



SUARAM is disappointed with the court's decision to refuse the application for a judicial review against the ban of Seksualiti Merdeka. The police had announced the ban of the annual event last year (2011) before the event was scheduled to begin after reports in local newspaper brought the event to light in a derogatory manner.

SUARAM believes the decision to uphold the preliminary objection raised by the Attorney General's Chambers only seeks to further stifle the rights of Malaysians to: assemble peacefully, form associations, freedom of speech and expression.

We are disappointed on the judgment delivered by Justice Rohana who ruled that police have adequate power to stop an event to ensure the security of the country as 28 police reports had been lodged against the event by Christian, Muslim and Buddhist groups. We are deeply concerned with the excessive power given to the police force in Malaysia particularly power to stop or ban any event to ensure the security. SUARAM is of the view that the excessive power given to the police has led to their eluding the normal penal procedure and misuse of power.

SUARAM stands by our principle whereby everyone has the right to assemble peacefully without arms as enshrined in Article 10 (1) (b) in our Federal Constitution, which the federal government is bound to uphold. Article 20 (1) of the United Nation's Universal Declaration of Human Rights" (UDHR) also states that everyone has the right to freedom of peaceful assembly and association.

Thus, SUARAM calls for the government of Malaysia to respect the right and freedom of Malaysians and not stifle it based on malicious allegations and incorrect reports in the media.

We are deeply concerned with the situation where religious and political leaders, as well as the media continue to demonise LGBTIQ activists and communities in Malaysia. In addition, LGBTIQ persons are frequently exposed to hate speech, attacks and harassment. We believe that everyone in Malaysia deserves to be free from discrimination, harassment and violence regardless of their sexual orientations and their gender identities. We believe it is our right to be responsible for our own body.

According to Article 7 of the United Nations 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 known as the Human Rights Defenders Declaration), "Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance" and according to Article 12.2 "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 their rights referred to in the present Declaration".

We also seek to remind all Malaysians of the call made to all States by the UN Human Rights Council to take timely and effective action to prevent and protect against attacks on and threats to persons engaged in promoting and defending human rights and fundamental freedoms and their relatives (§ 6, resolution 13/13, 25 March 2010, -UN Doc.: A/HRC/RES/13/13).