



# **TRIAL MONITORING REPORT**

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## **OBSERVATION OF THE TRIAL OF LENA HENDRY, CRIMINALLY CHARGED UNDER THE FILM CENSORSHIP ACT (2002) IN MALAYSIA**

Hearings held on 14-15 December 2015, 6-7 January 2016, 11 February 2016, and 24 February 2016.

Judgement issued on 10 March 2016 by the Magistrate Court, Duta High Court, Jalan Duta, Kompleks Kerajaan, Kuala Lumpur, Malaysia.

14 April 2016

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## I. EXECUTIVE SUMMARY

The purpose of this report is to present trial monitoring findings in the case of Ms. Lena Hendry, a Malaysian national who was arrested, criminally charged and acquitted in connection with the screening of the film “**No Fire Zone: In The Killing Fields of Sri Lanka**” (*No Fire Zone*) in Kuala Lumpur, Malaysia, on Wednesday 3 July 2013.

Lena Hendry, 31, is a Malaysian Human Rights Defender working as a program coordinator for the Malaysian NGO Pusat KOMAS. She is also one of the organisers of the annual Freedom Film Festival which tours around Malaysia, Singapore, Melbourne, and London.

Lena Hendry was charged under Section 6(1)(b) of the Film Censorship Act (2002). Following Malaysian criminal procedure, the trial focused on the prosecution proving its *prima facie* case. The hearings were held on 14-15 December 2015, 6-7 January 2016 and 11 February 2016 at the Magistrate Court 6, Jalan Duta High Court in Kuala Lumpur, Malaysia. On 24 February 2016, the prosecution and the defense gave their oral and written statements, and on 10 March 2016, Magistrate Mohd Rehab Mohd Aris ruled that the prosecution failed to establish a *prima facie* case against Lena Hendry, and accordingly dismissed the case and acquitted Lena Hendry.



Destination Justice sent a monitor to the trial. Destination Justice is a social change organisation; as such, we believe we are changemakers and together, we can end injustice. To that end, we set ideas in motion, we provide tools to changemakers, and we take action when necessary. Established as a nonprofit in 2011 in France, with sister organisations in Cambodia and Australia, we design our projects to be innovative, participatory, impactful, and sustainable.

The trial monitor was Céline Martin, Program Manager with Destination Justice. She attended all the hearings from 14 December 2015 on, except for the announcement of the judgement. This report was drafted by Céline Martin, and edited by Doreen Chen and Silvia Palomba, Destination Justice Directors.

Although certain aspects of the trial may have been conducted appropriately, the monitor found that there were significant concerns with regard to the conduct of the trial. In particular, the monitor found that:

- The accused was denied her **right to a fair trial** based on the lack of access to the prosecution's evidence as guaranteed by Article 264 of the Criminal Procedure Code and Article 11 of the UDHR.
- The accused was denied her **right to have access to a duly reasoned and written judgement** as guaranteed by Article 280 of the Criminal Procedure Code and Article 11 of the UDHR.
- The accused may have been denied her **right to equality before the law** and to **equality of arms** as guaranteed by Article 271 of the Criminal Procedure Code and Article 7 of the UDHR due to communication of the facts of the case amongst the witnesses, and between the witnesses and the prosecution through a WhatsApp group.



## II. BACKGROUND INFORMATION

In January 2013, the Malaysian NGO Pusat KOMAS was approached by the UK-based journalist and director Callum Macrae to help organise a screening of his documentary “**No Fire Zone: In the Killing Fields of Sri Lanka**” (*No Fire Zone*) on the alleged war crimes in Sri Lanka. He wanted to lobby members of the Malaysian Parliament to pressure Sri Lanka to begin an investigation on this matter. KOMAS agreed to support him in organising this screening<sup>1</sup>.

On 1 July 2013, Lena Hendry received a call from the Censorship Board of the Ministry of Home Affairs. She was asked not to go ahead with the screening of *No Fire Zone* on the evening of 3 July as the film had not been censored yet. Lena Hendry answered that it would be a private screening, that attendance would be on an invitation only basis<sup>2</sup>, and that she would refer the call to her superiors.

On 3 July 2013 at 1:00pm, a screening of *No Fire Zone* was held for the members of the Malaysian Parliament at the Kuala Lumpur and Selangor Chinese Assembly Hall (KLSCAH). A discussion with the director, Callum Macrae, was held after the screening<sup>3</sup>.

On 3 July 2013 at 2:00pm, Sri Lankan Embassy representatives visited the KLSCAH and asked the management of the Hall not to allow the second screening scheduled the same day at 8:00pm. A meeting was then arranged between KOMAS and the Sri Lankan Embassy representatives at the KLSCAH at 6:30pm. The representatives of the Embassy failed to turn up, and only faxed a letter to the Hall administration to register their opposition to the screening. The screening started at 8:00pm with around 150 persons attending<sup>4</sup>.

## III. THE PROCEEDINGS

### A. THE ARREST

On 3 July 2013 at 8:30pm, the KLSCAH was raided by around 30 officials from the Ministry of Home Affairs, Police, and Immigration Departments. The organisers of the screening - Ms. Anna Har, a member of KOMAS's Board of Directors; Mr. Arul Prakkash, KOMAS Executive Director; and Ms. Lena Hendry - negotiated with the officials from the Ministry of Home Affairs, who eventually agreed to enter the Hall only once the screening was over<sup>5</sup>.

After the screening, the officials insisted on checking the identity cards of all participants before they left the venue. The Ministry of Home Affairs also requested a copy of the film, which was provided by the organisers in soft copy, and ordered them to go to the Dang Wangi police station. The three KOMAS representatives asked whether they were being arrested, to which the officers replied no. However, during their interrogation, they were informed that they were placed under arrest. They were questioned for almost three hours by the investigating team from the Ministry of Home Affairs<sup>6</sup>.

On 4 July 2013, at about 2:00am, the three KOMAS representatives were finally released on bail after having

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<sup>1</sup> Pusat KOMAS, *Drop charges against Lena Hendry*, available at [www.KOMAS.org/indefenceofflenahendry](http://www.KOMAS.org/indefenceofflenahendry) (4 April 2016).

<sup>2</sup> FIDH, *Malaysia: Ms. Lena Hendry charged under the Film Censorship Act*, 29 September 2013, available at <https://www.fidh.org/en/region/asia/malaysia/malaysia-ms-lena-hendry-charged-under-the-film-censorship-act-13968> (4 April 2016).

<sup>3</sup> Free Malaysia Today, *KOMAS activist charged for screening Sri Lanka film*, 19 September 2013, available at <http://www.freemalaysiatoday.com/category/nation/2013/09/19/KOMAS-activist-charged-under-film-censorship-act-2002/> (4 April 2016).

<sup>4</sup> Pusat KOMAS, *supra note 1*.

<sup>5</sup> FIDH, *supra note 2*.

<sup>6</sup> FIDH, *ibid*.



had their statements recorded. According to the information they received, they were reportedly arrested upon the basis of Section 6 of the Film Censorship Act<sup>7</sup>, and would be informed within 30 days following the arrest if they would be charged with any offences in the 30 days following the arrest.

On 5 August 2013, KOMAS received a call from the Ministry of Home Affairs informing them that no charges had been filed yet<sup>8</sup>.

On 18 September 2013, the Ministry of Home Affairs issued a notice informing KOMAS that Ms. Lena Hendry would be prosecuted<sup>9</sup>.

On 19 September 2013, Ms. Lena Hendry presented herself at the Magistrate Court in Kuala Lumpur to hear the charge filed against her under the *Film Censorship Act* (2002). She was charged under Section 6(1)(b) of the Film Censorship Act for showing *No Fire Zone* at KLSCAH on 3 July 2013. Ms. Hendry was released on bail for RM1,000 (approximately \$255). Magistrate Ashraf Rezal Abd Manam<sup>10</sup> fixed 21 October 2013 as the start date for Ms. Hendry's trial.

## B. THE DEFENDANT

Ms. Lena Hendry, 31, is a Malaysian Human Rights Defender working as a program coordinator for the NGO Pusat KOMAS in the field of human rights awareness and advocacy in Malaysia. Ms. Hendry joined KOMAS team as an administrative officer in September 2009 and, later on, took on the role of coordinating the non-discrimination program in December 2010. She holds a Bachelor of Psychology Degree from the HELP University College in Kuala Lumpur, Malaysia. She is also an active member of CAN (Community Action Network), an independent social concern organisation<sup>11</sup>.

Since 2012, Ms. Hendry has served as the Festival Manager for the FreedomFilmFest (FFF), which was established in 2003<sup>12</sup>. FFF is Malaysia's most renowned annual human rights film festival and adopts and promotes the themes encompassed in the Universal Declaration of Human Rights. The FFF team believes that "*the protection of basic human rights is the foundation for genuine justice, peace, equality and democracy*"<sup>13</sup>.

For Ms. Hendry and the rest of the FFF team, the screening of documentaries and the use of various creative media are considered essential for the effectiveness of the NGO's activities. In the framework of the FFF, Pusat KOMAS organises a film competition, community screenings, and premiere screenings in six major locations in different Malaysian states which reach a wide range of audiences, including local communities and universities. Over the past 12 years, FFF has produced over 40 local Malaysian human rights documentaries. Every year, the festival showcases over 30 outstanding international and local documentary films reaching out to about 10,000 people. These film screenings are therefore considered a major tool in disseminating information related to human rights in Malaysia<sup>14</sup>.

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<sup>7</sup> FIDH, *supra note 2*.

<sup>8</sup> Pusat KOMAS, *supra note 1*.

<sup>9</sup> Pusat KOMAS, *Ibid*.

<sup>10</sup> Note: Magistrate Ashraf Rezal Abd Manam was the first Magistrate assigned to Lena Hendry's case. He was promoted in 2015 and was then replaced by Magistrate Mohd Rehab Mohd Aris.

<sup>11</sup> Pusat KOMAS, Team Members, available at <http://komas.org/about-us/team-member/> (4 April 2016).

<sup>12</sup> Pusat KOMAS, *Malaysia urged to free activist arrested over Lankan film*, available at <http://KOMAS.org/malaysia-urged-to-free-activist-arrested-over-lankan-film/> (23 March 2016)

<sup>13</sup> FreedomFilmFest, our mission, available at <http://freedomfilmfest.komas.org/our-mission/#sthash.gk724VB6.dpuf> (4 April 2016).

<sup>14</sup> Malaysiakini, *Arbitrary control of film screenings impedes freedom of info*, available at <https://www.malaysiakini.com/letters/323353> (7 March 2016).



## C. THE CHARGES

Ms. Lena Hendry is the first Human Rights Defender to be charged under section 6(1)(b) of the Film Censorship Act<sup>15</sup>.

The charge sheet<sup>16</sup> issued against Ms. Hendry stated that “you [Lena Hendry] on the 3.07.2013 at approximately 9pm [...] screened the film *No Fire Zone: [in] The Killing Fields of Sri Lanka* that has not been approved by the censorship board. Hence, you have committed the offence under section 6(1)(b) of the film censorship act 2002 and can be punished under section 6(2)(a) of the same act”.

Section 6(1)(b) of the Film Censorship Act states that “No person shall [...] circulate, exhibit, distribute, display, manufacture, produce, sell or hire, any film or film-publicity material which has not been approved by the Board”<sup>17</sup>. A violation of Section 6(1)(b) is punishable by a fine of RM5,000 to RM30,000 (approximately \$1,285 to \$7,710), a term in prison of up to three years, or both (see Section 6(2)(a)).

## IV. APPLICABLE LAW

The Federal Constitution of Malaysia does not contain any provision which says that international law shall be deemed part of the law of the land or that treaties shall be the laws of Malaysia. Nevertheless, certain provisions of the Constitution deal with treaty-making capacity in Malaysia<sup>18</sup> such as Article 74(1)<sup>19</sup> and Article 80(1)<sup>20</sup>. The Malaysian practice is therefore based on the ‘doctrine of transformation’ (also called a dualist mechanism). Under this doctrine, although the Government (Executive) has ratified a treaty and the treaty binds the Government under international law, it has no legal effect domestically unless the Legislature passes a law to give legal effect to that treaty<sup>21</sup>.

Malaysia has signed the Universal Declaration on Human Rights (UDHR) and is a member of the United Nations. The UDHR is by and large considered as international customary law. Indeed, “arguments have developed for viewing all part of the Declaration as legally binding, either as matter of customary international law or as an authoritative interpretation of the UN Charter”<sup>22</sup>. As such, the UDHR can be applied in every country, including Malaysia<sup>23</sup>. The UDHR provides that:

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<sup>15</sup> Percetakan Nasional Malaysia BHD, *Film Censorship Act*, 29 January 2002 (Incorporating all amendments up to 1 January 2006), available at: [http://www.commonlii.org/my/legis/consol\\_act/fca2002173/](http://www.commonlii.org/my/legis/consol_act/fca2002173/) (22 March 2016).

<sup>16</sup> Note: In Malaysia, the charge sheet is a stand alone document equivalent to an arrest warrant.

<sup>17</sup> Federation of Malaysia, *Film Censorship Act, 2002*, Article 6(1)(b), available at <http://www.moha.gov.my/index.php/en/bahagian-kf-peruntukan-akta-penapisan-film-2002> (11 April 2016).

<sup>18</sup> Abdul Ghafur Hamid and Khin Maung Sein, *Judicial Application of International Law in Malaysia: An Analysis*, 31 March 2006, Available at [http://www.malaysianbar.org.my/international\\_law/judicial\\_application\\_of\\_international\\_law\\_in\\_malaysia\\_an\\_analysis.htm#f13](http://www.malaysianbar.org.my/international_law/judicial_application_of_international_law_in_malaysia_an_analysis.htm#f13) (6 April 2016)

<sup>19</sup> Federal Constitution of Malaysia, *supra note 17*, Article 74(1), “Parliament may make laws with respect to any of the matters enumerated in the ‘Federal List’ or the ‘Concurrent List’”. The ‘Federal List’ in the Ninth Schedule includes: “1. External Affairs, including – (a) Treaties, agreements and conventions with other countries and all matters which bring the Federation into relations with other countries; (b) Implementation of treaties, agreements and conventions with other countries; [...]”.

<sup>20</sup> Andrew Harding, *Law, Government and the Constitution in Malaysia*, (1996) Malayan Law Journal Sdn. Bhd., Kuala Lumpur, 107.

<sup>21</sup> Abdul Ghafur Hamid and Khin Maung Sein, *supra note 18*.

<sup>22</sup> Henry J. Steiner, Philip Alston and Ryan Goodman, *International Human Rights in Context*, Oxford University Press, 2008, 143.

<sup>23</sup> Abdul Ghafur Hamid and Khin Maung Sein, *supra note 18*.



- “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him” (Art. 10);
- “Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense” (Art. 11(1)); and
- Article 19 of the Universal Declaration of Human Rights, states that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers”<sup>24</sup>.

Malaysia has not yet acceded to the International Covenant on Civil and Political Rights (ICCPR) which is a binding international treaty. Although Malaysia has not formally adopted the ICCPR, the Office of the Attorney General of Malaysia has stated that Malaysia responds and adheres to the principles laid down in a variety of human rights instruments, including documents it has not ratified, such as the ICCPR<sup>25</sup>. In 2009, Malaysia pledged to keep pace on the development of civil and political rights in the country<sup>26</sup>. Malaysia also pledged to “consider ratification” in 2009, but has not made any steps toward ratifying any of the international human rights instruments<sup>27</sup>.

At a regional level, Malaysia is a signatory of the 2012 ASEAN Human Rights Declaration (ADHR)<sup>28</sup> which provides an analogous fair trial guarantee as the UDHR in its Article 20. Although the ADHR is a non-binding treaty, its signature by Malaysia can be taken as an expression of Malaysia’s commitment to the values enshrined with it.

Under Malaysian domestic law, fair trial rights are enshrined in the Article 5 and Article 8 of the Constitution<sup>29</sup> which provide a number of guarantees. These include the presumption of innocence of an accused until the final verdict of a court; the right of an accused to have her own defense; equality of all before the law; and that doubt shall benefit the accused. Additional criminal domestic provisions are laid out in the Malaysian Penal Code<sup>30</sup> and in the Malaysian Criminal Procedure Code<sup>31</sup>.

There are also a variety of international principles, declarations and rules relating to a fair trial, such as those found in the Universal Declaration of Human Rights<sup>32</sup> and in the ICCPR.

<sup>24</sup> Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810, Article 19 (1948), <http://www.un.org/en/universal-declaration-human-rights/index.html> (6 April 2016).

<sup>25</sup> Human Rights, The Official Portal of the Attorney General’s Chambers (2011), available at [http://www.agc.gov.my/index.php?option=com\\_content&view=article&id=408%3Ahuman-rights-&catid=65%3Aunits-and-sections&Itemid=334&lang=en](http://www.agc.gov.my/index.php?option=com_content&view=article&id=408%3Ahuman-rights-&catid=65%3Aunits-and-sections&Itemid=334&lang=en) (13 April 2016).

<sup>26</sup> Malaysia Universal Periodic Review: Civil and Political Rights Lagging Behind, Amnesty International, October 30, 2013, available at <http://www.amnesty.org/en/library/asset/ASA28/010/2013/en/486a9928-97dc-4a3b-93c3-53ae8fa41ed1/asa280102013en.html> (13 April 2016).

<sup>27</sup> Note: There was no mention of any progress to ratify these treaties in Malaysia’s 2013 Universal Periodic Review.

<sup>28</sup> ASEAN, ASEAN Human Rights Declaration, 18 November 2012, Phnom Penh, available at [http://aichr.org/?dl\\_name=ASEAN-Human-Rights-Declaration.pdf](http://aichr.org/?dl_name=ASEAN-Human-Rights-Declaration.pdf). (11 April 2016).

<sup>29</sup> Federal Constitution of Malaysia, Article 5 and 8, *supra note 17*.

<sup>30</sup> Federal State of Malaysia, Penal Code, as at 1 February 2013, available at [http://www.vertic.org/media/National%20Legislation/Malaysia/MY\\_Criminal\\_Code\\_2013.pdf](http://www.vertic.org/media/National%20Legislation/Malaysia/MY_Criminal_Code_2013.pdf) (6 April 2016).

<sup>31</sup> Federal State of Malaysia, Criminal Procedure Code, as at 1 November 2012, Available at [http://54.251.120.208/doc/laws/Act\\_593\\_-\\_Criminal\\_Procedure\\_Code\\_\(CPC\).pdf](http://54.251.120.208/doc/laws/Act_593_-_Criminal_Procedure_Code_(CPC).pdf) (6 April 2016).

<sup>32</sup> Universal Declaration of Human Rights, *supra note 24*.





The right to the freedom of expression is enshrined in Article 10 of the Constitution which provides a basic right to freedom of expression. However, the article also outlines several permissible restrictions to this freedom<sup>33</sup>: the Malaysian government may restrict expression as necessary or expedient in the interest of protecting national security, preserving friendly relations with other countries, or maintaining public order or morality<sup>34</sup>. Restrictions are also permissible if they are designed to protect the privileges of Parliament or of any Legislative Assembly or to protect against contempt of court, defamation, or incitement to any offense<sup>35</sup>. As these restrictions go further than what is permissible under international law, have repeatedly raised concerns at the international level, including at the latest UN Universal Periodic Review of Malaysia held in Geneva on 20 March 2014 where 11 Member States raised concerns or made recommendations on freedom of expression and assembly in Malaysia. It was noted that legislation including the Sedition Act, the Printing Presses and Publications Act, the Official Secrets Act, the Evidence Act, the Communications and Multimedia Act, the Film Censorship Act, and provisions of the Penal Code systematically undermine the freedoms of speech, expression and information<sup>36</sup>.

## V. THE PROCEEDINGS AND VERDICT

There were two main procedural stages in Ms. Lena Hendry's case. First, her lawyer mounted a constitutional challenge to her being charged under the Film Censorship Act, a motion which was heard in the High and Federal Courts of Malaysia. Ms. Hendry's case then proceeded to trial before the (first instance) Magistrate Court.

### A. THE PRE-TRIAL MOTION ON CONSTITUTIONAL GROUNDS

On 19 September 2013, the day Ms. Lena Hendry was charged, her lawyer, Mr. New Sin Yew, informed the Magistrate Court that he would file a pre-trial motion to Malaysia's High Court on the ground that the charges violate Articles 8 and 10 of the Federal Constitution of Malaysia. These two articles guarantee, respectively, that all persons are entitled to equal protection under the law and the right of the freedom of expression<sup>37</sup>. The pre-trial motion challenged the conformity of the Film Censorship Act to the Constitution, alleging that section 6(1)(b), read together with 6(2)(a) of the Film Censorship Act, is unconstitutional and imposes an unreasonable restriction on freedom of expression under article 10(1)(a) of the Constitution<sup>38</sup>.

Judge Ashraf Rezal Abd Manam affixed 21 October 2013 as the start date for Lena Hendry's trial. On that date, documents including the charge sheet, the police report, the layout of the venue where the documentary was shown, and a copy of the film in DVD format, were provided to the court<sup>39</sup>.

On 25 November 2013, the Magistrate Court in Kuala Lumpur rejected Lena Hendry's request to suspend the proceedings pending a High Court challenge against the charges. The Magistrate Court scheduled a final procedural hearing for 17 March 2014, and set the trial dates for 31 March to 4 April 2014<sup>40</sup>. However, on 10 March 2014, the High Court of Malaysia ordered the proceedings of Lena Hendry's trial in the Magistrate Court

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<sup>33</sup> Federal Constitution of Malaysia, *supra note 17*, Article 10(1)(a).

<sup>34</sup> Federal Constitution of Malaysia, *supra note 17*, Article 10(2)(a).

<sup>35</sup> Federal Constitution of Malaysia, *Ibid*.

<sup>36</sup> OHCHR, Report of the Working Group on the Universal Periodic Review: Malaysia, 4 December 2013, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/188/48/PDF/G1318848.pdf?OpenElement> (11 April 2016).

<sup>37</sup> Federal Constitution of Malaysia, *supra note 17*, Articles 8 and 10; See the annexes for these two articles.

<sup>38</sup> ICJ, *Malaysia: drop charges against human rights defender Lena Hendry*, 11 April 2014, available at <http://www.icj.org/malaysia-drop-charges-against-human-rights-defender-lena-hendry/> (5 April 2016).

<sup>39</sup> Frontline Defenders, *Human Rights Defender Lena Hendry Due To Appear in Court on 7 November 2013*, 31 October 2013, available at <https://www.frontlinedefenders.org/en/case/case-history-lena-hendry#case-update-id-1980> (5 April 2016).

<sup>40</sup> Frontline Defenders, *Ibid*.





to be suspended pending a High Court decision on the pre-trial motion.

On 11 April 2014, the High Court rejected Lena Hendry's pre-trial motion, a decision which she appealed to the Federal Court<sup>41</sup>. On 14 September 2015, the Federal Court upheld the High Court's decision, ruling that "*freedom of expression is not absolute and mechanisms are needed to regulate it*"<sup>42</sup>.

## **B. CRIMINAL TRIAL PROCEEDINGS**

The Federal Court sent the case back to the Magistrate Court to "*go on trial immediately*"<sup>43</sup>. Court hearings were scheduled to take place just three months later, beginning on 14 December 2015.

According to the Criminal Code of Procedure of Malaysia, "(i) *When the case for the prosecution is concluded the Court shall consider whether the prosecution has made out a prima facie case against the accused; (ii) If the Court finds that the prosecution has not made out a prima facie case against the accused, the Court shall record an order of acquittal*"<sup>44</sup>. Therefore, the prosecution has the burden of proof to establish a *prima facie* case based on "*credible evidence proving each ingredient of the offence*"<sup>45</sup>. If the prosecution fails to prove such a *prima facie* case, the Magistrate shall dismiss the case. However, if the prosecution has enough credible evidence, the Magistrate shall order the continuity of the case, and at that point, allow the defense to submit its evidence and witness(es).

The hearings were held on 14-15 December 2015, 6-7 January 2016 and 11 February 2016 at the Magistrate Court 6, Jalan Duta High Court in Kuala Lumpur, Malaysia. On 24 February 2016, the prosecution and the defense gave their oral and written statements.

## **C. VERDICT**

On 10 March 2016, Magistrate Mohd Rehab Mohd Aris ruled that the prosecution failed to establish a *prima facie* case against Ms. Lena Hendry, and dismissed the case by acquitting her<sup>46</sup>. He chose not to release the grounds of its judgment, which is allowed under Malaysian procedure<sup>47</sup>.

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<sup>41</sup> Note: In Malaysia, the Federal Court act as a Supreme Court.

<sup>42</sup> The Sun Daily, *Letter: Drop charges against Lena Hendry*, available at: <http://www.thesundaily.my/news/1636212> (7 march 2016)

<sup>43</sup> Pusat KOMAS, *supra note 1*.

<sup>44</sup> Federal State of Malaysia, Criminal Procedure Code, *supra note 31*, Article 173(f).

<sup>45</sup> Federal State of Malaysia, Criminal Procedure Code, *supra note 31*, Article 173(h)(iii)

<sup>46</sup> FORUM-ASIA welcomes acquittal of Lena Hendry, Forum-Asia, 10 March 2016, available at <https://www.forum-asia.org/?p=20356> (23 March 2016)

<sup>47</sup> Federal State of Malaysia, Criminal Procedure Code, *supra note 31*, Article 173(h)(iii)



## VI. FAIRNESS OF THE CRIMINAL TRIAL PROCEEDINGS

### A. VIOLATION OF FAIR TRIAL DUE TO LACK OF PRIOR ACCESS TO THE PROSECUTION'S EVIDENCE

<b>Domestic Law</b>	<b>Article 264 of the Criminal Procedure Code:</b> <i>“Except as otherwise expressly provided all evidence taken under chapters XIX and XX shall be taken in the presence of the accused, or, when his personal attendance is dispensed with, in the presence of his advocate”.</i>
<b>International Law</b>	<b>Article 7 UDHR:</b> <i>“All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination”.</i> <b>Article 11 UDHR:</b> <i>“(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence. [...]”.</i> <b>Article 14 ICCPR (3)(b)</b> <i>“In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: [...] (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing [...]”.</i>

An accused has the right to adequate time and facilities according to the minimum guarantees required by Article 11 of the UDHR and elaborated in Article 14 of the ICCPR. The right to adequate time and facilities includes *“access to documents and other evidence; this access must include all materials that the prosecution plans to offer in court against the accused or that are exculpatory”*<sup>48</sup>.

In Lena Hendry's case, the accused never had access to the list of prosecution witnesses, and only found out their identity when each one appeared on the stand, and was therefore unable to prepare properly the cross-examination of the witnesses. In addition, the accused's lawyers were only given 20 pictures out of the more than 100 that were taken by the photograph officer present during the raid.

The defense learned of the 100+ pictures only when the CD containing them was identified by the third witness, upon which the defense lawyer asked to display the CD to see the pictures. The CD contained an additional 80+ pictures that were later admitted as evidence by the Magistrate following the defense's request. However, the defense lawyers were not able to obtain a copy of the CD from the prosecution. When asked, the Magistrate ruled that they would have to file a request to the tribunal and pay a fee. The defense duly did so, but received the CD only two weeks later and only one week before the next hearing. This constitutes a breach of Ms. Lena Hendry's right to a fair trial, and specifically her right to enjoy equality of arms as enshrined in Article 8 of the Constitution and in Article 7 of the UDHR<sup>49</sup>.

<sup>48</sup> UN Human Rights Committee (HRC) General Comment 32, Part II, para. 33, available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f32&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f32&Lang=en) (6 April 2016).

<sup>49</sup> Universal Declaration of Human Rights, *supra note 24*, Article 7.



## B. VIOLATION OF FAIR TRIAL DUE TO LACK OF ACCESS TO REASONED JUDGMENT

<p><b>Domestic Law</b></p>	<p><b>Article 8 of the Federal Constitution of Malaysia:</b> “(1) All persons are equal before the law and entitled to the equal protection of the law. [...]”.</p> <p><b>Article 280 of the Criminal Procedure Code:</b> “The original judgement shall be entered on and if written filed with the record of proceedings”.</p>
<p><b>International Law</b></p>	<p><b>Article 11 UDHR:</b> “(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence. [...]”.</p> <p><b>Article 14(1) ICCPR:</b> “[...] any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.”</p>

Every person convicted or acquitted by a court is entitled to have access to a reasoned judgment<sup>50</sup> according to the minimum guarantees required by Article 11 of the UDHR and elaborated in Article 14 of the ICCPR. As explained above, although Malaysia is not a signatory of the ICCPR, Article 14 of ICCPR details the minimum guarantees set out in Article 11 of the UDHR. The right to have access to a reasoned judgement is also enshrined in the Malaysian Criminal Procedure Code at Article 273.

In Lena Hendry’s case, the parties did not have access to a duly reasoned judgement as the Magistrate rendered his acquittal judgement orally, but without providing grounds of justification nor communicating a written version of the judgement afterwards. General Comment 32 of the UN Human Rights Committee, which interprets Article 14 of the ICCPR, stipulates that the judgement needs to be duly reasoned and written. Moreover, Article 280 of the Criminal Procedure Code prescribed that the judgement needs to be filed with the records of the proceedings, and therefore it should be accessible by the parties.

As such, Lena Hendry’s right to fair trial has been violated on the basis of Article 280 of the Criminal Procedure Code and on Article 11 of the UDHR.

## C. POSSIBLE VIOLATION OF FAIR TRIAL DUE TO ALLEGED COMMUNICATIONS BETWEEN ALL WITNESSES AND THE PROSECUTION

<p><b>Domestic Law</b></p>	<p><b>Article 8 of the Federal Constitution of Malaysia:</b> “(1) All persons are equal before the law and entitled to the equal protection of the law. [...]”.</p> <p><b>Article 271 of the Criminal Procedure Code:</b> “As presiding Magistrate recording the evidence of a witness may, at the conclusion of the evidence and at the foot of the notes of it, record such remarks, if any, as he thinks material respecting the demeanour of the witness while under examination”.</p>
<p><b>International Law</b></p>	<p><b>Article 7 UDHR:</b> “All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination”.</p>

<sup>50</sup> UN Human Rights Committee (HRC) General Comment 32, *supra* note 48, Part VII, para. 49 “The right to have one’s conviction reviewed can only be exercised effectively if the convicted person is entitled to have access to a duly reasoned, written judgement of the trial court”



All the persons have the right to be treated equally before the law, which encompasses full access to the legal system, freedom from discrimination, and equality of arms during the legal proceedings. This includes especially the fact that State prosecutors, judges, and court officials should treat all individuals equally<sup>51</sup>.

In Lena Hendry's case, her right to be treated equally before the law, as well as her right to equality of arms, was denied due to communications on the facts of the case amongst the witnesses, and between the witnesses and the prosecution. On 14 December 2015 (Day 1 of the trial), the second witness acknowledged, during his cross-examination, the existence of a WhatsApp instant messaging group which included not only 5 of the 8 witnesses presented by the prosecution but also the Assistant Deputy Public Prosecutor himself (ADPP). The witness was able to name properly all the members of the group which was apparently created by the prosecution to help them remember the facts of the case. The Deputy Public Prosecutor (DPP) did not object to the defense lawyer asking for confirmation of the existence of the WhatsApp group. The Magistrate did not rule over this breach of procedure, he only asked the group to be closed from now on, and, addressing the defense lawyer's objections in this regard, advised counsel to mention this in his final statement.

On 15 December 2015 (Day 2 of the trial), when the third witness was cross-examined, he called into question the existence of the WhatsApp group saying that he was "*not sure*" such group existed. From 6 January 2016 (Day 3 of the trial), all remaining witnesses alleged to be participants in the WhatsApp group fully denied its existence<sup>52</sup>, yet refused to say that the second witness was lying about it. No evidence to prove the existence or the non-existence of such a group was provided by either of the parties. Article 271 of the Criminal Procedure Code states that: "*A presiding Magistrate recording the evidence of a witness may, at the conclusion of the evidence and at the foot of the notes of it, record such remarks, if any, as he thinks material respecting the demeanour of the witness while under examination*"<sup>53</sup>.

Moreover, while the witnesses were kept out the courtroom, according to the defense lawyer, the witnesses were kept in the same waiting room which allowed them to have discussions before and after their own testimony. The monitor did not have access to this room and was therefore unable to verify whether this was true.

If these allegations are true, communication among the witnesses, and between the witnesses and the prosecution would therefore have violated Ms. Lena Hendry's right to enjoy equality of arms as enshrined in Article 8 of the Federal Constitution of Malaysia and Article 7 of the Universal Declaration of Human Rights.

## VII. APPEAL PROCEDURE

The prosecution had a period of 14 days from the date of the judgement to appeal<sup>54</sup>, which they did on the last possible day, 24 March 2016. The grounds for the appeal have not yet been released and or communicated publicly or to the defense, however it is presumed that the prosecution is seeking for the decision to acquit Ms. Lena Hendry to be reversed.

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<sup>51</sup> UN Human Rights Committee (HRC) General Comment 32, *supra note 48*, Part II, para. 8-9.

<sup>52</sup> Malay Online, *Home Ministry witnesses deny discussing film censorship trial in WhatsApp group*, 6 January 2016, available at

<http://www.themalaymailonline.com/malaysia/article/home-ministry-witnesses-deny-discussing-film-censorship-trial-in-whatsapp-g> (6 April 2016).

<sup>53</sup> Federal State of Malaysia, Criminal Procedure Code, *supra note 31*.

<sup>54</sup> Federal State of Malaysia, Criminal Procedure Code, *supra note 31*, Article 307(1); Reading Law, *Criminal appeals and revisions in Malaysia*, 4 April 2010, available at <https://readinglaw.wordpress.com/2010/04/04/criminal-appeals-and-revisions-in-malaysia/> (23 March 2016).



The appeal will oblige the Magistrate to release in written and public form the grounds of his decision. It will also mean that the High Court will be the Appellate Court according to Chapter XXX of the Criminal Procedure Code, and that the prosecution's petition for appeal "*shall state shortly the substance of the judgement appealed against and shall contain definite particulars of the points of law or of fact in regard to which the Court appealed from is alleged to have erred*"<sup>55</sup>. Under the Malaysian *Criminal Procedure Code*, when the appeal petition is filed by the public prosecution, there is no fee<sup>56</sup>.

According to Article 316(a) of the *Criminal Procedure Code*, "*At the hearing of the appeal the Judge may, if he considers there is no sufficient ground for interfering, dismiss the appeal, or may -- (a) in an appeal from an order of acquittal, reverse the order, and direct that further inquiry be made, or that the accused be retried, as the case may be, or find him guilty and pass sentence on him according to law [...]*"<sup>57</sup>. Thus, it appears that in this instance, should the prosecution win its appeal to reverse the decision to acquit Ms. Lena Hendry, she may be subject to further investigation, another trial, or be found guilty by the higher instance court hearing the prosecution's appeal.

## VIII. RECOMMENDATIONS

**In light of our observation of the trials and in consideration of the above findings, we encourage the Federation of Malaysia to:**

**A. Take all necessary measures to adhere to the principles enshrined in international covenants and treaties**, including the UDHR and ICCPR. In particular, we highlight the need to comply with the following fair trial rights:

1. The right to equality before the law and equality of arms;
2. The right to be presumed innocent.

**B. Repeal or amend the Film Censorship Act** to comply with the right of the freedom of expression enshrined in the Federal Constitution of Malaysia at Article 8 and under the UDHR.

**C. Amend and strengthen existing national laws and regulations** to guarantee that fair trial rights are respected at all levels and by all actors of the criminal justice system;

**D. Provide for training of police officers, judges, prosecutors and defense attorneys on fair trial rights and guarantees;**

**E. Strengthen cooperation and constructive dialogue with the UN Human Rights mechanisms and the ASEAN Human Rights Commission** so as to comply with fair trial rights, principles and best practices as recognized and adopted by the international community.

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<sup>55</sup> Federal State of Malaysia, *Criminal Procedure Code*, *supra note 31*, Article 307(6).

<sup>56</sup> Federal State of Malaysia, *Criminal Procedure Code*, *supra note 31*, Article 307(8).

<sup>57</sup> Federal State of Malaysia, *Criminal Procedure Code*, *supra note 31*, Article 316(a).



## ANNEXES

\*All the Court documents (charges, transcripts and judgment) are in Malay Bahasa, and therefore are not part of these annexes.

### ANNEXE 1: METHODOLOGY OF OBSERVATION

All hearings were monitored, a translator was provided throughout as 90% of the trial was conducted in Bahasa Malay, and extensive notes were taken. There was no issue accessing the courtroom, and the court schedules were almost always kept.

The first day of hearing, the trial monitor identified herself to the Court assistant, and asked to speak with the Magistrate. The same request was made to the prosecution. They both refused saying the trial was ongoing. A second attempt was made on the third day of hearing, however they still refused. A third attempt was made to the prosecution during the fifth day, which was still refused. Since the Magistrate and the prosecutor started to look annoyed, the trial monitor decided not to push further so as to not risk being kicked out of the courtroom.

The trial monitor succeeded in meeting with the defense who explained their strategy, the baselines of their case, and some technical precision about the Malaysian legal system and the procedure applicable to this case. The trial monitor also met with the representative of Sukharam, with representatives from several European Embassies and the US Embassy that were monitoring the case, with members of Pusat KOMAS who co-organised the screening of No Fire Zone and were arrested but not brought to trial, and with other members of the civil society. Those meetings and discussions helped to understand the case better as well as the criminal proceedings in Malaysia and the current judicial context in the country.

The trial monitor read, prior to the first day of hearing, all the materials available online (news articles) about the case, as well as the materials provided by Pusat KOMAS. Then, the trial monitor continued to monitor the news about the case. However, all the court documents were in Bahasa, so a public request was not made for them, but the defense provided an oral summary of the court documents to the trial monitor. The list of documents is available in the Annexes.

### ANNEXE 2: THE FEDERAL CONSTITUTION OF MALAYSIA (relevant articles)

#### ARTICLE 8

- (1) All persons are equal before the law and entitled to the equal protection of the law.
- (2) Except as expressly authorized by this Constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent or place of birth in any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.
- (3) There shall be no discrimination in favour of any person on the ground that he is a subject of the Ruler of the State.
- (4) No public authority shall discriminate against any person on the ground that he is resident or carrying on business in any part of the Federation outside the jurisdiction of the authority.



(5) This Article does not invalidate or prohibit -

(a) any provision regulating personal law;

(b) any provision or practice restricting office or employment connected with the affairs of any religion, or of an institution managed by a group professing any religion, to persons professing that religion;

(c) any provision for the protection, well being or advancement of the aboriginal peoples of the Malay Peninsula (including the reservation of land) or the reservation to aborigines of a reasonable proportion of suitable positions in the public service;

(d) any provision prescribing residence in a State or part of a State as a qualification for election or appointment to any authority having jurisdiction only in that State or part, or for voting in such an election;

(e) any provision of a Constitution of a State, being or corresponding to a provision in force immediately before Merdeka Day;

(f) any provision restricting enlistment in the Malay Regiment to Malays.

## **ARTICLE 10**

(1) Subject to Clauses (2), (3) and (4) --

(a) every citizen has the right to freedom of speech and expression;

(b) all citizens have the right to assemble peaceably and without arms;

(c) all citizens have the right to form associations.

(2) Parliament may by law impose --

(a) on the rights conferred by paragraph (a) of Clause (1), such restrictions as it deems necessary or expedient in the interest of the security of the Federation or any part thereof, friendly relations with other countries, public order or morality and restrictions designed to protect the privileges of Parliament or of any Legislative Assembly or to provide against contempt of court, defamation, or incitement to any offence;

(b) on the right conferred by paragraph (b) of Clause (1), such restrictions as it deems necessary or expedient in the interest of the security of the Federation or any part thereof, or public order;

(c) on the right conferred by paragraph (c) of Clause (1), such restrictions as it deems necessary or expedient in the interest of the security of the Federation or any part thereof, public order or morality.

(3) Restrictions on the right to form associations conferred by paragraph (c) of Clause (1) may also be imposed by any law relating to labour or education.

(4) In imposing restrictions in the interest of the security of the Federation or any part thereof or public order under Clause (2) (a), Parliament may pass law prohibiting the questioning of any matter, right, status, position, privilege, sovereignty or prerogative established or protected by the provisions of Part III, article 152, 153 or 181 otherwise than in relation to the implementation thereof as may be specified in such law.





### **ANNEXE 3: FILM CENSORSHIP ACT 2002 (relevant sections)**

**Section 2.** (1) For the avoidance of doubt, it is hereby declared that this Act does not apply to the Federal Government or the Government of any State.

(2) This Act shall not apply to--

(a) any film sponsored by the Federal Government or the Government of any State;

(b) any film transhipped within Malaysia for delivery at a place outside Malaysia;

(c) any film whether produced in or imported into Malaysia which the owner does not intend to exhibit in Malaysia or any film which is produced in Malaysia and intended by the owner for worldwide distribution, other than Malaysia, where a permit or a certificate of exemption has been granted under section 8 by the Board;

(d) any film, not being obscene or lewd, which is in the possession of any person or his agent and is intended for his own private use and not for the purpose of sale, hire, distribution, public exhibition or circulation so long as the film remains in such possession.

**Section 6.** (1) No person shall--

(a) have in his possession or in his custody or under his control; or

(b) circulate, exhibit, distribute, display, manufacture, produce, sell or hire, any film or film-publicity material which has not been approved by the Board.

(2) Any person who contravenes subsection (1) commits an offence and shall be liable on conviction--

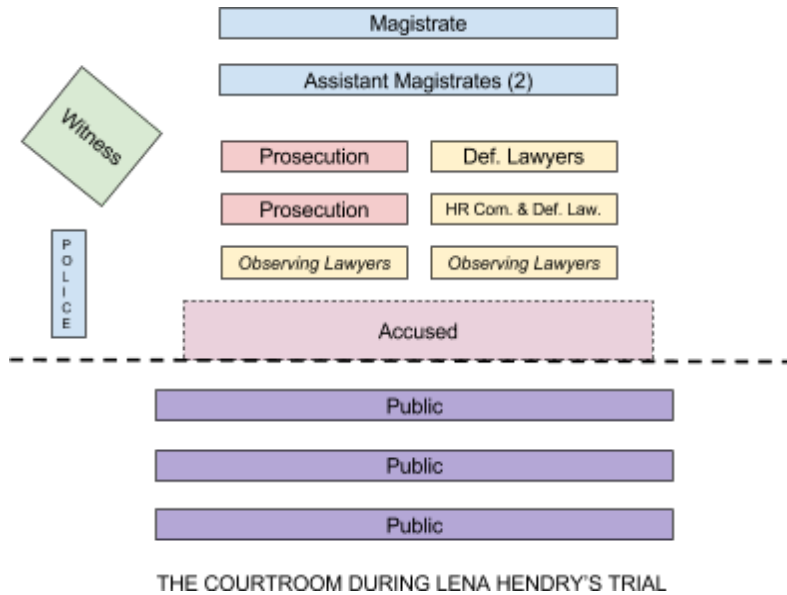
(a) in respect of any film, to a fine of not less than five thousand ringgit and not more than thirty thousand ringgit or to imprisonment for a term not exceeding three years or to both; or

(b) in respect of any film-publicity material, to a fine of not less than one thousand ringgit and not more than ten thousand ringgit.

(3) This section shall not apply to any film or film-publicity material in respect of which a certificate of exemption has been issued under subsection 8(3) so long as any conditions subject to which the certificate is issued are complied with. Detention of imported film and film-publicity material.



**ANNEXE 4: COURTROOM LAYOUT DURING LENA HENDRY'S TRIAL<sup>58</sup>**



**ANNEXE 5: TABLE OF NEWS ARTICLES RELATED TO THE CASE<sup>59</sup>**

Date of publication	Source	Title	Link
20.09.2013	FIDH (Global)	Malaysia: Ms. Lena Hendry charged under the Film Censorship Act	<a href="https://www.fidh.org/en/region/asia/malaysia/malaysia-ms-lena-hendry-charged-under-the-film-censorship-act-13968">https://www.fidh.org/en/region/asia/malaysia/malaysia-ms-lena-hendry-charged-under-the-film-censorship-act-13968</a>
03.10.2013	Free Malaysia Today (Malaysia)	Drop the charges against Lena Hendry	<a href="http://www.freemalaysiatoday.com/category/opinion/2013/10/03/drop-the-charges-against-lena-hendry/">http://www.freemalaysiatoday.com/category/opinion/2013/10/03/drop-the-charges-against-lena-hendry/</a>
20.10.2013	HRW (Global)	Malaysia: Drop Charges for Film Screening	<a href="https://www.hrw.org/news/2013/10/20/malaysia-drop-charges-film-screening">https://www.hrw.org/news/2013/10/20/malaysia-drop-charges-film-screening</a>
26.11.2013	ICJ (Global)	Malaysia: drop criminal charges against human rights defender Lena Hendry for screening "No Fire Zone" film	<a href="http://www.icj.org/malaysia-drop-criminal-charges-against-human-rights-defender-lena-hendry-for-screening-no-fire-zone-film/">http://www.icj.org/malaysia-drop-criminal-charges-against-human-rights-defender-lena-hendry-for-screening-no-fire-zone-film/</a>
11.04.2014	ICJ (Global)	Malaysia: drop charges against human rights defender Lena Hendry	<a href="http://www.icj.org/malaysia-drop-charges-against-human-rights-defender-lena-hendry/">http://www.icj.org/malaysia-drop-charges-against-human-rights-defender-lena-hendry/</a>
14.04.2014	OMCT (Global)	Malaysia: Dismissal of the motion filed by Ms. Lena	<a href="http://www.omct.org/human-rights-defenders/urgent-interventions/m">http://www.omct.org/human-rights-defenders/urgent-interventions/m</a>

<sup>58</sup> Note: Diagram made by the trial monitor from her observations of the Courtroom.

<sup>59</sup> Up to 13 April 2016



		Hendry to strike out the charges against her	<a href="http://www.themalaymailonline.com/malaysia/article/activist-gets-court-nod-to-challenge-constitutionality-of-film-censorship-law">alaysia/2014/04/d22637/</a>
10.03.2015	The Malay Mail (Malaysia)	Activist gets court nod to challenge constitutionality of film censorship law	<a href="http://www.themalaymailonline.com/malaysia/article/activist-gets-court-nod-to-challenge-constitutionality-of-film-censorship-law">http://www.themalaymailonline.com/malaysia/article/activist-gets-court-nod-to-challenge-constitutionality-of-film-censorship-l</a>
25.04.2015	Aliran (Malaysia)	Suspension of activist Lena Hendry's trial	<a href="http://aliran.com/civil-society-voices/2015-civil-society-voices/suspension-of-activist-lena-hendrys-trial/">http://aliran.com/civil-society-voices/2015-civil-society-voices/suspension-of-activist-lena-hendrys-trial/</a>
14.09.2015	Human rights in ASEAN (Regional)	Calling on the Malaysian Government to Drop Criminal Charges against Human Rights Defender Lena Hendry for Screening "No Fire Zone"	<a href="http://www.humanrightsinasean.info/campaign/calling-malaysian-government-drop-criminal-charges-against-human-rights-defender-lena">http://www.humanrightsinasean.info/campaign/calling-malaysian-government-drop-criminal-charges-against-human-rights-defender-lena</a>
	The Malay Mail (Malaysia)	Activist to stand trial after apex court throws out challenge to Film Censorship Act provision	<a href="http://www.themalaymailonline.com/malaysia/article/activist-to-stand-trial-after-apex-court-throws-out-challenge-to-film-censo">http://www.themalaymailonline.com/malaysia/article/activist-to-stand-trial-after-apex-court-throws-out-challenge-to-film-censo</a>
	HRW (Global)	Malaysia: Drop Charges for Showing Film	<a href="https://www.hrw.org/news/2015/09/14/malaysia-drop-charges-showing-film">https://www.hrw.org/news/2015/09/14/malaysia-drop-charges-showing-film</a>
	ICJ (Global)	Malaysia: Federal Court decision allowing trial of human rights defender inconsistent with rule of law and human rights protection	<a href="http://www.icj.org/malaysia-federal-court-decision-allowing-trial-of-human-rights-defender-inconsistent-with-rule-of-law-and-human-rights-protection/">http://www.icj.org/malaysia-federal-court-decision-allowing-trial-of-human-rights-defender-inconsistent-with-rule-of-law-and-human-rights-protection/</a>
30.11.2015	The Star Online (Malaysia)	Malaysia's vote on protecting human rights defenders, diplomatic window dressing	<a href="http://www.thestar.com.my/videos/2015/12/14/activist-lena-hendrys-trial-begins/">http://www.thestar.com.my/videos/2015/12/14/activist-lena-hendrys-trial-begins/</a>
11.12.2015	HRW (Global)	Malaysia: Drop Dubious Case Against Rights Activist	<a href="https://www.hrw.org/news/2015/12/11/malaysia-drop-dubious-case-against-rights-activist">https://www.hrw.org/news/2015/12/11/malaysia-drop-dubious-case-against-rights-activist</a>
	Index Censorship (Global)	Malaysia: Drop charges against Lena Hendry	<a href="https://www.indexoncensorship.org/2015/12/drop-charges-against-lena-hendry/">https://www.indexoncensorship.org/2015/12/drop-charges-against-lena-hendry/</a>
	ICJ (Global)	ICJ and other groups urge Malaysian government to drop charges against human rights defender Lena Hendry	<a href="http://www.icj.org/icj-and-other-groups-urge-malaysian-government-to-drop-charges-against-human-rights-defender-lena-hendry/">http://www.icj.org/icj-and-other-groups-urge-malaysian-government-to-drop-charges-against-human-rights-defender-lena-hendry/</a>



12.12.2015	Tamil Guardian (Sri Lanka)	Malaysian govt urged to release activist over No Fire Zone screening	<a href="http://www.tamilguardian.com/article.asp?articleid=16746">http://www.tamilguardian.com/article.asp?articleid=16746</a>
13.12.2015	Sri Lanka Guardian (Sri Lanka)	Heavy fire over anti-Lanka film in Malaysia	<a href="http://www.slguardian.org/2015/12/heavy-fire-over-anti-lanka-film-in-malaysia/">http://www.slguardian.org/2015/12/heavy-fire-over-anti-lanka-film-in-malaysia/</a>
	The Star Online (Malaysia)	International open letter calls for Malaysia to drop charges against activist	<a href="http://www.thestar.com.my/news/nation/2015/12/13/international-open-letter-over-activist/">http://www.thestar.com.my/news/nation/2015/12/13/international-open-letter-over-activist/</a>
	The Malaysian Insider (Malaysia)	Foreign film-makers back local activist on trial for film on Sri Lankan war	<a href="http://www.themalaysianinsider.com/malaysia/article/foreign-film-makers-back-local-activist-on-trial-for-film-on-sri-lankan-war">http://www.themalaysianinsider.com/malaysia/article/foreign-film-makers-back-local-activist-on-trial-for-film-on-sri-lankan-war</a>
	The Sun Daily (Malaysia)	Letters - Drop charges against Lena Hendry	<a href="http://www.thesundaily.my/news/1636212">http://www.thesundaily.my/news/1636212</a>
14.12.2015	Malaysiakini (Malaysia)	Lena hits out at gov't over 'killing fields' film	<a href="https://www.malaysiakini.com/news/323318">https://www.malaysiakini.com/news/323318</a>
	Free Malaysia Today (Malaysia)	NGO wants charges on activist dropped for screening a film	<a href="http://www.freemalaysiatoday.com/category/nation/2015/12/14/ngo-wants-charges-on-activist-dropped-for-screening-of-film/">http://www.freemalaysiatoday.com/category/nation/2015/12/14/ngo-wants-charges-on-activist-dropped-for-screening-of-film/</a>
	Malaysiakini (Malaysia)	Arbitrary control of film screenings impedes freedom of info	<a href="https://www.malaysiakini.com/letters/323353">https://www.malaysiakini.com/letters/323353</a>
	The Malaysian Insider (Malaysia)	Activist on trial for showing unapproved film slams Putrajaya for human rights hypocrisy	<a href="http://www.themalaysianinsider.com/malaysia/article/activist-on-trial-for-showing-unapproved-film-slams-putrajaya-for-human-rights-hypocrisy">http://www.themalaysianinsider.com/malaysia/article/activist-on-trial-for-showing-unapproved-film-slams-putrajaya-for-human-rights-hypocrisy</a>
21.12.2015	Malaysiakini (Malaysia)	European Parliament resolution sends a strong message	<a href="https://www.malaysiakini.com/letters/324064">https://www.malaysiakini.com/letters/324064</a>
06.01.2016	The Malay Mail Online (Malaysia)	Home Ministry witnesses deny discussing film censorship trial in WhatsApp group	<a href="http://www.themalaymailonline.com/malaysia/article/home-ministry-witnesses-deny-discussing-film-censorship-trial-in-whatsapp-g">http://www.themalaymailonline.com/malaysia/article/home-ministry-witnesses-deny-discussing-film-censorship-trial-in-whatsapp-g</a>
07.01.2016	Malaysiakini (Malaysia)	'Wrong CD seized in raid' over Sri Lanka killing fields film	<a href="https://www.malaysiakini.com/news/325835">https://www.malaysiakini.com/news/325835</a>



17.01.2016	Malaysiakini (Malaysia)	Facing possible jail time, Lena's main worry is dad finding out	<a href="https://www.malaysiakini.com/news/327133">https://www.malaysiakini.com/news/327133</a>
24.02.2016	The Star Online (Malaysia)	Court sets Mar 10 to hear defence in Lena Hendry case	<a href="http://www.thestar.com.my/news/nation/2016/02/24/courts-lena-hendry-screening/">http://www.thestar.com.my/news/nation/2016/02/24/courts-lena-hendry-screening/</a>
09.03.2016	The Sun Daily (Malaysia)	Magistrates court acquits and discharges activist Lena Hendry	<a href="http://www.thesundaily.my/news/1723942">http://www.thesundaily.my/news/1723942</a>
	The Tamil Guardian (Sri Lanka)	Malaysian activist acquitted over No Fire Zone screening	<a href="http://www.tamilguardian.com/article.asp?articleid=17420">http://www.tamilguardian.com/article.asp?articleid=17420</a>
10.03.2016	Forum-Asia (Regional)	FORUM-ASIA welcomes acquittal of Lena Hendry	<a href="https://www.forum-asia.org/?p=20356">https://www.forum-asia.org/?p=20356</a>
	Salem News (US)	Charges Dropped Against Lena Hendry Human Rights Activist After Three Years	<a href="http://www.salem-news.com/articles/march102016/lena-hendry-acquitted.php">http://www.salem-news.com/articles/march102016/lena-hendry-acquitted.php</a>
	ICJ (Global)	Malaysia: ICJ welcomes court decision acquitting human rights defender Lena Hendry	<a href="http://www.icj.org/icj-welcomes-court-decision-acquitting-human-rights-defender-lena-hendry/">http://www.icj.org/icj-welcomes-court-decision-acquitting-human-rights-defender-lena-hendry/</a>
11.03.2016	Malaysiakini (Malaysia)	Lena Hendry's acquittal hailed, but rights defenders still face intimidation	<a href="https://www.malaysiakini.com/letters/333647">https://www.malaysiakini.com/letters/333647</a>
	Free Malaysia Today (Malaysia)	AI hails activist's release, urges censorship law be scrapped	<a href="http://www.freemalaysiatoday.com/category/nation/2016/03/11/ai-hails-activists-release-urges-censorship-law-be-scrapped/">http://www.freemalaysiatoday.com/category/nation/2016/03/11/ai-hails-activists-release-urges-censorship-law-be-scrapped/</a>
	Press Gazette (UK)	Malaysian human rights activist cleared three years after arrest for showing C4 Sri Lanka 'Killing Fields' film	<a href="http://www.pressgazette.co.uk/content/malaysian-human-rights-activist-cleared-three-years-after-arrest-showing-c4-sri-lanka">http://www.pressgazette.co.uk/content/malaysian-human-rights-activist-cleared-three-years-after-arrest-showing-c4-sri-lanka</a>
	The Star Online (Malaysia)	Activist acquitted over 'No Fire Zone' screening	<a href="http://www.thestar.com.my/news/nation/2016/03/11/activist-acquitted-over-no-fire-zone-screening/">http://www.thestar.com.my/news/nation/2016/03/11/activist-acquitted-over-no-fire-zone-screening/</a>
14.03.2016	Aliran (Malaysia)	Suaram: Congratulations to Lena, Pusat KOMAS for victory against oppression	<a href="http://aliran.com/civil-society-voices/2016-civil-society-voices/suaram-congratulations-lena-pusat-komas-victory-oppression/">http://aliran.com/civil-society-voices/2016-civil-society-voices/suaram-congratulations-lena-pusat-komas-victory-oppression/</a>

