

COALITION OF MALAYSIAN NGOS IN THE UPR PROCESS (COMANGO)
Media Statement, 9 January 2014

The Coalition of Malaysian NGOs in the UPR Process (COMANGO) is shocked and perturbed that the Secretary General of the Home Ministry of Malaysia has declared COMANGO, through a media statement on 8 January 2014, an “unlawful organization” (“*pertubuhan haram*”) without attaching a gazetted order by the Home Minister to that effect.

Under S5 of the Societies Act 1966, only the Home Minister may by order declare a society to be unlawful if a society is being used for purposes prejudicial to or incompatible with the interest of the security of Malaysia, public order or morality.

Among the reasons given by the Secretary General to declare COMANGO unlawful is that we are championing rights that deviate from Islam. This is untrue.

The Secretary General also states that many of the endorsees of the report prepared by COMANGO for the universal periodic review (UPR) of Malaysia by the UN Human Rights Council are not Islam-based organisations, that some of the endorsees of the COMANGO report are not registered and that COMANGO itself is not registered with the Registrar of Societies as reasons for his declaration that COMANGO is ‘unlawful’. These reasons are not in accordance with S5 of the Societies Act 1966.

COMANGO is appalled that the Government is using Islam as a political tool to silence criticisms of human rights violations, and to demonise human rights defenders. It is bowing to alarmist tactics and is complicit in fanning rising and extremely divisive intolerance in this country.

The UPR process of the United Nations Human Rights Council involves all 193 UN member states, including Muslim-majority countries. Many Muslim-majority countries have acceded to the human rights treaties branded as un-Islamic by extremist groups, which have been making inaccurate and unsubstantiated accusations against COMANGO. We are concerned that the Government has not only adopted the language and positions of these extremist groups, but also facilitated hate speech by funding groups such as PERKASA. The media statement by the Home Ministry affirms our view that the Government appears to be beholden to these extremist groups.

The list attached with the media statement is inaccurate and misleading. Organisations in COMANGO include organisations registered under the Societies Act 1966, the Companies Act 1965, unincorporated associations, and civil society coalitions.

COMANGO refutes the Secretary General's statement that only organisations registered with the Registrar of Societies are carrying out activities legally (“*menjalankan aktiviti secara sah*”).

We stress that none of COMANGO's work has been contrary to the Federal Constitution, human rights principles or Malaysia's own human rights commitment as a member state of the United Nations. Civil society's participation including

submissions of reports to the UN Human Rights Council, treaty bodies and the special procedures are recognised and well-established contributions to the UPR process. The UPR process requires governments to work in consultation with all stakeholders to improve the human rights situation in their respective country. COMANGO's work falls squarely within these mandated processes in resolutions passed by the General Assembly and the Human Rights Council of the United Nations.

The Government of Malaysia has engaged with COMANGO many times since we submitted our first report to the UN Human Rights Council in 2008. COMANGO met with members of the Malaysian Government delegation during Malaysia's review in Geneva in October 2013, as well as before the review, in September. COMANGO has also been invited to participate in consultations with the Government's representative to the ASEAN Inter-Governmental Commission of Human Rights (AICHR), and with AICHR itself at the regional level.

Malaysia is actively vying to be part of the UN Security Council. As such the Government cannot be part of some UN processes and disavow others, particularly when the Human Rights Council is very much a key component of the larger UN human rights system. The UPR process is as a peer-review mechanism designed to prompt, support, and expand the promotion and protection of human rights to be equally enjoyed by every human being, with the goal of improving the human rights situation in every country. The Government's action through the Home Ministry is in opposition to this goal and violates our rights to freedom of expression and association.

Declaring COMANGO as unlawful is a political ploy to distract the *rakyat* from national disunity, endemic corruption, unequal distribution of wealth, and unpopular decisions of the government such as the implementation of a Goods and Services Tax (GST), as well as rising living costs in terms of petrol, toll fees, and electricity.

COMANGO will be instructing solicitors to file a judicial review in the High Court to quash the decision made by the Secretary General.

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