

State and public officers' use of SLAPP and other harassment against Women Human Rights Defenders in Malaysia Condemned

Shariffa Sabrina and Lalitha Kunaratnam, Women HRDs, must be recognized and protected

We, the undersigned **21** groups, organizations and trade unions are appalled by the harassment of environmental women human rights defender by the Pahang State government. The Pahang government has been reported issuing a letter of demand, seeking an apology and RM1 million in damages from activist Shariffa Sabrina Syed Akil for allegedly making slanderous statements on logging activities in the state. *(Malaysian Insight, Malaysiakini, FMT 10/2/2022)*

Shariffa Sabrina, the president of the environmental group, Pertubuhan Pelindung Khazanah Alam Malaysia [Malaysian Natural Resources Protection Organization] (PEKA), who spoke about logging activities, environment impact assessment (ISA) and the protection of the forest received a legal notice that claimed that her statements had subjected the state government to public criticism and damaged its reputation. Shariffa Sabrina was asked to issue an unconditional apology to the state government through all sharing platforms, including Facebook and Instagram. It also said should she fail to heed the notice within 14 days of receiving the letter, the state government would file a claim with the courts without referring to her as well as seek other damages.

Governments, including State governments and their Ministries, agencies and officers, more so in a democratic state should never threaten or commence legal suits against people who raise or highlight objections and/or concerns about issues of human rights, justice and/or the environment. If the stated statements/views are incorrect, then a democratic State must simply do the needful to clarify the misunderstanding by the presentation of material facts, that sometimes may only be easily accessible to State

SLAPPs (Strategic Lawsuits Against Public Participation)

SLAPPs (Strategic Lawsuits Against Public Participation) are usually used by corporations and other alleged human rights violators to silence and harass critics by forcing them to spend money to defend unnecessary legal suits. Many a time, SLAPPS are intended to intimidate those who disagree with them or their activities by draining the target's financial resources.

SLAPPs are effective because even a meritless lawsuit can take years and many thousands of dollars to defend. To end or prevent being victimized by prolonged SLAPP actions, many a HR Defender and even media are frequently forced to 'apologize' or 'settle' despite doing no wrong.

Hence, the recent threat of a democratic State government, and the earlier action of a public officer to use SLAPPs against Human Rights Defenders in Malaysia is most disheartening and must end.

Lalitha Kunaratnam, a journalist and HR Defender

On 12/1/2022, Lalitha Kunaratnam, a journalist and HR Defender, was sued in the High Court by one Azam Baki, the current chief of the Malaysian Anti-Corruption Commission (MACC) who is seeking 10 million ringgits (2.1 million euros) in damages for a two-part investigative story, entitled 'Business Ties Among MACC Leadership: How Deep Does It Go? (Part 1 & 2), authored by Lalitha and published in October by the Independent News Service, in which she allegedly exposed possible conflicts of interest and wrongdoings of anti-corruption officers within the Malaysian Anti-Corruption Commission(MACC).

Recently, on 3/2/2022, Lalitha Kunaratnam was called to Bukit Aman, the Royal Malaysia Police headquarters, for questioning as the police investigate a violation of the draconian Section 233 of the Communication and Multimedia Act 1998 and Section 505 of the Penal Code. The police report that led to the commencement of the police investigation was allegedly lodged by a MACC's senior assistant commissioner on Jan 7, and this raises the question whether this is part of the retaliation carried out on instruction of the MACC and/or its chief.

Both Shariffa Sabrina and Lalitha Kunaratnam are Human Rights Defenders, as now also recognized by the 1998 United Nations General Assembly **Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms** (also commonly known as the 'Declaration on human rights defenders').

Malaysia is also bound to protect human rights defenders, as '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 the rights referred to in the present Declaration.(Article 12(2))

What the Pahang State Government is doing is certainly a retaliation against the Human Rights Defender Shariffa Sabrina, and being a State in Malaysia, it is in violation of its duties to, amongst others, to protect Human Rights Defenders.

Lalitha Kunaratnam can also be said is suffering retaliation from the State, that is through a Federal government's public officer, together with other public officers, and maybe even the Malaysian Anti-Corruption Commission (MACC). As such, the Malaysian government ought to speedily act to end this harassment of a human rights defender, who is also a 'whistle blower' who has highlighted important issues noting that the 'problems' of the MACC is still an active issue today.

Hence, we call

- For Malaysia to do the needful to immediately end the harassment against women human rights Defenders Shariffa Sabrina and Lalitha Kunaratnam, one by a State government, and the other by a public officer and the Malaysian Anti-Corruption Commission (MACC);

- For Malaysia to abolish the usage of SLAPPs (Strategic Lawsuits Against Public Participation) against Human Rights Defenders, which also must include the Media;

- For Malaysia to respect and protect all HR Defenders, and also the freedom of public participation, freedom of expression/opinion and also the freedom of peaceful assembly; and

- Call on the government to enact needed laws that will prevent State and/or its public officers from retaliating ever again against human rights defenders and/or whistle blowers.

ALIRAN

All Women's Action Society (AWAM)

MADPET(Malaysians Against Death Penalty and Torture)

Black Women for Wages For Housework

Centre for Orang Asli Concerns (COAC)

Citizens Against Enforced Disappearances, CAGED

Consumers' Association of Penang (CAP)

Haiti Action Committee

KRYSS Network

Network of Action for Migrants in Malaysia(NAMM)

North South Initiative

Payday Men's Network (UK/US)

Sahabat Alam Malaysia/Friends of Earth Malaysia(SAM)

Sarawak Dayak Iban Association(SADIA)

Saya Anak Bangsa Malaysia (SABM)

Teoh Beng Hock Trust for Democracy

The William Gomes Podcast, United Kingdom

Womens Criminal Justice Network

WH4C (Workers Hub For Change)

Women of Color/Global Women's Strike

Workers Assistance Center, Inc., Philippines

Additional groups endorsing are:-

Persatuan Komuniti Prihatin Selangor dan Kuala Lumpur

SUARAM

Greenpeace Malaysia

Japan Innocence and Death Penalty Information Center