

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the rights of Indigenous Peoples**

Ref.: AL MYS 4/2023  
(Please use this reference in your reply)

22 December 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on the rights of Indigenous Peoples, pursuant to Human Rights Council resolutions 52/4, 53/12 and 51/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged attempted killing of Ms. **Siti Kasim**, a lawyer and human rights defender.

Ms. Siti Kasim is a lawyer and human rights defender known for her advocacy for the rights of women, Indigenous Peoples, and LGBTIQ+ people. She has been the deputy chair of the Bar Council committee on Orang Asli rights and continues to defend their land rights against mining and logging activities in Peninsular Malaysia. She is well-known for speaking out on religious extremism in Malaysia.

According to the information received:

On 21 July 2023 at around 11:30, Ms. Siti Kasim left her car in Jalan Maarof, Bangsar for servicing at a service center while she was traveling for a hearing. The service center called Ms. Siti Kasim to inform her that they found a suspicious object attached to the brake section of the rear tyre of her car. Directly after this call she went back to the service center and saw the object, which consisted of two bottles surrounded by wires. Ms. Siti Kasim called the police immediately after seeing this.

According to a first analysis report by the Police Bomb Disposal Unit, combustible substances are reported to have been found in the two plastic bottles, which, together with the wires were believed to comprise an improvised explosive device (IED). Although the perpetrator remains unknown, the police have confirmed that placing a bomb is a serious crime and amounts to attempted murder.

Without wishing to prejudge the accuracy of the information received, we express our grave concern about the alleged attempted bombing of Ms. Siti Kasim's car.

We express serious concern regarding this threat against the life of Ms. Siti Kasim. We are concerned that this attempt occurred allegedly as a result of the legitimate exercise of her professional functions as a lawyer, which include the defense of LGBTIQ+ individuals and her work on cases related to the rights of women and Indigenous Peoples, in particular Orang Asli rights.

We are also very concerned that Ms. Siti Kasim has previously received death threats for advocating for LGBTIQ+ rights and speaking out against the rise in influence of religious extremist actors in Malaysia. Indeed, on the 23<sup>rd</sup> of July 2017, Ms. Siti Kasim filed a police report in Kuala Lumpur against a man who called, on an online platform, for her to be killed, leading dozens of followers to make death, rape and acid attack threats against her.

In this regard, we note that there has been no investigation or statement from the authorities on the alleged incident and remind your Excellency's Government of the obligation to protect life, to investigate abuses against individuals and, if appropriate, to prosecute and punish those responsible.

The Universal Declaration of Human Rights states that everyone has the right to life, liberty and security of person.

The alleged attempt would also be in breach of the guarantees of a fair trial, provided by article 10 of Universal Declaration of Human Rights, which sets out a general guarantee of a fair and public trial lead by an independent and impartial tribunal. This right requires that lawyers be able to conduct their professional duties without threat.

These guarantees concerning the independent exercise of the legal profession, which provide that lawyers are entitled to perform their professional functions without any threat, intimidation, harassment or interference, and without suffering, or being threatened with, prosecution or any administrative or disciplinary sanctions for actions undertaken in accordance with professional duties and ethical standards. Further, States must ensure the security of lawyers under threat.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide us with any additional information or comments in relation to the above allegations.
2. Please provide detailed information on the measures taken to investigate accusations of gender-based violence and harassment, including death threats, against Ms. Siti Kasim to try and punish their perpetrators.
3. Please provide all the details of the measures put in place to ensure the physical and psychological integrity as well as the safety of Ms. Siti Kasim.
4. Please provide information on measures taken to protect the ability of Ms. Siti Kasim to exercise her legal profession in Malaysia in safety.

5. Please indicate what measures have been taken to ensure that lawyers and paralegals, especially those who work on human rights issues, are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.
6. Please provide information on steps taken by your Excellency's Government to ensure that human rights lawyers, defenders, and other civil society actors are able to carry out their work, including online, without fear of surveillance or any other intimidation, threats or reprisals in a safe and enabling environment.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Margaret Satterthwaite  
Special Rapporteur on the independence of judges and lawyers

José Francisco Cali Tzay  
Special Rapporteur on the rights of Indigenous Peoples

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We would like to refer your Excellency's Government to article 3 of the Universal Declaration of Human Rights (UDHR) that guarantees the right to life, liberty and security as well as article 10 that guarantees the right to a fair and public trial.

In addition, we would like to refer your Excellency's Government to the provisions of the UN Basic Principles on the Role of Lawyers. Under principle 16, governments are required to ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Principle 17 provides that "Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities."

Principle 18 provides that lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions. This principle must be read in conjunction with principle 16(c), referred to above, which requires national authorities to adopt all appropriate measures to ensure that lawyers are not subject to, or threatened with prosecution or any other administrative, economic or disciplinary sanctions for actions undertaken in good faith in the exercise of their professional duties and responsibilities.

We deem it appropriate to remind you of the important and legitimate role that human rights defenders play in the protection and promotion of human rights and the protection to which they are entitled. We wish to highlight in particular the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. Articles 1 and 2 of the Declaration state that everyone has the right to promote and strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has the primary responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

We would also like to refer your Excellency's Government to the following articles of the Declaration:

- article 7, which guarantees the right to develop and discuss new human rights ideas and principles and advocate their acceptance;
- article 9, paragraph 3, point (c), which guarantees the right to provide legal assistance in defending human rights and fundamental freedoms.

Specifically, we would like to draw your attention to the General Assembly Resolution 68/181, which urges States to acknowledge publicly the important and legitimate role of women human rights defenders in the promotion and protection of human rights, democracy, the rule of law and development as an essential component of ensuring their protection, including by publicly condemning violence and discrimination against them (OP7). We invite you to also refer to the Human Rights Council resolution 31/32, in which States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women defenders. Such policies and programmes should be developed with the participation of women defenders themselves (OP5, 19 and 20).