

URGENT ACTION

CONVICTED OF SCREENING HUMAN RIGHTS DOCUMENTARY

Malaysian human rights defender Lena Hendry has been convicted by the Kuala Lumpur Magistrate Court for the private screening of the documentary “No Fire Zone: The Killing Fields of Sri Lanka”. She faces up to three years imprisonment or a fine of up to RM30,000 (\$7,200 USD).

Lena Hendry, in her capacity as staff member of Malaysian human rights organization Pusat KOMAS, (Community Communications Centre) held a private screening of the documentary “No Fire Zone: The Killing Fields of Sri Lanka” on 3 July 2013 at the Kuala Lumpur Selangor Chinese Assembly Hall. Halfway through the screening, approximately 30 officials from the Home Ministry, Immigration Department and the police arrived at the venue and stopped the screening. Three KOMAS representatives, including Lena Hendry, were arrested and detained overnight. Lena was then charged with violating Section 6 of the Film Censorship Act of 2002.

Following a successful appeal by the Prosecutor against her acquittal in 2015, Lena Hendry was convicted on 21 February 2017 by the Kuala Lumpur Magistrate’s Court for the “circulation, distribution, display, production, sale hire or possession” of film material that the government-appointed, Board of Censors has not approved. The provisions of the Act are broad and effectively criminalize any form of film circulation or display of any film which has not been approved by the Film Censorship Board, including citizen journalists. Imposing penalties for the screening of a human rights documentary is a clear violation of the human right to freedom of expression. The requirement to obtain a permission for screening amounts to prior censorship and hampers the right of society in general to seek and receive information and ideas.

Amnesty International is concerned with the wide, arbitrary powers granted to the Film Censorship Board under the Film Censorship Act and the manner in which it is being used to silence peaceful human rights defenders and undermine their work. Her bail has been extended to the date of her sentencing.

Please write immediately in Malay, English or your own language:

- Urging the authorities to overturn the conviction against Lena Hendry, and to drop all charges against her unconditionally;
- Urging the Malaysian government to drop all charges against other human rights defenders charged under repressive laws that have been used to stifle dissent by judicially harassing human rights defenders for peacefully carrying out their work;
- Urging the authorities to repeal or amend excessive, disproportionate and vaguely drafted laws which violate the right to freedom of expression, such as the Film Censorship Act, and bring them into line with international human rights law and standards.

PLEASE SEND APPEALS BEFORE 20 APRIL 2017 TO:

Office of the Prime Minister of Malaysia

Main Block, Perdana Putra Building,
Federal Government Administrative
Centre,
62502 Putrajaya, Malaysia
Fax: +603 8888 3444

Salutation: Dear Prime Minister

Home Minister

YB Dato’ Seri Dr. Ahmad Zahid bin
Hamidi,
Kementerian Dalam Negeri Malaysia,
Blok D1, D2 & D9 Kompleks D,
Pusat Pentadbiran Kerajaan Persekutuan,
62546 Putrajaya Malaysia
Fax: +603 8889 1613
Email: ahmadzahid@moha.gov.my

Salutation: Dear Home Minister

AND COPIES TO

The Attorney General of Malaysia
Tan Sri Mohamed Apandi Ali,
Attorney General’s Office,
No. 45 Persiaran Perdana Precinct 4,
62100 Putrajaya, Wilayah Putrajaya,
Malaysia
Fax: +603 8890 5670
Email: pro@agc.gov.my

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY DATO AHMAD RASIDI HAZIZI Malaysian High Commission 45 Belgrave Square SW1X 8QT

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ADDITIONAL INFORMATION

Lena Hendry is the first activist to be penalized under the Film Censorship Act 2002. On 3 July 2013, KOMAS carried a screening of the movie 'No Fire Zone' for Parliamentarians at 3pm and then at the Kuala Lumpur Selangor Chinese Assembly Hall at 8pm in the evening, by invite only. Amnesty International has been informed that officials from the Sri Lankan embassy had objected to the screening of the film during that particular time and they had attempted to persuade the venue owners to stop the screening. Two hours before the screening KOMAS set up a meeting with the Sri Lankan embassy officials to discuss their objections to the screening of the movie however, the embassy officials did not attend.

After the arrest, Lena Hendry and her two colleagues, Arul Prakkash and Anna Har were arrested and spent one night in detention. They were released on bail the following day, 4 July 2013 and Lena Hendry was charged in the Kuala Lumpur Magistrate Court under the Film Censorship Act 2002 on 19 September 2013. In March 2016, the Kuala Lumpur Magistrate's Court found there was insufficient evidence to secure a conviction and Lena Hendry was acquitted. The decision was overturned on 21 September 2016 following an appeal by the Prosecutor and she was found guilty on 21 February 2017.

Lawyers representing Lena Hendry filed an application to dismiss the charges on the basis that it contradicts the Federal Constitutional provisions of free speech, however her application has been dismissed and disposed of at the Federal Court. Lena Hendry will still be able to appeal the decision of the Magistrate court and this is not her final appeal. She still is able to appeal the decision to the High Court and the Court of Appeal.

The arrest, detention and eventual charging of Lena Hendry are acts that are politically motivated and a clear violation of the human right to freedom of expression. Furthermore, it is part of a common pattern of stifling dissent initiated by the Malaysian government to intimidate, harass and criminalise its critics and dissidents.

The Malaysian authorities have cast a wide net of repression in their use of a variety of oppressive legislation, targeting and arresting a range of individuals including rights activists, journalists, lawyers and opposition politicians all of whom were peacefully exercising their human rights. These arrests have had a chilling effect on public debate and the civic space in Malaysia, as individuals are continuously discouraged from speaking out in many different ways, from posting content on social media, to screening documentaries and participating in peaceful assemblies.

Under Article 19 of the Universal Declaration of Human Rights, "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers."

The documentary titled 'No Fire Zone: The Killing Fields of Sri Lanka,' and screened by Hendry, highlighted alleged crimes under international law committed by both Sri Lankan government troops and the Liberation Tigers of Tamil Eelam (LTTE) during the final stages of the internal armed conflict in May 2009. It focused on the dire situation experienced by civilians caught in the cross-fire, and the denial of adequate humanitarian assistance in the 'No Fire Zone.' Since the airing of the documentary, the Sri Lankan authorities have vowed to account for such alleged crimes and to provide adequate reparations to victims.