

dissenting voices, was arrested in Blantyre with his five security guards. The arrests followed an incident at his office in which Ralph Kasambara and his security team allegedly assaulted a group of men who were believed to have been sent to petrol bomb the premises. The previous day, Ralph Kasambara had been quoted in newspapers criticizing President Mutharika's governance. Ralph Kasambara and the security team were detained and charged with kidnapping and unlawful wounding before being transferred to Chichiri Prison. On 15 February, he was released and rearrested the same day. On 17 February, the High Court granted an injunction for his immediate release. He had still not been released when, on 17 February, he was transferred to hospital for medical treatment. He was granted police bail and released from police custody on 21 February. The case was not brought to court.

Institutional developments

On 10 July the report of the commission of enquiry into the July 2011 demonstrations which resulted in 20 deaths was made public. It found that police had used excessive force and that the live ammunition had caused deaths and injuries which could have been avoided. The President requested advice from the Attorney General on whether the findings constituted grounds for criminal prosecutions.

In April a commission of enquiry into the death of student activist Robert Chasowa, whose body was found on 24 September 2011, was appointed by President Banda. It found that the student had been unlawfully killed and that police had deliberately attempted to suppress the truth about the cause of death. Ten people were arrested and charged in connection with the death and granted bail by the High Court.

Rights of lesbian, gay, bisexual, transgender and intersex people

President Banda announced on 18 May that an urgent repeal of laws infringing human rights, including those criminalizing homosexuality, would be undertaken. While several legal reforms were made, laws criminalizing homosexuality remained in place.

MALAYSIA

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Head of state:

King Abdul Halim Mu'adzam Shah

Head of government:

Najib Tun Razak

Colonial-era laws which had allowed for arbitrary detention and restricted freedom of expression were replaced with new legislation which nonetheless failed to meet international human rights standards. Peaceful protesters calling for electoral reform encountered police abuses and mass arrests. At least 14 people continued to be detained without trial under the Internal Security Act.

Background

Prime Minister Najib Tun Razak's coalition and the parliamentary opposition prepared for elections, which the Prime Minister was required to call by March 2013. Opposition leader Anwar Ibrahim, who faced imprisonment and a five-year ban from office on politically motivated charges of sodomy, was acquitted in January 2012.

Freedom of expression

The government announced in July that it would repeal the 1948 Sedition Act, which had been used to quash dissent, but the proposed National Harmony Act contained new restrictions on freedom of expression. Under Section 114A of the Evidence Act, an amendment which came into force in July, people who operated internet hosting services or websites open to public contributors (such as online forums) became liable for any offending content published through these services.

■ In May, the authorities banned Canadian author Irshad Manji's book *Allah, Liberty and Love* as "prejudicial to morality and public order". Nik Raina Nik Abdul Aziz, the manager of a Borders shop stocking the book, faced two years in prison after being charged under Shari'a law with distributing a book offensive to Islam.

Freedom of assembly

The state harassed civil society organizations critical of the authorities. Although the Peaceful Assembly Act 2012 removed requirements for police permits for

public assemblies, it allowed for them to be banned as “street protests”.

■ In May, three opposition leaders, including Anwar Ibrahim, were charged with breaching the Peaceful Assembly Act for their involvement in the Bersih rally on the grounds that it was an alleged “street protest”.

■ Government agencies pursued a campaign of harassment and intimidation against Suara Rakyat Malaysia (Suaram), a human rights group which had successfully petitioned for a French judicial review. The group had alleged that the French naval defence company DCNS had paid bribes to Malaysian officials to obtain a contract for two submarines.

■ In March, the High Court dismissed the appeal of the rights coalition Seksualiti Merdeka. The group had called for a judicial review of a 2012 police ban on their annual sexuality rights festival, which had taken place without interference since 2008.

Excessive use of force

Police used excessive force against peaceful protesters. The authorities rejected renewed calls to set up the Independent Police Complaints and Misconduct Commission (IPCMC), as recommended by the 2005 Royal Commission on Policing.

■ At the Bersih 3.0 march on 28 April, police in Kuala Lumpur fired tear gas and water cannon at tens of thousands of peaceful protesters calling for electoral reforms. Police beat peaceful protesters and arrested at least 471 participants.

■ In October, Home Affairs Minister Hishammuddin Hussein told Parliament that police had shot dead 298 suspected criminals between 2007 and August 2012, including 151 Indonesian nationals.

Arbitrary arrests and detentions

The government repealed the Internal Security Act (ISA), which allowed for indefinite detention without charge or trial, and replaced it with the new Security Offences (Special Measures) Act in July. Under it, the police were allowed to detain suspects incommunicado for 48 hours, and for up to 28 days without charge or judicial review.

■ As of November, at least 14 detainees, all foreign nationals, were held under the ISA until their detention orders expired, despite repeal of this law.

Refugees and migrants

Refugees were subjected to systematic detention, and migrant workers faced labour abuses. In June, Indonesia ended a two-year ban on sending migrant domestic workers to Malaysia, following abuses against domestic workers there.

■ On 12 February, Malaysia violated the international prohibition against *refoulement* by forcibly returning blogger Hamza Kashgari to Saudi Arabia, where he faced the possibility of a death sentence on criminal charges of apostasy for his tweets about the Prophet Mohamed.

■ Nigerian student Onochie Martins Nwankwo was beaten to death on 30 March by members of Ikatan Relawan Rakyat (RELA), a civilian para-police force mandated to enforce immigration controls. On 20 April, Parliament passed the Malaysia Volunteers Corps Bill 2012, which stripped RELA members of the power to make arrests and carry firearms.

Death penalty

At least 860 prisoners were on death row at the end of February, according to the Prisons Department. The authorities did not disclose the number of executions carried out in 2012.

■ In October, Law Minister Nazri Aziz announced that the government would consider replacing the mandatory death penalty with prison sentences, but only for drug offences and under certain circumstances.

Amnesty International visits/reports

📄 Malaysia: End harassment of anti-corruption campaigners (ASA 28/002/2012)

📄 Malaysia should broaden its proposal to scrap the death penalty (ASA 28/003/2012)

📄 Malaysia: Anwar case shows why sodomy law must be scrapped (PRE01/009/2012)