

SUARA RAKYAT MALAYSIA (SUARAM)

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Jamie Lowther-Pinkerton,
Private Secretary to HRH Prince William of Wales,
Clarence House

Cc His Royal Highness, The Prince of Wales
Malaysia Desk of the Foreign Office

5 September 2012

Dear Mr Lowther-Pinkerton,

We write to you as concerned Malaysian citizens living in the UK and members of SUARAM International, the UK campaign arm of a leading human rights organisation in Malaysia.

Malaysia is soon to hold its 13th General Election that may affect the 55-year monopoly of the Barisan National (BN) government. Government corruption remains endemic in an environment where political kickbacks worth billions of ringgit are the norm. The excesses of Prime Minister Najib Tun Razak, at the centre of a French submarine scandal involving a commission worth over EUR 100 million is currently the subject of a criminal investigation in France.

The wealth of Taib Mahmud, Sarawak's Chief Minister of over 30 years, has long been in the public domain, the result of logging one of the World's most unique ecosystems. However what has angered many Malaysians in recent months is the emerging scandal linking Sabah's Chief Minister Musa Aman and his nominees with suspected money laundering of timber corruption proceeds through a number of UBS bank accounts in Hong Kong.

A series of recent reports, published on the anti-corruption website www.sarawakreport.org clearly demonstrates that Musa Aman acquired vast sums of money by turning a blind eye to illegal logging practices of timber associates and issuing licences in formerly protected forest areas in Sabah. Last Friday, the Swiss Attorney General announced the start of a criminal case against UBS, in what is likely to be one of Malaysia's biggest corruption scandals.

We are extremely concerned about the Duke and Duchess of Cambridge visit to Sabah, and particularly on the inappropriateness of meeting with Musa Aman and associating his administration in Sabah with a green image. This as he is now blatantly exposed as having been the main instrument of forest destruction since he took over Yayasan Sabah following UMNO's open intervention in 1993.

Over the past year, there have been a series of serious human rights violations by the Malaysian government, as it has moved to systematically clamp down on freedom of speech, assembly and association. This was clearly illustrated by Najib's opposition to BERSIH – a civil society movement calling for clean and fair elections.

On 28 April, the largest public demonstration in Malaysian history saw 250,000 peaceful demonstrators in Malaysia taking to the streets to demand electoral reform. International solidarity protests by concerned citizens also took place in 85 cities around the world. In Kuala Lumpur, however, there were unprecedented scenes of police-inflicted violence. Protestors were physically and indiscriminately assaulted with tear gas and water cannon in an apparent attempt to 'kettle' them. In a number of unprovoked instances, demonstrators, including reporters, were deliberately targeted and beaten, hours after the rally ended.

These acts of police brutality were a clear infringement of the constitutional right to freedom of assembly, and highlight the arbitrary and excessive powers of the Malaysian police. Shockingly, the BBC coverage of the BERSIH 3.0 rally was censored by Malaysia's only satellite channel, ASTRO, in attempt to hide the government's blatant disregard for human rights from the outside world.

A number of anti-democratic laws also continue to threaten basic civil liberties in Malaysia. After visiting in June 2010, the UN Working Group on Arbitrary Detention called on the government to abrogate as soon as possible, four preventive laws that undermine human rights guarantees: the Internal Security Act, the Emergency (Public Order and Prevention of Crime) Ordinance, the Dangerous Drugs (Special Preventive Measures) Act and the Restricted Residence Act.

The Malaysian government's recent moves to amend or repeal these laws, is an attempt to re-brand itself as liberal and progressive. The events of 28 April ("428") prove to be part of a wider, deteriorating human rights situation in Malaysia, while other repressive laws are retained or introduced.

Current legislation on media censorship seriously impedes the right to political expression in Malaysia. Amendments made to the Printing Presses and Publications Act 1984 (PPPA) ensure that the Malaysian government can issue bans on media content and still hold power over the permits of all newspapers, printing presses and publications. The frequent use of the Sedition Act 1948 to 'muzzle' criticism or opposition voices further undermines the right to freedom of expression.

Last December, the Senate passed the highly restrictive Peaceful Assembly Act (PAA) after only one day of debate. Contrary to its euphemistic title, the bill imposes far greater limitations on the rights to freedom of assembly and of association. Sweeping restrictions ban street protests ('assemblies in motion or processions'), prohibit non-citizens and citizens under 15 years of age from engaging in peaceful assembly, prohibit citizens below the aged of 21 from organising public assemblies, restricts access of the media to public gatherings and imposes excessive fines for non-compliance with the PAA.

On 7 December 2011, a group of United Nations independent experts warned that this

was likely to “arbitrarily and disproportionately restrict the right to assemble peacefully”. The UN Special Rapporteur on right to peaceful assembly and association, Mr Maina Kiai, further criticised the fact that “neither the Human Rights Commission of Malaysia (SUHAKAM), nor civil society was meaningfully consulted in the drafting of this Bill.”

Similarly, on 17 April, Malaysian parliament’s lower house hurriedly approved the Security Offences (Special Measures) Act, a mere seven days after it was first tabled and without amendments or consultation with civil society. Although it replaces the much-criticized Internal Security Act (ISA), which sanctioned indefinite detention without trial, the Security Offences Act still falls well below international human rights standards. Its provisions restrict a range of fundamental rights. For instance, individuals suspected of vaguely defined security offences could be detained for up to 28 days without judicial charge or access to court.

The Act also grants the police significant discretionary power to detain suspects incommunicado for 48 hours and to intercept any telephone or electronic communications without judicial oversight. We are particularly concerned about the potential abuse of this law to silence human rights campaigners on the “wrong” side of the BN ruling coalition government.

We are extremely concerned that the royal couple should not be seen as endorsing corrupt, illegal and ruthless behaviour by politicians who pay scant regard to human rights, international norms and environmental protection.

We therefore urge their Royal Highness the Duke and Duchess of Cambridge to either cancel their visit to Malaysia or to ensure that they send a strong message to the Prime Minister Najib and his cabinet, urging them to cease the intimidation, harassment and abuse of ordinary Malaysian citizens exercising their rights to free speech, assembly and association and to adopt a zero tolerance policy towards corruption.

We call on the UK Government to remind the Najib led administration that it cannot continue to act with impunity and still expect the approval and support of the international community, its partners and friends.

Yours Sincerely

SUARAM International

Spokesperson : Dr Yolanda Augustin