

# **AMNESTY INTERNATIONAL REPORT 2020/21: THE STATE OF THE WORLD'S HUMAN RIGHTS**

## **MALAYSIA**

Investigations into human rights activists and government critics, mass raids against undocumented migrants and the pushback of refugee boats contributed to a deterioration of human rights. LGBTI people continued to face discrimination while Indigenous communities remained under threat from logging and mining. Human rights reforms, including the formation of an independent police oversight commission and the abolition of the mandatory death penalty, stalled under a new administration.

### **BACKGROUND**

In February, the Pakatan Harapan coalition government collapsed after parliamentarians defected to form Perikatan Nasional under new Prime Minister Muhyiddin Yassin. The country was placed under a Movement Control Order (MCO) from March in response to the COVID-19 pandemic. Prison populations were not significantly reduced despite an outbreak of over 5,000 infections.

### **FREEDOMS OF ASSEMBLY, ASSOCIATION AND EXPRESSION**

Human rights defenders faced investigation and prosecution, most commonly under Section 233 of the Communications and Multimedia Act (CMA). In March, activist Fadhiah Nadwa Fikri was investigated for a social media post calling for demonstrations against the change in government. Fadhiah and 18 other activists were later investigated for failing to provide notice for a protest. In May, 262 seditious investigations were reported since the beginning of the year, while 143 cases were opened under the CMA. In June, opposition MP Xavier Jayakumar was investigated under seditious laws after criticizing the government for not convening a full parliamentary session. Also in June, radio personality Patrick Teoh was charged under seditious laws for a social media post allegedly insulting the royalty. In July, a man was sentenced to 26 months in jail for social media posts deemed insulting to Islam. Steven Gan of news website Malaysiakini was charged with contempt of court over reader comments. The government also investigated journalists from the Al Jazeera news channel and the South China Morning Post newspaper for separate reports on the treatment of migrants under the COVID-19 lockdown. The authorities charged five union activists with violating the MCO after they had held a peaceful demonstration protesting unfair labour practices, union busting and insufficient personal protective equipment for hospital workers. The charges were later dropped by a court.

### **REFUGEES, ASYLUM-SEEKERS AND MIGRANTS**

The government response to the COVID-19 pandemic was harsh on refugees, asylum-seekers and migrant workers. Immigration raids, involving arrests and detentions, were conducted in areas with high migrant populations amid rising xenophobia. A COVID-19 outbreak emerged in immigration detention centres, with over 600 people infected. Authorities turned away Rohingya refugees arriving in boats or detained them in overcrowded facilities. In April, the navy turned back a boat carrying hundreds, including women and children. That month, another boat with hundreds of Rohingya refugees aboard that was allegedly turned away was accepted by Bangladesh authorities. While the government permitted two boats to land in April and June, the refugees were placed in detention. Some were charged under immigration law, and sentenced to prison and caning sentences before the latter punishment was overturned. Allegations of migrants in forced labour and living in cramped housing hit Malaysia's rubber glove industry, which experienced elevated demand during the COVID-19 pandemic. Infection outbreaks hit glove factories, with one employee fired after raising concerns about overcrowding. Outbreaks also occurred in construction sites.

## **HUMAN RIGHTS DEFENDERS**

Human rights defenders faced investigations following the change in government, including the chair of the electoral reform coalition Bersih, Thomas Fann; anti-corruption activist Cynthia Gabriel of C4; and Sevan Doraisamy of the human rights organization Suaram. In July, police investigated Heidy Quah, founder of the NGO Refuge for the Refugees, after she posted an account of dire conditions in immigration detention centres. Quah also received threats online, highlighting a worrying trend for human rights defenders, especially women, who faced harassment and sometimes had their personal information made public. Authorities rarely investigated violence online.

## **LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (LGBTI) PEOPLE**

The government continued to persecute LGBTI people. In July, Minister for Islamic Affairs Zulkifli Mohamad released a statement online that gave “full licence” to religious authorities to arrest and “rehabilitate” LGBTI people. In September, one of 11 men charged for “attempted sexual intercourse against the order of nature” in 2019 filed a judicial review against the law which criminalizes same-sex sexual conduct. The case was ongoing at year end.

## **INDIGENOUS PEOPLES**

Indigenous Peoples across the country remained under threat of losing land to development and logging. In February, a proposal to remove official protection from a forest reserve in Selangor state was met with protests by Indigenous communities, who feared their homes and livelihoods would be affected. In September, Indigenous Peoples in Pahang state protested plans for the development of three rare earth mines.

## **IMPUNITY**

In August, the government withdrew a bill to establish a police oversight commission tabled by its predecessor in 2019, and presented a new draft bill widely criticized as ineffectual. Also in August, the government revealed that from January to June, detainees, including two children, died in immigration detention. There were no meaningful investigations into the causes of these deaths. More cases of deaths in custody followed, including Indian national Zeawdeen Kadar Masdan who died while being held by immigration authorities.

## **DEATH PENALTY**

In August the Federal Court declared the mandatory death penalty constitutional. Legislative amendments to repeal the mandatory death penalty, proposed under the former government, had not been introduced in Parliament by the end of the year. A moratorium on executions remained in place.