

URGENT ACTION

THREATS AGAINST INDIGENOUS RIGHTS DEFENDERS

Indigenous human rights defenders face sustained intimidation and threats of physical violence in light of their continuing efforts to protect their land. Incidents of harassment by a private company developing plantation projects have been reported by the community to local police.

Human rights defenders from the Temiar tribe (Orang Asli - the Malaysian term for Indigenous peoples), based in the northern Malaysian state of Kelantan, have been facing threats of violence from a local company after they erected a blockade in February 2018 to protect their ancestral lands. The Temiars have been peacefully trying to prevent a company from developing durian and rubber clone projects in Pos Simpor, Kelantan.

According to the community, the attempts by the company to remove the blockade have included bringing firearms to the site and issuing threats of physical violence. In addition, the company has also reportedly lined up large vehicles at the entrance of the road leading to the Temiars' village, effectively trapping the whole community and preventing them from using the route to send their children to school, take patients to hospital, and purchase necessities.

One Temiar human rights defender documented threats made against him in a report filed with the local police on the 29 July 2018. The Temiars have also previously been harassed and intimidated by the authorities. In November 2016, 47 Temiars were detained for two days after peacefully protesting the government's claim over their ancestral lands. In January 2017, five Temiar human rights defenders and two journalists were arbitrarily detained by the Department of Forestry after peacefully protesting logging licenses granted by the authorities.

Please write immediately in English, Bahasa Malaysia or your own language urging the authorities to:

- Immediately put an end to the harassment, intimidation, and threats faced by the Temiar human rights defenders, and provide them with adequate security and protection
- Investigate any complaint of harassment, threats and intimidation filed by the Temiar and bring those responsible to justice in accordance with national and international standards of due process
- Protect the rights to freedom of expression and peaceful assembly of Indigenous human rights defenders.
- Consult with the Temiar, and other Orang Asli, in order to obtain their free, prior and informed consent, before granting licences to companies wishing to exploit natural resources on Orang Asli land;

PLEASE SEND APPEALS BEFORE 17 SEPTEMBER 2018 TO:

Kelantan State Government

Jabatan Perhutanan Negeri Kelantan
The Office of the Kelantan State Secretary
Blok 2, Aras 1, Kota Darulnaim
15503 Kota Bharu, Kelantan, Malaysia
Fax: +609 744 3164
Email: portal@kelantan.gov.my
Salutation: To whom it may concern

Chairperson, Human Rights Commission of Malaysia

Tan Sri Razali bin Ismail
11th Floor, Menara TH Perdana,
Jalan Sultan Ismail
50250, Kuala Lumpur Malaysia
Fax: +603 2612 5620
Email: humanrights@suhakam.org.my
Salutation: To whom it may concern

Copies to:

Kelantan Police
Ibu Pejabat Polis Kontinjen Kelantan
Polis Diraja Malaysia, Jalan Bayam
15990 Kota Bharu, Kelantan
Fax: +609 744 0022
Email: ccckel@rmp.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, 020 7235 8033, Fax 020 7235 5161, mwlon@btconnect.com

Please check with your section office if sending appeals after the above date. This is the first update of UA 22/17. Further information: <https://www.amnesty.org/en/documents/asa28/5549/2017/en/>

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ADDITIONAL INFORMATION

On 23 January 2017, five Temiar human rights defenders and two journalists were detained by officials from the Department of Forestry for protesting / documenting company activities on their land. Under Malaysian law, officials from the Department of Forestry have the power to arrest, however there is reason to believe that both their arrest and detention was an abuse of power, as it targeted the human rights activists for carrying out their legitimate work. The two journalists, a TV reporter and a cameraman, were producing a documentary on deforestation in Kelantan, in the northeast of Malaysia.

There are specific provisions in Malaysian law (in accordance with Article 8(5)(c) of the Federal Constitution) to protect the human rights of the Orang Asli peoples of the Malay Peninsula, including the demarcation of land. However, Indigenous peoples continue to be subject to human rights violations that have not been addressed by the authorities.

In 2007, the UN General Assembly adopted the UN Declaration on the Rights of Indigenous Peoples that sets out the minimum standards “for the survival, dignity and wellbeing” of Indigenous peoples in every country. The commitment of the international community to implement the UN Declaration was unanimously affirmed in the Outcome Document of the 2014 UN World Conference on Indigenous Peoples.

On 29 November 2016, 47 Temiar were arrested and detained in an operation conducted by the Forestry Department to dismantle their blockade and disperse the peaceful protests against logging / company exploitation of their lands?. They were remanded for 2 days, and then released without charge. After the arrests, the Kelantan state authorities warned that they would take “stern action” against those who would attempt to ‘tarnish the image of the police’ by posting about the arrests of the Orang Asli in the Gua Musang District.

On 23 January 2017, five Temiar who are human rights defenders were arbitrarily detained at a blockade they had erected to protect their ancestral lands and natural resources, which they claim are under threat by logging licences granted by the Kelantan authorities. The following day, 16 more Temiar human rights activists and two journalists were detained and eventually released.

Name: group

Gender: both

Further information on UA 22/17 Index: ASA 28/8886/2018 Issue Date: 6 August 2018