

PRESS RELEASE – THE OBSERVATORY

Malaysia: Concern about the trial against human rights defender Charles Hector Fernandez

Geneva-Paris, June 27, 2011. *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), expresses its concern about the trial against human rights defender Charles Hector Fernandez, who is being sued by a company for publishing information regarding the violation of the rights of 31 Burmese migrant workers in Malaysia.*

The trial against the human rights defender **Charles Hector Fernandez** is due to June 28 and 29, 2011 before the Shah Alam High Court. He is being sued for “defamation” by the Japanese-owned company Asahi Kosei, in Selangor, Malaysia, as he published information online regarding the violation of the rights of 31 Burmese migrant workers by this company management. Asahi Kosei Company is demanding Mr. Charles Hector Fernandez a compensation of USD 3.3 million, in addition to a public apology and the removal of the information he published.

As a well-known human rights defender and lawyer, Mr. Charles Hector Fernandez received information from Burmese migrant workers that were being threatened with termination of their contracts and deportations by Asahi Kosei Company, as they complained about being paid less than what was originally agreed with their employer. Mr. Charles Hector Fernandez contacted the company to confirm this information. As he received no reply, he began to gather information and advocate for the rights of these 31 Burmese migrant workers, in particular those who were facing immediate deportation. Mr. Charles Hector Fernandez also published the gathered information on his blog - <http://charleshector.blogspot.com> - between February 8 and 13, 2011.

The company’s main argument is that these 31 Burmese workers have not been under their responsibility, as they were supplied to them by an ‘outsourcing agent’. In addition, the company claims no knowledge of any threats of termination or attempted deportation.

The Observatory condemns the judicial harassment against Mr. Charles Hector Fernandez, which appears aimed at sanctioning his activities as a defender of the rights of migrant workers.

For many years, Mr. Charles Hector Fernandez has provided legal assistance to workers and migrants seeking justice. He uses his blog as a tool of advocacy for the improvement of the migrant and workers rights situation in Malaysia.

The Observatory calls upon the Court to ensure that the trial initiated against Mr. Charles Hector Fernandez comply with all fair trial guarantees provided under international and Malaysian law, and that hearings be accessible to the public, including to national and international observers.

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