



Plenary sitting

B8-1416/2015

15.12.2015

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Malaysia
(2015/3018(RSP))

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on behalf of the ALDE Group

B8-1416/2015

**European Parliament resolution on Malaysia
(2015/3018(RSP))**

The European Parliament,

- having regard to its previous resolutions on Cambodia
 - having regard to the Malaysian Peaceful Assembly Act of 20 December 2011
 - having regard to the Malaysian Computer Crimes Act of 1997
 - having regard to the Malaysian Multimedia and Multimedia Act of 1998
 - having regard to the Malaysian Sedition Act of 1948 and Amendments
 - having regard to the Malaysian Penal Code, specifically Section 377: Homosexual Acts, Sections 504 and 505(b): Offences Against Public Tranquillity, Section 505(c): Hate Speech and 499-502: Criminal Defamation
 - having regard to Printing Presses and Publications Act of 1984 (Amended 1988 and 2012)
 - having regard to the Malaysian Security Office Special Measures Act (SOSMA) of 2012
 - having regard to its resolution of 16 December 2010 on ‘*Malaysia: the practice of caning*’
 - having regard to the ASEAN Human Rights Declaration
 - having regard to the International Covenant on Civil and Political Rights of 1966;
 - having regard to the Universal Declaration of Human Rights of 10 December 1948;
 - having regard to the SUARAM Human Rights Report 2015
 - having regard to the Human Rights Watch report: *Creating a Culture of Fear* of 2015
 - having regard to Rule 135 of its Rules of Procedure,
- A. whereas in July 2015 Malaysian government investigators have discovered deposits of totally USD 681 million made to the private bank accounts of Najib Razak; whereas Najib Razak has been confronted with allegation concerning corruption and fraud; whereas Najib Razak has stated that the deposits concerned political donations of an anonymous benefactor;
- B. whereas the Najib Razak has come under intense criticism from opposition parties and

from members of his own party; whereas the controversy led to street protests in Kuala Lumpur in August 2015 calling for the resignation of the Prime Minister; whereas the former Prime Minister, Mahathir Mohamad, joined these demonstrations; whereas the former Deputy Prime Minister, Muhyiddin Yassin, who was fired by Najib Razak's office after asking for a more detailed explanation for the money has called on the party's leaders to do more to address the controversy;

- C. whereas the government has responded to the deepening controversy by launching an intensifying crackdown in an alleged "binge of prosecutions" of dissenting voices among journalists, lawyers and politicians; whereas in October 2015 Human Rights Watch has indicated that the space for public debate and free speech in Malaysia is rapidly narrowing, as the government resorts to criminal law to silence critics and suppress political opponents;
 - D. whereas on December 3 2015 the Malaysian Parliament has approved the National Security Council bill which grants unprecedented emergency power to a council which is headed by the Prime Minister; whereas this law provides the Prime Minister the authority to the power to address security threats and arrest people without a warrant;
 - E. whereas the Malaysian government has adopted a catch-all clause in the internet law which makes it illegal to make "any comment, request, suggestion or other communication which is obscene, indecent, false, menacing or offensive in character with the intent to annoy, abuse, threaten or harass another person"; whereas former Malaysian minister and member of an opposition party, Zaid Ibrahim, has been prosecuted under the catch-all clause for challenging the Prime Minister's statements concerning the donation of USD 681 million;
 - F. whereas opposition leader Anwar Ibrahim received a five-year prison sentence on for engaging in homosexual acts; whereas his prosecution has been criticised by human rights groups and several foreign governments, including the US, the UK and Australia;
 - G. whereas Azmi Sharom, law professor at the University of Malaya, is facing trial on charges of sedition for expressing his legal opinion that actions taken by the government more than six years ago were illegal;
 - H. whereas in the Press Freedom Index the Reporters Sans Frontières has ranked Malaysia 147 out of 180, ranking marginally better than Russia; whereas best-known political cartoonist, Zulkiflee Anwar Ulhaque (Zunar), faces trial on nine counts of sedition, one for each of nine tweets he sent criticizing the Malaysian Federal Court decision to prosecute Anwar Ibrahim; whereas the cartoonist is now facing up to 43 years in prison for his tweets;
1. Is alarmed about the state of democracy and about the situation of rights defenders and opposition activists in Malaysia; condemns all politically motivated sentences and convictions against political critics, opposition politicians and human rights defenders;
 2. calls on the Malaysian government to drop all prosecutions and close all investigations based on democratic criticism of judicial decisions, the government, government

- decisions or government bodies; urges to withdraw the 2015 amendments to the Sedition Act, concerning criticising the government;
3. urges to withdraw the National Security Council bill; recommends to narrowly define national security and include provisions to prevent abuse;
 4. calls on the Malaysian government to amend or repeal the national criminal laws to conform to international standards for freedom of expression and freedom of assembly as set forth in the Universal Declaration of Human Rights and elaborated on in the International Covenant on Civil and Political Rights;
 5. urges the Malaysian government to accept visits and fully engage with the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression David Kaye and Special Rapporteur on the Rights of Freedom of Peaceful Assembly and of Association Maina Kiai;
 6. calls on the Malaysian government to extend a standing invitation to all the UN Special Procedures;
 7. urges to cease the prosecution of Zaid Ibrahim and Azmi Sharom and to release them with full compensation of damages;
 8. calls for the immediate and unconditional release of Anwar Ibrahim and allow him to receive proper medical attention and receive full compensation of damages;
 9. urges on the immediate and unconditional release of political cartoonist, Zulkiflee Anwar Ulhaque, without any further prosecution of him concerning his criticism on the Malaysian government;
 10. deplors the prosecutions of alleged LGBTI activity, furthermore urges the Malaysian government to repeal all laws and regulations that discriminate against members of the LGBTI community and specifically concerning the discrimination against transgender people, today facing criminal prosecution under laws that effectively prohibit "cross-dressing" and discrimination in accessing employment, health care and education;
 11. calls on the EU High Representative, EU Member States and the External Action Service to immediately raise, both publicly and privately, the above concerns and recommendations with Malaysian authorities;
 12. instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Government and Parliament of Malaysia, the UN Human Rights Council and the governments and parliaments of other states in the region;