

UA 152/17

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MALAYSIA: HUMAN RIGHTS DEFENDER CHARGED WITH OBSTRUCTION

Human rights defender and lawyer Siti Kasim has been charged with “obstruction” in connection with a raid on a transgender event held in April 2016. She could face up to two years in prison or a maximum fine of RM10, 000 (USD 2,331) or both, if convicted.

On 3 April 2016, the Federal Territories Islamic Department (JAWI) carried out a raid on a private transgender beauty pageant. While pageants are generally prohibited for Muslim women under religious laws, the state officials specifically targeted members of the transgender community.

Siti Kasim, a lawyer and human rights defender who was present at the event, questioned the legitimacy of the raid given the religious authorities conducted the raid without a warrant and were not accompanied by the police, as required under Malaysian law. On 7 April 2016, Siti Kasim was arrested and investigated for “criminal intimidation” and for allegedly “obstructing a public servant” after she demanded to know if JAWI officers had a warrant to conduct the raid. She was subsequently released. Over a year later, on 13 June 2017, she was informed that she was going to be charged at the Kuala Lumpur Magistrates’ Court for “obstructing a public servant” under the Penal Code.

On 23 June 2017, Siti Kasim pleaded not guilty to the charge and was released on bail. The next court hearing is scheduled for 22 August. If convicted, she faces up to two years in prison, a maximum fine of RM10,000 (USD 2,331) or both.

Amnesty International is concerned that the charges against Siti Kasim, in the midst of discriminatory targeting of the transgender community, are yet another attempt by the Malaysian authorities to silence and undermine the work of peaceful human rights defenders in the country.

Please send a letter, email or fax without delay. (Postage: \$2.50).

* Urge the Malaysian authorities to drop all charges against Siti Kasim immediately and unconditionally.

* Urge the authorities to end the targeting of the transgender community in Malaysia through discriminatory laws, policies and practices.

* Urge the authorities to repeal all discriminatory laws and policies and bring laws and policies into line with international human rights law and standards.

Here is the contact information you will need:

Prime Minister

Office of the Prime Minister of Malaysia
Main Block, Perdana Putra Building,
Federal Government Administrative
Centre,
62502 Putrajaya, Malaysia
Fax: 011 603 8888 3444
Salutation: Dear Prime Minister

Department of Federal Territory Islamic Affairs
Kompleks Pusat Islam,
Jalan Perdana,
50676 Kuala Lumpur
Fax: 011 603 2273 1575
Email: aduan@jawi.gov.my
Salutation: Dear Sir/ Madam

Please send a copy 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: 011 603 8890 5670
Email: pro@agc.gov.my

Her Excellency Aminahtun Binti Hj. A.
Karim
High Commissioner for Malaysia
60 Boteler Street
Ottawa, Ontario K1N 8Y7
Fax: 1 (613) 241-5214
E-mail: malottawa@kln.gov.my

ADDITIONAL INFORMATION

Siti Kasim is a prominent human rights lawyer, a woman human rights defender, indigenous rights activist and a defender of LGBT rights. She has been subjected to harassment, intimidation and death threats for carrying out her work and speaking out against discrimination in Malaysia.

The transgender community in Malaysia faces steep challenges in the form of discriminatory laws and policies, targeted raids in private places, arrests, and abusive treatment by the authorities. This is not the first raid carried out on private premises against the transgender community. In June 2014, officials from the Negeri Sembilan State Islamic Department carried out a raid on a wedding party held in a private home. Those arrested were subsequently charged in a Shariah Court for violating the Sharia Law on 'cross dressing'. In Malaysia, Sharia legislation comes under the state, and in all states, sharia law criminalizes the act of cross-dressing.

Siti Kasim has filed an application against JAWI to release the names of the religious officers involved in last year's raid at the beauty pageant. She plans to file a civil suit against JAWI for her wrongful arrest.

The Federal Territories Islamic Department, JAWI, is the religious department in the Federal Territory of Kuala Lumpur. It has previously carried out raids on transgender persons, along with other state religious departments in Malaysia.