



Malaysia: End attempts to silence lawyer and human rights defender Charles Hector

(Bangkok, 24 March 2021) – Attempts to intimidate Malaysian lawyer and human rights defender (HRD) Charles Hector for his work amount to harassment with the ultimate aim of silencing the people he represents, the Asian Forum for Human Rights and Development (FORUM-ASIA) and Front Line Defenders said in a joint statement today.

Human rights lawyer Charles Hector, along with eight defendants he is representing against logging companies, may face contempt charges for seeking clarifications over details contained in a letter sent by the Jerantut Forestry office.

The proceedings to initiate contempt charges are scheduled to take place tomorrow (25 March 2021) at the Kuantan High Court in the Malaysian state of Pahang, following a letter Hector had sent on behalf of his clients to an officer of the Jerantut Forestry office on 17 December 2020. In that letter, Hector sought further explanations on an earlier letter sent by the forestry officer in February 2020.

The plaintiffs behind the contempt proceedings are logging firms Beijing Million Sdn Bhd and Rosah Timber & Trading Sdn Bhd. They claim that Hector's letter is a violation of a temporary injunction order obtained in November 2020, which, among others, stops the defendants from blocking the plaintiff's workers from accessing a contested area in the Jerantut Permanent Forest Reserve.

The logging firms were appointed by the General Manager of Yayasan Pahang (Pahang Foundation), the license holder allowed to carry out logging in this forest. Yayasan Pahang is a statutory body of the Pahang State government.

'The use of legal proceedings to curtail the crucial role of human rights lawyers highlights the continuous risk and intimidation they face in their work, particularly when they defend individuals in cases involving powerful businesses,' said Shamini Darshni Kaliemuthu, Executive Director of FORUM-ASIA.

The eight defendants represented by Hector are from communities affected by potential logging activities in the Jerantut Permanent Forest Reserve.

In February 2020, the logging firms accused the defendants of preventing their workers and contractors from accessing and carrying their work in the forest reserve, and for allegedly disseminating false information about them. The defendants have denied these allegations.

The defendants, a part of the community who have been protesting logging of the Jerantut Permanent Forest Reserve since 2013, argue that the relevant authorities are still considering their objections and have not yet given permission to commence logging. The defendants, along with their communities, depend on the forest reserve for clean water and their livelihood. They also assert that their protest activities have been legal and peaceful.

‘Apart from intimidating lawyers, these actions by businesses result in disempowering vulnerable communities who depend on the forest reserve for their survival,’ said Shamini.

Malaysia has faced widespread deforestation and forest shrinkage in years. Despite attempts to revise laws to ensure protection for the forests, deforestation and infringement on ancestral lands have continued. Human rights lawyers and environmental defenders fighting against these are increasingly being targeted by corporations.

Charles Hector is a human rights lawyer who has extensive experience defending the right to fundamental freedoms, and the rights of indigenous peoples, migrants and refugees, and workers. He has been instrumental in improving mechanisms for access to lawyers and legal representation for the vulnerable.

‘Targeting a human rights defender like Charles Hector, who defends other human rights defenders, is certainly a strategy to weaken the morale of the community protesting the harmful logging,’ observed Olive Moore, Deputy Executive Director of Front Line Defenders.

In Malaysia, without a legislation to define contempt of court offences and penalties, sentences are arbitrary and can range from fines, prison terms and can lead to the revocation of one’s lawyer certificate.

‘Amidst allegation of collusion between regional state authorities and corporations, the Government of Malaysia must prove that it is able to prioritise the rights of its citizens over the interests of these corporations, and that it is able to protect the human rights lawyers who continue to defend the rights of vulnerable communities,’ said the groups.

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The Asian Forum for Human Rights and Development (FORUM-ASIA) is a Bangkok-based regional network of 81 member organisations across 21 Asian countries, with consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity-development and solidarity actions in Asia and beyond. It has sub-regional offices in Geneva, Jakarta, and Kathmandu. www.forum-asia.org

Front Line Defenders was founded in Dublin in 2001 with the specific aim of protecting human rights defenders at risk (HRDs), people who work, non-violently, for any or all of the rights enshrined in the Universal Declaration of Human Rights (UDHR). Front Line Defenders addresses the protection needs identified by HRDs themselves. Front Line Defenders maintains its headquarters in Dublin, an EU Office in Brussels, and regionally-based field staff in the Americas, Asia, Africa, Europe & Central Asia, and the Middle East. www.frontlinedefenders.org

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