

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

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6 February 2014

Dato' Sri Moh Najib Tun Abdul Razak, Prime Minister
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Mr. Ahmad Sahid Hamidi, Minister of Home Affairs,
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Attorney General Tan Sr. Abdul Gani Patail,
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Dear Sirs :

Re: Prosecution of Lena Hendry and Violation of Freedoms of expression and opinion and to impart information

We are writing on behalf of Lawyers Rights Watch Canada (LRWC), a committee of lawyers who promote human rights and the rule of law internationally. We are concerned with the continued judicial harassment of Lena Hendry and other members of KOMAS.

It has been brought to our attention by the Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), that Ms. Lena Hendry, Programme Coordinator for Pusat KOMAS, an NGO which advocates for democracy and human rights in Malaysia, is being subjected to judicial harassment for a private screening of the award-winning documentary film "No Fire Zone, the Killing Fields of Sri Lanka." No Fire Zone documents atrocities committed during the final months of the 26-year long civil war in Sri Lanka. The occurrence of the recorded atrocities is not controversial.

We further understand that a Court Application is to be heard on February 6, 2014 challenging the charges against Ms. Hendry under the 2002 Film Censorship Act for organizing a private showing of the documentary. The Film Censorship Act prohibits screening of any film or related publicity materials not previously approved by the Censorship Board.

LRWC takes the position that the prosecution of such charges in the circumstances is intended to punish her for peacefully exercising protected rights to: a/ freedom of expression; b/ receive and impart information; and, c/ engage in human rights education and advocacy. The prosecution also contravenes Malaysia's international law duties to respect and ensure these rights for all people and to ensure that Lena Hendry and other human rights defenders can promote public discussion through education and dissemination of information on issues of national and international concern without risk of criminal penalties and other interference from the State of Malaysia.

LRWC calls on the Government of Malaysia to comply with its obligations arising from the United Nations *Declaration on Human Rights Defenders* (Declaration) and the *Universal Declaration of Human Rights* (UDHR). We draw attention to Article 1 of the Declaration which requires Malaysia to ensure that: "everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels." Article 12.2 indicates that the State 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 other arbitrary action as a consequence of his or her legitimate exercise of his or her rights"

The UDHR protects both freedom of expression and the right to impart information "through any media." As a member of the United Nations Malaysia is bound to respect these provisions and ensure that Malaysian law is applied and interpreted in compliance with both the provisions of the UDHR and with the principles identified in the Declaration.

LRWC encourages Malaysian authorities to respect human rights and fundamental freedoms in accordance with any other international human rights standards and international instruments ratified by Malaysia and to immediately sign and to ratify such relevant UN treaties.

LRWC requests Malaysia to:

1. Terminate judicial harassment of Ms. Lena Hendry as it is arbitrary and in violation of her human rights protected by international law; and,
2. Withdraw charges against her under the 2002 Censorship Act.

Please provide a response to LRWC by mail, email or fax of the actions taken by the Malaysian authorities in this matter.

Thank you for your attention to this matter.

Yours truly,



Amy E. Reier
LRWC Member

Copies to:

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