham Baharuddin Ahmad allegedly died because of suffocation induced by excessive tear gas. On the day of the rally, 1,667 people were arrested including two coalition leaders and 18 minors. Additionally, online newspaper *Malaysiakini*, which provided extensive coverage of events leading up to the demonstration, was subjected to a sustained distributed denial of service (DDOS) attack. Malaysia's actions, which fundamentally violate the basic rights to free assembly and expression, are particularly reprehensible given its membership in the United Nations Human Rights Council.

In response to the Malaysian government's intimidation ahead of the rally, on July 8, State Department spokeswoman Victoria Nuland said the U.S. had communicated to Malaysia the importance of respecting human rights, including freedom of expression and assembly. During a state department press briefing she said, "We consider it incumbent on all sides to refrain from violence." Additionally, at a press briefing held on July 13, deputy spokesperson Mark Toner said with regard to the situation in Malaysia, "Well, we do have some concerns. Obviously, we stand for – as we have elsewhere stood for and continue to stand for the right for people to freely express their democratic aspirations and express their views freely. I would stress that those must be peaceful demonstrations. So we did have some concerns; we continue to monitor the situation closely." As the official response of the U.S. government to this crackdown, these comments are lukewarm at best and send a very weak signal regarding the United States' commitment to human rights and democracy.

We are particularly concerned that six members of the Parti Socialist Malaysia (PSM) still remain in police custody awaiting a court hearing on July 22 for their habeas corpus application filed on July 6. These six individuals are being held under section 3(1) of the Emergency Ordinance (EO) that allows for detention without charge for 60 days and can be renewed at the discretion of the Home Ministry for a period up to 2 years. Additionally, under Section 48(1) of the Societies Act 1966 and Section 29 (1) of the Internal Security Act, twenty-four PSM activists were charged on July 4 for their involvement with Bersih activities. These activists, originally detained by authorities in late June, have since been released but now face jail terms of up to five years and/or hefty fines under these provisions.

We urge the U.S. government to:

- Press for the immediate release of the six PSM members from preventive detention under the EO and drop the charges against the twenty-four other PSM activists.
- Publicly call on the Malaysian government to immediately end all use of preventive detention to hold Bersih, PSM supporters, and other groups that advocate peacefully and stop using laws that provide for preventive detention for political reasons, including the Emergency (Public Order and Prevention of Crime) Ordinance, the Internal Security Act, the Dangerous Drugs (Special Preventive Measures) Act 1985, the Societies Act 1966, and the Restricted Residency Act 1933.
- Take into account the seriousness and timeliness of the government of Malaysia's response to these concerns when considering a possible visit by President Obama to Malaysia during his trip to the East Asia Summit in Bali later this year.

The State Department should press the government of Malaysia to address these concerns in a serious and time-bound manner and consistently raise these matters in discussions with the Malaysian government in the coming days.

We thank you for your attention to this important matter.

Sincerely,

T. Kumar
Director of International Advocacy
Amnesty International USA

David J. Kramer
President
Freedom House

Sophie Richardson
Advocacy Director, Asia Division
Human Rights Watch

Hans Hogrefe
Chief Policy Officer/Washington Director
Physicians for Human Rights

cc: Assistant Secretary Michael Posner, Bureau of Democracy, Human Rights, and Labor
Assistant Secretary Kurt Campbell, East Asian & Pacific Affairs