

09 April 2010

**Y.A.B. DATO' SRI MOHD NAJIB BIN TUN ABDUL RAZAK**

**Prime Minister**

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Dear Prime Minister Abdul Razak,

The Asian Forum for Human Rights and Development (FORUM-ASIA) is deeply concerned over a lawsuit filed against Sisters in Islam (SIS), a group of women human rights defenders advocating for women's rights in Malaysia.

We received information that on 22 March 2010, the Malaysian Assembly of Mosque Youths (MAMY) filed a lawsuit against SIS through its lawyer, Mr. Sahlan Saruddin. The MAMY is questioning the use of the word "Islam" in the website and publications of SIS. It claims that "Islam" is a word controlled and limited by the Registrar of Companies and can only be used after obtaining permission from the Companies Commission of Malaysia (SSM) and related government agencies which deal with Islamic affairs. The MAMY also claims that SIS only uses the word "Islam" to attract people's attention and its use of this word causes confusion to the public.

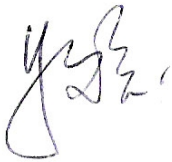
We believe that this lawsuit is a clear attempt to harass SIS and hinder the group from its work. SIS started advocating against the caning of a Muslim woman who was sentenced by an Islamic court for drinking beer in public last year. It was noted that SIS issued again another statement condemning the caning of three women and urging the government to review caning as a form of punishment under the Shariah Criminal Offences as it violates international human rights principles. SIS further emphasized that whipping is a form of cruel, inhuman and degrading treatment which is prohibited under international human rights law.

There have been several attempts early this year to harass SIS and prevent it from doing its work protecting the rights of women in Malaysia. On February 2010, the Selangor Islamic Council (MAIS) filed a police report against SIS for questioning the whipping of three Muslim women for allegedly engaging in illicit sex. Also, on 12 March 2010, the Friday sermons in the mosques issued by the Selangor Islamic Department called on the public to take action against SIS and its Executive Director, Dr. Hamidah Marican.

We note that Article 1 of the UN Declaration on Human Rights Defenders clearly states that everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels. States have the corresponding responsibility to protect these groups and individuals under Article 12, par. 2 of the Declaration, where it says that the State shall take all necessary measures to ensure the protection of these groups and individuals against any violation, threats, retaliation, pressure or any arbitrary action, as a consequence of the legitimate exercise of their rights as human rights defenders. Under these provisions, therefore, the Malaysian government has the duty to ensure that SIS is able to continue its work as women human rights defenders on peacefully advocating the rights of women in Malaysia, free from any undue hindrances, such as this unwarranted lawsuit the group is facing now.

Finally, freedom of opinion and expression as articulated by the Universal Declaration of Human Rights (UDHR) is guaranteed to all individuals, especially on matters concerning their rights. The action against SIS undermines freedom of opinion and expression and narrows public space for legitimate discussion on matters of public interest. We, therefore, urge the Malaysian government to respect the rights of its citizens to express their opinion and protect them from being threatened by other non-state actors.

Sincerely yours,



**Mr. Yap Swee Seng**

Executive Director, FORUM-ASIA

*For questions and clarifications, please do not hesitate to contact [hrd@forum-asia.org](mailto:hrd@forum-asia.org) or call tel. no. +66 2 6532940 local 403.*

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