

**Joint Press Statement
17 September 2012**

**Asian and International Human Rights Groups Urge Malaysian Government to End
Harassment against SUARAM**

We, the undersigned national, regional and international human rights organizations express our strongest protest against the Malaysian government's ongoing harassment of Malaysia's leading human rights organization, Suara Rakyat Malaysia (SUARAM) through investigations, public vilification and threats to charge the NGO for alleged financial irregularities, non-registration as a society, and receipt of foreign funds.

Since early July 2012, SUARAM has been a target of harassment by the government, which included visits by the Companies Commission of Malaysia (CCM) to the office of SUARAM to serve notices to the organization to produce information and documents to the CCM, and the seizure of documents from SUARAM's Company Secretary and auditors. Several of SUARAM's board and staff members have been summoned to the Commission for investigations. On 8 September 2012, Domestic Trade, Cooperatives and Consumerism Minister Ismail Sabri Yaakob said that the CCM had identified five charges under the Companies Act 1965 that could be made against *Suara Inisiatif Sdn Bhd*, the legal entity of SUARAM. The Malaysian government has also announced that investigations will be undertaken by several other government agencies, including the Registrar of Societies that has publicly noted that SUARAM is not legally registered as a society. On 12 September 2012, a meeting was held between the CCM, the police, the central bank (*Bank Negara*), the Malaysian Communications and Multimedia Commission, the Registrar of Societies and the Home Ministry, to determine the jurisdiction and actions to be taken by the respective government agencies against SUARAM.

Firstly, we stress that SUARAM's registration as a company under the Registrar of Companies, as is the case for many other NGOs in Malaysia, precisely results from the barriers and obstacles in getting registration as a society under the Registrar of Societies. This has been pointed out by numerous human rights reports on Malaysia since the 1990s. The fact that many NGOs in Malaysia have failed to obtain registrations under the Societies Act, and thus had to register as companies, is an indication that the right to freedom of association in the country is severely restricted.

Secondly, we strongly condemn the Malaysian government's attempts to discredit those who receive foreign funds for their human rights work, including insinuations made in the media¹ and in international fora² that foreign funded-organizations, including SUARAM, may have hidden political agendas. Such insinuations are in bad faith and irresponsible. We would like to point out that since its establishment in 1989, SUARAM has been widely recognized regionally and internationally as a leading and credible voice in the promotion and protection of human rights in Malaysia. We also recall that the Malaysian government itself had in the past received foreign development aid. We emphasize that foreign funding is indeed necessary for many NGOs not only in Malaysia but across the globe.

¹ For example, "Suaram would become foreign tool, warns Zahid", *Malaysiakini*, 14 September 2012, <http://www1.malaysiakini.com/news/208890>

² For example, Malaysia, 21st Regular Session of the UN Human Rights Council, Agenda Item 3: General Debate on the update of the High Commissioner, 10 September 2012. In the statement, the Malaysian government noted, "We are concerned that the donors may, knowingly or unknowingly, be manipulated or used as a vehicle to further the political agendas of certain quarters by masquerading as human rights defenders."

The UN Special Rapporteur on the situation of human rights defenders, Ms. Margaret Sekaggya has underscored the importance to access to funding, including foreign funding, as an inherent element of the right to freedom of association. This is reflected in Article 13 of the UN 1998 Declaration on Human Rights Defenders according to which “Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means”. In addition the UN Special Rapporteur on the right to freedoms of peaceful assembly and of association, Mr. Maina Kiai, has noted in his report to the UN Human Rights Council in June 2012, that many NGOs rely on foreign assistance due to limited or non-existent domestic funding, making it essential for all governments to allow access by NGOs to foreign funding.³ We urge the Malaysian government to fully implement the right to freedom of association.

We strongly support the recent statement by 136 Malaysian civil society groups that urged the Malaysian government to end its attacks on SUARAM and to respect and recognize the legitimate work of defending human rights, including through the means of foreign funding.⁴

While credible cases of financial irregularities of organizations must indeed be investigated, government agencies must demonstrate impartiality in carrying out their investigations. In the case of SUARAM, despite the NGO’s expressed intention to fully cooperate in the ongoing investigations, public vilification and threats against the organization are currently occurring almost on a daily basis. More importantly, it is still unclear how SUARAM’s receipt of foreign funds violates any law in Malaysia. We urge the Malaysian government to end its harassment of SUARAM.

This statement is endorsed by:

1. Accountability Watch Committee, Nepal
2. Afghan Women Protection Educational Institute (AWPEI), Afghanistan
3. Alliance of Independent Journalists (AJI), Indonesia
4. Alternative ASEAN Network on Burma (ALTSEAN-Burma)
5. Asia Pacific Refugee Rights Network (APRRN)
6. Asia-Pacific Solidarity Coalition (APSOC)
7. Asian Centre for Human Rights
8. Asian Centre for the Progress of Peoples
9. Asian Federation Against Involuntary Disappearances (AFAD)
10. Asian Forum for Human Rights and Development (FORUM-ASIA)
11. Bytes for All, Pakistan
12. Cambodian Centre for Human Rights (CCHR), Cambodia
13. Cambodian Food and Service Worker Federation (CFSWF), Cambodia
14. Cambodian Independent Civil Servant Association (CICA), Cambodia
15. Cambodian League for the Promotion and Defense of Human Rights (LICADHO), Cambodia
16. Cambodian Worker Centre for Development (CWCD), Cambodia
17. Cambodian Youth Network (CYN), Cambodia
18. Centre for Human Rights and Development (CHRD,) Mongolia
19. Centre for Migrant Advocacy, Philippines (CMA-Phils), the Philippines

³ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, 20th Session of the UN Human Rights Council, A/HRC/20/27.

⁴ Joint press statement by 136 Malaysian civil society groups, “Stop attacks against human rights defender, SUARAM”, 10 September 2012.

20. Centre for Refugee Research, University of New South Wales, Australia
21. Coalition of Cambodian Farmer Community (CCFC), Cambodia
22. Commission for the Disappeared and Victims of Violence (Komisi Untuk Orang Hilang dan Korban Tindak Kekerasan – KontraS), Indonesia
23. Commonwealth Human Rights Initiative (CHRI)
24. Dignity International
25. Education and Research Association for Consumers, (ERA Consumer), Malaysia
26. Hong Kong Human Rights Monitor, Hong Kong, China
27. Human Rights Defenders-Pilipinas (HRDP), the Philippines
28. Human Rights Working Group (HRWG), Indonesia
29. Independent Democracy of Informal Economy Association (IDEA), Cambodia
30. Indonesian Human Rights Monitor (IMPARSIAL), Indonesia
31. INHURED International, Nepal
32. Institute for Defense Security and Peace Studies (IDSPS), Indonesia
33. Institute for Policy Research and Advocacy (ELSAM), Indonesia
34. International Gay and Lesbian Human Rights Commission (IGLHRC)
35. Internet Law Reform Dialogue (iLaw), Thailand
36. Judicial System Monitoring Programme (JSMP), Timor Leste
37. Justice for Peace Foundation (JPF), Thailand
38. Korean House for International Solidarity (KHIS), South Korea
39. Korean Public Interest Lawyers' Group (GONGGAM), South Korea
40. Law and Society Trust (LST), Sri Lanka
41. LIBERTAS, the Philippines
42. LICADHO Canada
43. Management and Organizational Development for Empowerment (MODE), the Philippines
44. Migrant Forum in Asia (MFA)
45. National Alliance Timor Leste for International Tribunal (ANTI), Timor Leste
46. Noor Education Community Development Organization (NECDO), Afghanistan
47. Observatory for the Protection of Human Rights Defenders – a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT)
48. Odhikar, Bangladesh
49. Philippine Alliance of Human Rights Advocates (PAHRA), the Philippines
50. Peoples' Vigilance Committee on Human Rights (PVCHR), India
51. People's Watch, India
52. Refugee Council of Australia, Australia
53. SETARA Institute of Democracy and Peace, Indonesia
54. Southeast Asian Press Alliance (SEAPA)
55. Taiwan Association for Human Rights (TAHR), Taiwan
56. Think Centre, Singapore

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