



Ms. Irene Fernandez finally acquitted! International mission of judicial observation

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Geneva-Paris, November 24, 2008. The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), welcomes the decision of the Kuala Lumpur Criminal High Court to acquit human rights defender Ms. Irene Fernandez, following 13 years of judicial battle.

Today, High Court Judge Mohamad Apandi Ali reversed the condemnation of Ms. **Irene Fernandez**, co-founder and Executive Director of Tenaganita, an NGO working with migrant women and promoting their rights and welfare, thus bringing to an end a 13-year-old court battle. Previously, the Public Prosecutor had decided not to oppose the motion of appeal lodged by the defence lawyer, and the defence had then asked that the conviction and sentence be set aside. The Observatory had sent an international observer to attend the hearings which were due to last until November 28, 2008. Minutes later, Ms. Fernandez walked out of the court-room, free at last, saying, “I'm relieved that there's light at the end of the tunnel”.

Ms. Fernandez' hearing in appeal had been postponed three times between June 11, 2008 and November 24, 2008 due to the disappearance of important files, computer viruses and delays in compiling trial records.

The Observatory recalls that Ms. Irene Fernandez had been arrested and charged in March 1996 for “publishing false information with the intention to harm” under Section 8A (1) of the Printing Presses and Publications Act 1984, following the publication in July 1995 of a report entitled *Abuse, Torture and Dehumanised Conditions of Migrant Workers in Detention Centres*. This report contained allegations of abuses inflicted upon migrants based on Ms. Fernandez' interviews with over 300 migrant workers. Sentenced to twelve months' imprisonment by the Kuala Lumpur Magistrates' Court 5B on October 16, 2003, she was released on bail and lodged an appeal. Since that date, Ms. Irene Fernandez had been waiting for the examination of the appeal^[1].

The Observatory welcomes Ms. Irene Fernandez' acquittal, and thanks all the persons, institutions and organisations who intervened in her favour.

Nevertheless, the Observatory calls upon the Malaysian authorities to guarantee in all circumstances the physical and psychological integrity of human rights defenders in the country, to put an end to any act of harassment against them, and to conform with the provisions of the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, as well as to ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international and regional human rights

instruments ratified by Malaysia.

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[1] See Observatory Annual Report 2006.

L'OMCT a son siège à Genève, en Suisse. Elle coordonne le réseau SOS-Torture composé de 282 organisations régionales et internationales dans 93 pays sur cinq continents.
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