

PRESS STATEMENT

CIVIL SOCIETY MONITORING REPORT ON THE #LAWAN PROTEST

1 September 2021

Civil society organisations who share a common interest in promoting, protecting, and defending the right to freedom of expression and freedom of assembly today released a monitoring report on the #LAWAN protest and events surrounding the 31 July 2021 protest in Kuala Lumpur including incidents of intimidation before and after the protest.

The report is an initiative of Malaysian civil society organisations namely Centre for Independent Journalism (CIJ), KRYSS Network, the Malaysian Centre for Constitutionalism and Human Rights (MCCHR), Amnesty International Malaysia, Justice for Sisters, Freedom Film Network, Sisters in Islam, and Sinar Project. A team of observers from these organisations attended the protest to monitor and document violations of freedom of expression and assembly. This was complemented by a team monitoring reaction to #LAWAN on the internet. We also monitored events leading up to the protest as well as after, from 17 July to 8 August.

The #LAWAN protest on 31 July 2021 and the reactions by the State, pre and post the event, have taken place in a landscape of shrinking checks and balances and deteriorating democratic practices. This is as evidenced by the lack of Parliamentary oversight since January 2021, causing a state of uncertainty as well as trust deficit in the previous administration. Despite the many restrictive orders under the guise to curb COVID-19, Malaysia instead saw a surge in COVID-19 related deaths.

The Report makes observations of actions of various stakeholders in relation to the #LAWAN actions, in particular the state, organisers, protesters and observers. The Report commends the organisers of #LAWAN for taking necessary precautions, adapting good practices and having clear methods of communications with protesters.

The Report documents the followings actions by the State, in particular the law enforcement:

- The actions by the police leading up to the protest were an obstruction to freedom of expression and assembly, both offline and online. The pre-protest investigations and arrests are a form of intimidation to silence the criticisms against the government. that violates freedom of expression and freedom of assembly. Between 17 July and 8 August 2021, the police carried out at least 47 investigations related to freedom of expression under laws such as the Sedition Act, Communications and Multimedia Act and the Penal Code.
- Significant roadblocks and closure of Dataran Merdeka posed a direct barrier to access the protest gathering spot. Jalan Raja was blocked with steel barricades and 3 police patrol cars were parked after the barricades. This is observed as a violation of the peoples' right to freedom of movement, expression and assembly as Dataran Merdeka is a public space that is larger and as an open space that can accommodate over 20,000 people it would have been a safe spot to facilitate a more effective observance of COVID-19 risks management measures.

- The State had also obstructed the protesters as they were instructed by the police to inch closer to the pavement in order to not block the flowing traffic along Jalan Tun Perak at the expense of the protesters being unable to maintain social distance. The protesters occupied the road to maintain social distance. Further, two police patrol cars were parked along Jalan Tun Perak outside the LRT station, in the middle of the protest formation, among protesters for an hour and they later drove the car through the formation of protesters in the middle of the protest, putting protesters' safety at risk. The police only cordoned off Jalan Tun Perak at 11:30am, an hour before they instructed the dispersal of the protest.
- The use of heavy surveillance during the protest coupled by a large police presence of about 300 personnel on ground was also a concern. Following the protest, the police then released photos of 47 people who participated in the protest and encouraged the media and the members of the public to provide information about them to the police.

The monitoring team also made the following key observations:

- Generally, media personnel had difficulties in complying with #LAWAN marshals' instructions to observe SOPs for safe distancing. The tendency for media personnel to crowd around to take photos of specific incidents for their use as "news" was quite high.
- In general, protesters complied with SOPs and directions from organisers. Protesters clad in mostly black were masked, some wore face shields. Protesters had placards and held sticks bearing a black flag signifying the #BenderaHitam or #BlackFlag campaign, the symbol of the #LAWAN movement.
- Both Suhakam observers and the Malaysian Bar Council monitoring team were seen moving around among the protesters closely monitoring the protest with ease while communicating with organisers, police, protesters and members of civil society organisations.

Further, online monitoring had demonstrated attempts to demonise the organisers and protesters through disinformation by non-state actors. This included saying that COVID-19 clusters came from the #LAWAN protest when none were reported. The lack of protection against online harassment, doxing, and disinformation were also observed.

It is significant to note that the following State actions post the #LAWAN protest continued to deny the public the right to exercise our fundamental freedom of expression and assembly:

- Organisers and participants of #LAWAN, including independent observers like Suhakam and Malaysian Bar Council, were questioned following the protest, with some receiving visits to their homes.
- Several other #LAWAN activists and participants of the protest and campaigns were also called to the police station multiple times for investigations under various legislations.
- The police have taken a more heavy-handed response against public assemblies and protests following the #LAWAN protest, for instance the presence of riot police at the protest by the Members of Parliament on 2 August and the arrest of 31 people at a candlelight vigil at Dataran Merdeka on 19 August 2021.
- On 30 August 2021, a youth environmental activist, Shakila Zen received harmful threats in the form of a parcel from an unidentified individual containing a replica of a human arm stained with mock blood. The parcel contained a threat note which was stained with acid. The following day, on 31 August 2021, Shakila received a text

message on her WhatsApp application which was explicitly sexual in nature. It also contained an inappropriate poster for dissemination, containing her personal information. It is believed this was done due to her Tiktok video explaining the #LAWAN campaign which went viral on social media platforms. She has since filed police reports on both incidences.

In lieu of the above, the report makes the following recommendations to the State:

1. Drop all harassment, investigations and charges against the organisers, protesters, Bar Council observers, Suhakam Commissioners and others with immediate effect;
2. Recognise their positive duty and engage constructively with the protest organisers, medical team, media, independent observers and others prior to and post a protest to facilitate and ensure a safe and enabling environment for the exercise of freedom of assembly and expression;
3. Develop policies and SOPs, in compliance with international standards, to protect, promote and realise the right to peaceful assembly.
4. Initiate a program of legislative reform to bring its legal framework in line with Malaysia's international human rights obligations, including by repealing the Sedition Act 1948 and substantively amending the Communications and Multimedia Act 1998, the Peaceful Assembly Act and problematic defamation and national security-related provisions under the Penal Code. There should be a moratorium on the use of these laws while undergoing reform initiatives.

Specific recommendations are also targeted at other key stakeholders, including:

1. Suhakam to hold an inquiry on the police actions in relation to the #LAWAN protest. The national human rights commission should also work with the State in developing a policy to facilitate public assembly with consultation with civil society groups. Suhakam should also conduct a comprehensive assessment of the surveillance practices and tools employed by the police and other state agencies for public assemblies and their compatibility with human rights standards.
2. Media to develop SOP on covering protests during COVID-19 to ensure safe distancing and other COVID-19 risk mitigation measures.

COVID-19 must not be used as an excuse to suppress dissent and public criticisms, in fact it is even more relevant in crises like this to uphold the exercise of rights by the people. All measures to address the pandemic must be applied as necessary and proportionate for the protection of public health and be in full compliance with international human rights laws.

We call on the government under Prime Minister Ismail Sabri to better respect the freedom of expression and assembly guaranteed under the Federal Constitution and international human rights law.

A copy of the report can be found [here](#).

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