

Mandates of the Working Group on Enforced or Involuntary Disappearances; the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights in Cambodia; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on discrimination against women and girls

Ref.: AL MYS 3/2025
(Please use this reference in your reply)

24 July 2025

Excellency,

We have the honour to address you in our capacities as Working Group on Enforced or Involuntary Disappearances; Working Group on Arbitrary Detention; Special Rapporteur on the situation of human rights in Cambodia; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 54/14, 51/8, 54/36, 52/9, 50/17, 52/7 and 50/18.

In this connection, we would like to bring to the urgent attention of your Excellency's Government information we have received concerning **a reported surge in human rights violations of a transnational nature in the Greater Mekong Subregion, including Cambodia, Lao Peoples' Democratic Republic, Thailand and Viet Nam, Malaysia and China**. In particular, we would like to bring to your Excellency's Government attention the allegations of **arbitrary detention Ms. Nuon Toeun and Ms. Praphan Pipattanamporn, for simply expressing their dissenting views critical of the monarchy**.

According to the information received:

On 28 September 2024, Ms. **Nuon Toeun**, a Cambodian domestic worker in Malaysia, was arrested by three Malaysian authorities at her employers' house. Ms. Toeun had been working for the same employer for over 15 years. She was reportedly arrested without explanation, spent two nights at a Malaysian police station under incommunicado detention, and was then deported to Cambodia. She stated that the Malaysian police told her that she was arrested because of insulting the King and incitement to discrimination in Cambodia, and that they had been working on her case for the past 8 months.

On 30 September 2024, Ms. Nuon Toeun reported that she was brought to a Malaysian airport by three Cambodian men who she believed to be representatives from the Cambodian Embassy. She described that she was brought to a plane, handcuffed, and sat next to the three Cambodian men. During the ride, no explanations were given regarding her destination. After her arrival, she was sent to the National Police to be questioned on the videos and Facebook comments found on her personal account. She said she commented on many critical social issues in Cambodia in the past years.

On 2 October 2024, Ms. Nuon Toeun was sent to pre-trial detention in CC2 on charges of “insulting the King”, under article 437(bis), and “incitement to discrimination”, under article 496 of Cambodia Criminal code. She said she was not shown any arrest warrants in Malaysia or Cambodia, neither was she provided with the reasons for sending her to pre-trial detention.

In May 2019, at Thailand’s request, Malaysia returned Ms. **Praphan Pipattanamporn**, a UNHCR-recognized refugee, to Thailand, where she faced arrest for anti-monarchy activities, under section 116 of Thailand’s Criminal Code. The Malaysian Prime Minister defended this as an act of “good neighbourhood”.

Ms. Praphan Pipattanamporn is a member of the Organization for Thai Federation, a civil society political movement advocating for the establishment of a republican form of government in Thailand, which is currently governed as a constitutional monarchy.

Without prejudging the veracity of the allegations, we wish to express our profound concern regarding the reported rise in transnational repression, including acts conducted or directed by a State, or its proxy, to deter, silence or punish dissent, criticism or human rights advocacy towards it, expressed from outside its territory. This includes serious claims of forced returns resulting in enforced disappearances, and the arbitrary detention of activists and dissidents, for the purpose of rendition. We are deeply troubled by reports that many individuals are currently deprived of their liberty, frequently held incommunicado and denied contact with the outside world, simply for exercising their fundamental rights, such as freedom of opinion and expression, freedom of religion or belief, or for engaging in legitimate human rights advocacy. Such practices have a profound chilling effect, deterring individuals from freely expressing their views or pursuing their work as journalists, lawyers, or social activists.

We recall that, under international human rights law, public figures, including those exercising the highest political authority, such as heads of State, are legitimately subject to criticism. The fact that some forms of expression may be considered offensive or shocking to a public figure is not sufficient to justify the imposition of penalties.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law and standards** 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 any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the legal and factual basis for the detention and charges brought against Ms. **Nuon Toeun** and Ms. **Praphan Pipattanamporn** explain how this in conformity with your Excellency’s

Government obligations under international human rights law, in particular the right to freedom of opinion and expression.

3. Please provide detailed information on how your Excellency's Government addresses allegations of forcibly returning vulnerable individuals to Malaysia, ensuring compliance with peremptory norms of international law relating to the principle of *non-refoulement* and the absolute prohibition of enforced disappearance, torture and arbitrary detention.
4. Please provide information on cooperation and extradition agreements with third countries, including from the Greater Mekong Subregion, and the measures in place to prevent individuals being returned if they may be at risk of enforced disappearance, during or after their forced return.
5. Please provide information on the measures taken to incorporate a gender perspective in the analysis of complaints related to the exercise of freedom of expression, especially women's political participation in your country.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. 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.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. Similarly, the Working Group on Enforced or Involuntary Disappearances may also consider the cases under its humanitarian procedure. The Government is required to respond separately to the present communication and the procedures of each Working Group.

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 note that similar letters were transmitted to the Association of Southeast Asian Nations, Cambodia and Thailand.

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

Gabriella Citroni
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Matthew Gillett
Vice-Chair of the Working Group on Arbitrary Detention

Vitit Muntarbhorn
Special Rapporteur on the situation of human rights in Cambodia

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment

Laura Nyirinkindi
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law and standards

In connection with the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant norms and standards under international law and customary international law, as reflected in the Universal Declaration of Human Rights (UDHR).

We would like to point out that if confirmed, the allegations noted above could amount to violations of articles 3, 5, 7, 9, 10, 11, 19 and 20 of the Universal Declaration on Human Rights (UDHR). These articles guarantee the right to life, the prohibition of torture or other cruel, inhuman or degrading treatment or punishment, the right to the State's protection without discrimination, freedom from arbitrary arrest and detention, inherent dignity of the human persons, right to liberty and security of person, the right to recognition as a person before the law, the right to a fair and public hearing, the right to be presumed innocent until proved otherwise, the right to freedom of opinion and expression and the rights to peaceful assembly and association. Furthermore, article 8 states that "everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law".

Right to life

We would like to stress that the duty to protect the right to life requires States parties to adopt special measures of protection for persons in situations of vulnerability whose lives are at particular risk due to specific threats or pre-existing patterns of violence. Such persons include human rights defenders. The obligation of States parties to respect and ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life. States parties may be in violation of article 6 even if such threats and situations do not result in loss of life ([CCPR/C/GC/36](#)).

Prohibition of torture

We also note the absolute prohibition of torture, which is a *jus cogens* rule and applicable *erga omnes* in accordance with conventional and customary international law. We also remind your Excellency's Government that the prohibition of arbitrary detention is also part and parcel of customary law that bears an absolute character and is in fact a peremptory norm (*jus cogens*) of international law and therefore binding upon all States, irrespective of their treaty obligations (A/HRC/30/37, para. 11; A/HRC/22/44, paras. 37-75).

Prohibition of arbitrary detention

Furthermore, we would like to refer to article 9 of the UDHR, which provides that no one shall be subjected to arbitrary arrest or detention or deprived of their liberty except on such grounds and in accordance with such procedure as are established by law.

As interpreted by the Human Rights Committee in general comment No. 35 ([CCPR/C/GC/35](#)), the notion of “arbitrariness” is not to be equated with “against the law” but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality. According to the same General comment and the jurisprudence of the Working Group on Arbitrary Detention, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including freedom of opinion and expression, is arbitrary. Further, the Working Group on Arbitrary Detention has reiterated that a deprivation of liberty is arbitrary when it constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings. In this respect, the Working Group on Arbitrary Detention has concluded that being a human rights defender is a protected status under article 26 of the ICCPR.

We would like to further remind your Excellency’s Government that the right to challenge the lawfulness of detention before a court is a self-standing human right and a peremptory norm of international law, which applies to all forms of arbitrary deprivation of liberty.

Freedom of expression

Article 19 of the UDHR and article 19 of the ICCPR guarantee the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one’s own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee further asserts that States Parties to the ICCPR “shall put in place effective measures to protect against attacks aimed at silencing those who exercise their right to freedom of expression” (para. 23). An attack on a person because of the exercise of his or her freedom of opinion or expression, including arbitrary arrest, torture, threats to life and killing, cannot be compatible with article 19 (para. 23).

Any restriction of the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant and restrictions must be “the least intrusive instrument among those which might achieve their protective function” ([CCPR/C/GC/34](#), paras. 34 and 35).

Resolution 12/16 of the Human Rights Council, which called on States to refrain from imposing restrictions that are not consistent with article 19(3) of the ICCPR, including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups (A/HRC/RES/12/26).

Discrimination against women

We would also like to reiterate to your Excellency's Government the obligations of Malaysia through its accession on 5 July 1995 of the International Convention on the Elimination of Discrimination against Women, and in particular article 7, which provides that States shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country, including the right to participate in non-governmental organizations and associations concerned with the public and political life of the country.

The Working Group on discrimination against women and girls, in one of its reports to the Human Rights Council ([A/HRC/23/50](#)), stated that stigmatization, harassment and outright attacks are used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. Women human rights defenders are often the target of gender-specific violence, such as verbal abuse based on their sex, sexual abuse or rape; they may experience intimidation, attacks, death threats and even murder. Violence against women defenders is sometimes condoned or perpetrated by State actors. The Working Group on discrimination against women and girls, recommended to accelerate efforts to eliminate all forms of violence against women, including through a comprehensive legal framework to combat impunity, in order to fulfil women's human rights and to improve the enabling conditions for women's participation in political and public life.

Furthermore, in its thematic report on women deprived of liberty ([A/HRC/41/33](#)), the Working Group on discrimination against women and girls underlined the increasing risk faced by women human rights defenders of criminalization and detention as a result of their legitimate work and recommended States to support and protect women's engagement in public and political life, including the work of women human rights defenders. Women who work specifically to combat gender stereotypes and advance women's rights are most likely to be targets for criminal persecution and imprisonment. Certain laws, including "complicity" laws, and "public order" laws or even anti-terrorism laws, may be particularly instrumentalized to target women human rights defenders. The Working Group recommended States to support and protect women's engagement in public and political life, including the work of women human rights defenders, and eliminate any laws or policy measures designed to criminalize the public roles of women.

We would also like to refer to General Assembly resolution 68/181, adopted on 18 December 2013, on the protection of women human rights defenders. Specifically, we would like to refer to articles 7, 9 and 10, whereby States are called upon to respectively, publicly acknowledge the important role played by women human rights defenders, take practical steps to prevent threats, harassment and violence against them

and to combat impunity for such violations and abuses, and ensure that all legal provisions, administrative measures and policies affecting women human rights defenders are compatible with relevant provisions of international human rights law.

The principle of non-refoulement

Interconnected with the issues raised above, *non-refoulement*, embodying the rule that no one should be sent back to areas where their life is threatened, is a long-established principle of international law and is considered binding on all States and other stakeholders as part of customary international law. It applies universally to all individuals, including migrants and refugees, at all times and under all circumstances, irrespective of their citizenship, nationality, statelessness, or migration status. The norm strictly prohibits the removal or transfer of any individual - regardless of their legal status - when there are substantial grounds to believe that such action would expose them to a real risk of irreparable harm. This includes, but is not limited to, risks of death, torture, cruel, inhuman or degrading treatment or punishment, persecution, enforced disappearance, or other serious violations of human rights in the destination country. The country is also a party to the Convention on the Rights of the Child, article 22 of which guarantees protection for refugee children, complemented by the international principle of *non-refoulement*.

Moreover, the principle of *non-refoulement* interrelates with the UDHR, and is inherent in article 3, 5 and 14 relating to the right to life, liberty and the security of person; the prohibition of torture or to cruel, inhuman or degrading treatment or punishment; and the right to seek and to enjoy in other countries asylum from persecution.

Lastly, in the ASEAN region, there are two countries which are parties to the 1951 Convention Relating to the Status of Refugees and its Protocol, key international instruments which incorporate the principle of *non-refoulement*. This reiterates the universal significance of *non-refoulement* as part of customary international law, obliging States and other stakeholders to respect and abide by it as *lex lata* (existing, binding law) at the national and other levels.