- [english] - Asia - Malaysia -

Malaysia: Ms. Lena Hendry charged under the Film Censorship Act

Date : Friday 20 September 2013

FIDH - Worldwide Human Rights Movement

http://www.fidh.org/en/asia/malaysia/malaysia-ms-lena-hendry-charged-under-the-film-censorship-act-13968

The Observatory has been informed by Suara Rakyat Malaysia (SUARAM) that Ms. Lena Hendry, Programme Coordinator of the human rights NGO Pusat KOMAS[1], has been charged under the Film Censorship Act for organising a private screening of the documentary film called “No Fire Zone, the Killing Fields of Sri Lanka” on allegations of war crimes committed in Sri Lanka during the civil war in 2009.

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), has received new information and requests your urgent intervention in the following situation in Malaysia.

New information:

According to the information received, on September 17, 2013, the Home Ministry (KDN) issued a notice informing Pusat KOMAS that Ms. Kena Hendry had to present herself on September 19 at the Kuala Lumpur Magistrate Court to be charged.

On September 19, 2013, the Home Ministry and Attorney General Chamber (AGC) filed a charge against Ms. Lena Hendry under Section 6 of the Film Censorship Act 2002 - which says no one should screen any film or related publicity materials that have not been approved by the Censorship Board. Judge Ashraf Razal Abdul Manan granted her bail of 1,000 ringgit, and set the next date for Ms. Hendry to appear in court to October 21, 2013. If convicted, Ms. Hendry is liable to a fine “of not less than five thousand ringgit and not more than thirty thousand ringgit or to imprisonment for a term not exceeding three years or to both”.

The Observatory reiterates its call on the authorities of Malaysia to put an immediate end to the continuing judicial harassment of Ms. Lena Hendry, all Pusat KOMAS members as well as against all human rights defenders in the country, as it is arbitrary and seems to merely aim at sanctioning their legitimate human rights activities.

Background information:

In the evening of July 3, 2013, Pusat KOMAS, together with the KL & Selangor Chinese Assembly Hall Civil Right Committee (KLSCAH CRC), organised a private screening of “No Fire Zone” directed by British Director Callum Macrae. At about 8.30 pm, about 30 minutes after the start of the screening, about 30 officials of the KDN, immigration officials and the police entered the Chinese Assembly hall and requested to check the film. The organizers negotiated with them to allow the screening to continue and enter after the screening is over.

However, after the screening, said officials insisted on checking the identity cards of all participants before they left the venue. The KDN requested a copy of the film, which was provided by the organisers in soft copy. They also ordered the organisers - Ms. Anna Har, a member of KOMAS Board of Director, Mr. Arul Prakkash, KOMAS Executive Director, and Ms. Lena Hendry - to go to the Dang Wangi police station. The three asked whether they were being arrested, to which the officers replied no. However, during their interrogation, they were informed that they were placed under arrest. They were questioned for almost three hours by the investigating team from the KDN.

At about 2 am, the three KOMAS representatives were finally released on police bail after their statement was recorded. According to the information received, they should find out if they will be charged with any offences in 30 days. Reportedly, they were arrested upon the basis of Section 6 of the Film Censorship Act.

On July 1, 2013, Ms. Lena Hendry had received a call from the Censorship Board of the Ministry of Home Affairs, who asked the organisers to stop the screening because the film had not gone under censorship. She had replied that the screening was private and upon invitation only.

Furthermore, there were also strong attempts by the Sri Lankan Embassy in Malaysia to stop the screening. They faxed a letter to the KLSCAH asking them not to screen the documentary. Although they were invited to the screening they did not show up.

Mr. Tan Jo Hann, a member of the Board of Directors of Pusat KOMAS, was also subjected to acts of harassment in mid-July 2013[2].

Action requested:

Please write to the authorities in Malaysia, urging them to:

i. Put an end to any act of harassment, including at the judicial level, against Ms. Lena Hendry as well as against all KOMAS members and all human rights defenders in Malaysia;

ii. Ensure in all circumstances that KOMAS and its members as well as all human rights defenders in Malaysia are able to carry out their legitimate activities without any hindrance and fear of reprisals;

iii. Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:

- its Article 1, which states 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”, as well as

- its Article 12.2, which provides 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 any other arbitrary action as a consequence of his or her legitimate exercise of his or her rights”;

iv. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Malaysia.

Addresses:

· Dato' Sri Mohd Najib bin Tun Abdul Razak, Prime Minister, Prime Minister’s Office Malaysia, Main Block, Perdana Putra Building, Federal Government Administrative Centre, 62502 Putrajaya, Selangor, Malaysia. Fax: + 60 3 8888 3444, Email: ppm@pmo.gov.my

· Mr. Ahmad Zahid Hamidi, Minister of Home Affairs, Ministry of Home Affairs, Blok D1 & D2, Kompleks D, Pusat Pentadbiran Kerajaan Persekutuan, 62546 Putrajaya, Malaysia. Fax: +60 3 8889 1613 /8889 1610, Email: webmaster@moha.gov.my

· Tan Sri Hasmy Agam, Chairman of the Human Rights Commission of Malaysia (SUHAKAM), Tingkat 11, Menara TH Perdana, Jalan Sultan Ismail, 50250 Kuala Lumpur, 50250 Kuala Lumpur, Malaysia; Fax: +60 3 2612 5620; Email: humanrights@suhakam.org.my; hasmyagam@suhakam.org.my

· H.E. Mr. Mazlan Muhammad, Ambassador, Permanent Representative of Malaysia to the United Nations in Geneva, International Centre Cointrin (ICC), Bloc H (1st floor), Route de Pré-Bois 20, 1215 Geneva 15, Switzerland. Fax: +41 22 710 75 01. Email: malgeneva@kln.gov.my

· Embassy of Malaysia in Brussels, 414 A avenue de Tervueren, 1150 Woluwe-Saint-Pierre, Belgium, Fax: + 32 2 762 50 49. Email: malbrussels@kln.gov.my

Please also write to the diplomatic missions or embassies of Malaysia in your respective country as well as to the EU diplomatic missions or embassies in Malaysia.

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Geneva-Paris, September 20, 2013

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, an OMCT and FIDH venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

To contact the Observatory, call the emergency line:
• E-mail: Appeals@fidh-omct.org
• Tel and fax OMCT + 41 (0) 22 809 49 39 / + 41 22 809 49 29
• Tel and fax FIDH + 33 (0) 1 43 55 25 18 / +33 1 43 55 18 80

[1] Pusat KOMAS has existed since 1993 and it has been on the forefront of the advocacy for democracy & human rights in Malaysia through creative media. They have highlighted many human rights issues involving grassroots communities.

[2] See Observatory Urgent Appeal MYS 001 / 0713 / OBS 064.2, issued on July 18, 2013.