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## **No freedom from religion**

By Andrea Curcio Lamas

HRWF (10.11.2017) - During a press conference at the Malaysian Parliament in August 2017, Malaysian Minister Datuk Seri Shahidan Kassim publicly proclaimed that atheists in the country should be 'hunted down' because they violate the constitution.<sup>1</sup>

Mr Kassim stated that the Federal Constitution does not mention atheists and that atheism goes against the Constitution and human rights. He further suggested that atheists be hunted down vehemently, asking for help to identify them.<sup>2</sup> His statement follows an equally concerning statement made by the Prime Minister Najib Razak in 2014, where he categorized humanism, secularism and liberalism as a dangerous threat to Islam and the state.<sup>3</sup>

Malaysia is a multi-religious country, home to a population practicing a diversity of religions, including Muslims (61%), Buddhists (20%), Christians (9%) and Hindus (6%). Yet, those wishing to identify themselves as atheists constitute less than 1% of the population.

Although Malaysia is not a State party to the International Convention on Civil and Political Rights (ICCPR), it does protect – within the limits established by the law – freedom of religion or belief, as well as freedom of expression. This raises the question whether Malaysia is a secular state? The answer has been a matter of debate among scholars for years – so evidently not an easy question to answer.

What is clear is that secular states should protect freedom of religion – which means that all faiths should be equally respected. This includes non-religious views. Article 18 of the Universal Declaration of Human Rights (and the ICCPR) states that 'everyone has the right to freedom of thought, conscience and religion'. This right includes the right to

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<sup>1</sup> <http://www.independent.co.uk/news/world/asia/malaysia-government-minister-atheists-hunted-down-reeducated-religious-freedom-shahidan-kassim-a7884766.html>

<sup>2</sup> <http://www.themalaymailonline.com/malaysia/article/atheists-in-malaysia-should-be-hunted-down-minister-says#Wd6xhhcu32WrGHpf.97>

<sup>3</sup> <https://thediplomat.com/2017/08/beware-the-war-against-aseans-atheists/>

change one's religion or belief, and it also protects 'theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief' (Human Rights Committee, General Comment No. 22). The statement made by Mr Kassim is clearly not in line with these principles.

The right of 'freedom *from* religion' is often forgotten or neglected in some countries. The 2016 Freedom of Thought Report found Brunei, Malaysia and Indonesia as the countries where non-religious individuals suffer the most violations.<sup>4</sup> Whether the root causes of violations of the right to freedom of religion or belief in these countries can help explain the situation in Malaysia is an issue requiring further investigation.

Critics are increasingly denouncing the rising fundamentalism within the Malaysian Muslim community as representing a significant threat to the already limited religious freedoms.<sup>5</sup> While apostasy is not a federal crime in Malaysia, it is considered a crime punishable by death in two Malaysian State Governments.<sup>6</sup> Meanwhile, in the rest of states, those wishing to leave Islam cannot do so without firstly obtaining a certificate from a Shariah court. In practice, however, courts rarely permit Muslims to convert or leave their faith, punishing individuals with counseling sessions, fines or even jail time.<sup>7</sup> Persecution against atheists is further intensified by the fact that blasphemy is considered a crime, also punishable with significant fines or imprisonment.<sup>8</sup> These circumstances represent a clear limit on Malaysians' right to freedom of religion or belief, as well as their right to take part in cultural life without discrimination.

This shift towards a more rigid Islamic political practice is a result of a mounting intolerance stemming from the Government. "Malaysia has become steadily more intolerant, and this has been a top down government policy" - stated Dr. Zachary Abuza, a professor at the National War College, during an interview for *The Diplomat*. He further noted that the individuals most at risk are atheists, among other minority groups. Dr. Zachary Abuza links this growing intolerance with the arrival of Salafist scholars coming back from Saudi Arabia – many of which have joined the Government. Given the resulting intrusion on the proper fulfilment of human rights, it is imperative for further studies to focus on examining *the root-causes explaining Malaysia's increasing conservative path, which may be compared to what is occurring in other countries such as Indonesia and Brunei*.

Of utmost concern is that this drift towards a more radical and rigid political Islam, is clearly encroaching upon individuals' freedoms. Among other human rights, there is a clear failure to even grasp the meaning of freedom of thought, conscience and religion. A level of concern must be raised – or, at the very least – more attention must be paid to this relatively neglected issue.

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<sup>4</sup> <https://asiancorrespondent.com/2016/12/brunei-msia-indonesia-rated-regions-worst-violators-rights-religious-freedom/#qiLpzdqo4TmB5PxF.97>

<sup>5</sup> <http://www.independent.co.uk/news/world/asia/malaysia-atheist-group-muslim-apostate-members-lapsed-faith-south-east-asia-a7881301.html>

<sup>6</sup> <http://freethoughtreport.com/download-the-report/>

<sup>7</sup> <https://thediplomat.com/2017/08/beware-the-war-against-aseans-atheists/>

<sup>8</sup> <http://freethoughtreport.com/download-the-report/>

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Batchelor Tom, 'Malaysia government minister calls for atheists to be 'hunted down' and 're-educated''. 9<sup>th</sup> August 2017.

<http://www.independent.co.uk/news/world/asia/malaysia-government-minister-atheists-hunted-down-reeducated-religious-freedom-shahidan-kassim-a7884766.html>

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## **Beware the war against ASEAN's atheists**

***A look at the ongoing persecution of a minority group that continues to be under assault in some parts of the region***

By David Hutt

The Diplomat (19.08.2017) - <http://bit.ly/2wFEFnW> - There is one "minority" that knows no borders, isn't divided by race or gender, and yet still faces persecution across the world: atheists. And in recent weeks, they have been under attack in Malaysia. The government has announced that it will "hunt down" atheists who, it says, could face prosecution – exactly what for remains in question. This all began earlier this month, when the Kuala Lumpur branch of the Atheist Republic, a Canada-based organization, posted a photo of their annual meeting on social media.

### ***The Hunt for Atheists Continues***

In response, the Federal Territories Islamic Religious Department, Malaysia's religious watchdog, said it is now "constantly monitoring" atheists groups, presumably those also online, and its director said that they would provide "treatment" to those caught. Shahidan Kassim, a minister in the Prime Minister's Department, said later that: "I suggest we go all-out to hunt down these groups and we ask the media to help us identify them because this is a religious country."

Inspector-General of Police Khalid Abu Bakar upped the ante when he commented that the "the police would scrutinize the existing laws to enable appropriate action to be taken should the atheist group cause anxiety among Muslims," as FreeMalaysiaToday, an online newspaper, put it.

One can make many things of this comment. Primarily, though, if a few dozen, mostly young people who gather once a year in private can make Malaysia's Muslims anxious (note Khalid cared little about the nerves of Malaysian Christians or Buddhists) then isn't his comment an affront to their commitment to the faith itself?

But the Malaysian authorities took the issue back to a perennial one: apostasy.

According to Malaysia's federal laws, apostasy is not a crime. But in practice, the country's state-run courts, which hold the sway over religious matters, rarely allow Muslims to formally leave the faith. Instead they are punished with "counseling," fines, or jail time. Similarly, atheism is not strictly illegal in Malaysia, but blasphemy is. This makes atheism a grey area, since the most fundamental point of it is the belief that there is no god.

A similar problem exists in Indonesia. In 2012, [Alexander Aan](#) was almost beaten to death by a mob and then sentenced to two and a half years in prison — while his attackers were set free — after he posted a message on Facebook that read: “God doesn’t exist.” The commentary surrounding the case frequently asked whether atheism was illegal in Indonesia or not. Most pundits took the opinion that it wasn’t illegal: Alexander Aan, they said, wasn’t convicted for his atheism but for blasphemy. To some, that was no more than intellectual contortionism at work.

But none of this should have come as a surprise. A 2016 [report](#) by the International Humanist and Ethical Union found Malaysia to be one of the least tolerant countries in the world of atheists. The report singled out Prime Minister Najib Razak for criticism. In May of that year, he described atheism and secularism, along with liberalism and humanism, as “deviant” and a “threat to Islam and the state.” He stated clearly: “We will not tolerate any demands or right to apostasy by Muslims.”

Over the years I have met a number of Malaysian atheists. Many have to hide their lack of faith from their families, lest they be ostracized. Social media, here, has been a massive help. And many are forced to hide behind less-controversial monikers, like “freethinker,” in order to avoid the thought police. By way of a comparison, I have met Vietnamese pro-democracy activists more willing to criticize the Communist Party in public places than Malaysian atheists willing to talk about religion at coffee shops. “I am worried. I have already accepted that something might happen to me... that I might be killed,” one Malaysian atheist recently told Channel News Asia.

### **No Freedom From Religion**

We are often told that Malaysia and Indonesia are secular nations. That is not quite true. At best, they are secular-lite. Secularism has three main components, and that is often forgotten conveniently by some. The first is a genuine separation of the church — or mosque, or pagoda — and the state. The second is freedom of religion, which brings with it pluralism and religious tolerance. Put simply, all faiths have equal status within the eyes of the state.

Malaysia and Indonesia do to some extent practice these but certainly not the third, which is freedom *from* religion. It means that I, a non-believer, am not interfered with by the forces of religion, and am protected against this by the state. It also means that a believer is allowed, by law, to remove himself from a religion. As has been indicated above, that is not quite the case by any means.

### **More Than Politics**

Some pundits will simply claim that politics is at hand. Malaysian elections are approaching, and Malaysia’s ruling party is playing the religious card, fearful that Malay-Muslims will vote for one of the opposition parties. In Indonesia, the arrest and imprisonment of [Basuki “Ahok” Purnama](#) for blasphemy, coming as it did during the Jakarta’s mayoral election, was also politicians “using” religion, some say. President Joko Widodo weighed in here with the opinion that the anti-Ahok protests, some of the largest Indonesia has ever witnessed, were “steered by political actors who were exploiting the situation.”

There is some merit in this view, but it is far from the whole picture. For starters, if they are “exploiting” conservative religious sentiments, then surely those sentiments themselves must have been there in the first place – and must be thought by a sizeable number of people for opportunistic politicians to take notice. That itself is something that ought not to be ignored, since it is the root cause of the issue we are addressing here.

Second, if it is only politicians exploiting the situation, why haven’t the “moderate” Muslim organizations come out and defend the atheists, for instance, or, to take a more

specific example, why didn't they campaign for Ahok? As some experts have already noted, Nahdlatul Ulama, the largest Indonesian Muslim organization, with more than 50 million followers, made a lot of noise against the radical protestors at the time, but was conspicuously quiet on defending Ahok's right to say what he did.

### ***A More Radical Mainstream?***

Some have argued that the extremists in Malaysia and Indonesia are becoming more open. But there is also some evidence that points to the mainstream, or even the public at large, being more conservative. For instance, in 2013, the Pew Research Center conducted a [worldwide survey](#) on the attitudes of Muslims towards different elements of faith. When Indonesian respondents were asked if they favored making Shari'a the national law of the country, 72 percent said they would – it is currently only the law in the semi-autonomous state of Aceh. Of Malaysian respondents, 86 percent said they would, higher than the percentages recorded in Pakistan, Bangladesh and Egypt, countries which are not typically described as "moderate."

Some might argue that Muslims were merely responding in such a way because they perceived that doing so was in line with what their religion called for and what it meant to be a good, practicing Muslim. But what was striking was that, of those respondents who favored introducing Shari'a, 41 percent from Malaysia and 50 percent from Indonesia thought it should apply to all citizens, not just Muslims. And 60 percent from Malaysia and 48 percent from Indonesia thought stoning to death was an appropriate penalty for adultery.

One can quibble with any single poll or statistic or development. But the point here is that there are enough of each of these out there for a level of concern to be raised. Or, at the very least, for more attention to be paid to a relatively neglected issue.

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## **Malaysian state introduces public caning for Shariah crimes**

Reuters (12.07.2017) - <http://bit.ly/2utl3mj> - A Malaysian state amended its Islamic laws on Wednesday to allow public canings, sparking criticism that the change was unconstitutional and could infringe on the rights of religious minorities.

Ethnic Malay Muslims make up more than 60 percent of Malaysia's 32 million people and attempts to implement stricter forms of sharia law in recent years have raised concerns among members of the ethnic Chinese, Indian and other minorities.

The new law was approved in the state assembly of Kelantan, which is governed by a conservative Islamist party, PAS, and where nightclubs and cinemas are banned.

The northeastern state has been pushing for the adoption of a strict Islamic penal code, called 'hudud', that would provide for punishments such as stoning for adultery and amputations for theft.

The amendment allowing public caning was passed as part of an effort to streamline sentencing under Islamic criminal law, Kelantan deputy chief minister Mohd Amar Nik Abdullah was quoted as saying by the Bernama state news agency.

"Caning can now be carried out inside or outside of prison, depending on the court's decision," Mohd Amar said, according to Bernama.

"This is in line with the religion, which requires that sentencing must be done in public."

He did not say exactly what crimes would be punished by caning but the list would likely include adultery.

Islamic law is implemented in all Malaysian states but is restricted to family issues such as divorce and inheritance, as well as sharia crimes involving Muslims, such as consuming alcohol and adultery.

Criminal cases are handled by federal law.

Ti Lian Ker, a member of the Malaysian Chinese Association, part of the ruling coalition, said public canings were unconstitutional under federal criminal law.

"This is a rewriting of our legal system and spells a bleak future for the nation," he said in a statement.

Last year, the PAS introduced a bill that would expand the powers of sharia courts and incorporate parts of hudud into the existing legal system.

The bill is expected to be debated in parliament when it reconvenes later this month.

Critics of the bill say the implementation of hudud could infringe on the rights of religious minorities and disrupt the fabric of Malaysia's multi-ethnic and multi-religious society.

(Reporting by Rozanna Latiff; Editing by Praveen Menon and Robert Birsell)

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## **Christian preachers' disappearance in Malaysia stokes fears of crackdown on religious minorities**

***Months after they were abducted, human rights activists say police appear to have taken an uncharacteristically 'casual' approach to their cases***

By Vincent Bevins

The Guardian (07.06.2017) - <http://bit.ly/2si7zbu> - The disappearance of three Christians and a man accused of spreading Shia Islam in Malaysia has prompted fears that authorities are targeting religious minorities with extrajudicial detention.

Video and witness evidence indicate that highly organised groups carried out abductions in public. Months after the men disappeared, family members have learned nothing about their whereabouts and human rights activists say police have taken an uncharacteristically "casual" approach to the cases.

"Do I think the state is linked to this? It is a difficult question to answer," said Suzanna Liew, wife of pastor Raymond Koh, who went missing on 13 February. "But can I rule out the possibility that people in power are linked to this or know more than they are admitting? No, I cannot."

Koh had been accused of attempting to convert Muslims – a crime in Malaysia – and had a received death threat. Less is known about the abduction of the Christian pastor Joshua Hilmy – a convert from Islam – and his wife Ruth, who were reported missing in March.

A fourth person also disappeared in a similar way. Amri Che Mat, abducted in November, according to witnesses, was accused of preaching Shia Islam, which is not recognised in officially Sunni Malaysia.

Thomas Fann, a human rights activist, founded Caged, the Citizen Action Group on Enforced Disappearance, in response to the cases.

"We say that there is a high probability there have been enforced disappearances, which means that the state may be directly or indirectly involved," he said. "We have a reason to believe that there is a relationship because they are all faith-based workers."

Fann and Sevan Doraisamay, executive director of the SUARAM human rights group, believe it is possible the group are victims of extra-judicial detention. The other possibility is that a professional criminal gang may have abducted them. If that were the case, it poses the question who could operate so effectively under the noses of Malaysia's famously skilled security forces.

In an interview with the Guardian, Liew and Koh's daughters Esther and Elizabeth Koh, described how they had lost trust in the police. They said officers had offered them no information and urged them not to speak to the media about case. The "last straw" was when they learned authorities were investigating Koh for preaching to Muslims.

On 24 May Malaysian police made the surprise announcement that a suspect had been arrested in the Koh case last week, without giving specific detail. The police also responded to allegations against them.

"Do not make such accusations without evidence," said the inspector general of police, Khalid Abu Bakar, according to the Malaysia Insight. "If you have any, come forward and give it to us."

"We have to investigate. Not just the abduction but also the report that he was converting Muslims."

In May police told the Guardian they were looking "high and low" for Koh, but investigators could not be reached for comment after the media report they claimed an arrest had been made.

Of the four disappearances, Raymond Koh's case is the most famous, because CCTV footage of his kidnapping was posted online. The video, shows synchronised black SUVs surrounding Koh's car on a highway and a group of men in black quickly taking him away.

"Watching that video was really shocking," Liew said. "They seem really well-funded, and really brave. Who would have the resources to pay for such an operation?"

After seeing in the media that police had announced an arrest, the family said it was unusual they had been kept in the dark, and that, at the time of publication, they had not been directly told anything.

Roughly 60% of Malaysians are Muslim and Islam is enshrined in the constitution as the official religion of the Malay people. Ethnic Chinese and Tamil-speaking minorities are free to practice other faiths, but religious police enforce rules for the Malay community. Some conservative groups have called for tougher measures against proselytising religious minorities.

"We have seen that the space for religious freedom has been shrinking over the last few years," said Shamini Darshni Kaliemuthu, executive director of Amnesty International Malaysia.

But reports of persons simply going missing, for any reason, were unprecedented in recent Malaysian history. "This is a new phenomenon, which was previously unheard of. It's very frightening."

The United Nations human rights office for south-east Asia said it was "deeply concerning that little progress has been made" in the Koh and Che Mat cases.

Norhayati Ariffin, the wife of Che Mat, also complained about the police investigation, according to an interview published in Free Malaysia Today.

Koh's family refuses to speculate on Raymond's fate.

"We're trying to be hopeful. Right now there is nothing," said his daughter Elizabeth. "All we know is he was taken somewhere by a number of men and he disappeared into thin air."

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## **Wife of abducted Malaysian pastor: why are police investigating my husband rather than looking for him?**

World Watch Monitor (26.05.2017) - <http://bit.ly/2r3R6GD> - The family of a Malaysian pastor abducted more than 100 days ago have expressed their disappointment that police are investigating his alleged preaching to Muslims rather than focusing on finding him and bringing his kidnappers to justice.

Pastor Raymond Koh was abducted by masked men near his home in Petaling Jaya, West Malaysia on 13 February.

Susanna Liew, Pastor Koh's wife, said: "Despite public speculation and suspicion against the authorities, up to 6 April, I still appealed to Malaysians to give the police space to conduct their investigations. However, this trust in them has been in vain. I was shocked and disappointed when I read the IGP's [Inspector General of Police's] words as quoted Berita Harian [a local newspaper]. The victim is now being investigated? How will this help find him and bring his abductors to justice?"

On Tuesday Mrs Liew said: "What my children and I want most of all is the release of my husband, safe and sound; and for his abductors and their accomplices to be brought to justice."

In a statement released to mark 100 days since Koh's abduction, his family said eyewitness testimony saying that he was "forcibly pulled out of his car against his will" while "other abductors directed traffic and filmed the abduction" can be corroborated by CCTV footage from residential security cameras in the area.

The family added in the statement: "The entire abduction that took less than 60 seconds and reflected a professional precision and efficiency not usually seen in conventional kidnappings in Malaysia."



Malaysian police said this week (Weds 24 May) that they had “picked up” a suspect in relation to the abduction. Khalid Abu Bakar, Inspector-General of Police, said on Wednesday (May 24): “Last week we picked up a suspect in northern Malaysia who we believe can help us in our investigations and the investigation continues.”

However, according to Channel News Asia, Inspector-General Khalid said the authorities are investigating whether Pastor Koh’s disappearance is linked to accusations that he was proselytising to Muslims in Perlis, in north-west Malaysia.

While freedom of religion is enshrined in the Malaysian constitution, the government forbids the proselytising of Muslims by non-Muslims.

A close family friend of Pastor Koh’s said: “We are coming to terms that he may possibly be dead. The family have told me that in their hearts, they continue to hope that he is alive.”

In March Koh’s son Jonathan filed a police report on suspicion that his father has been murdered, because no ransom had been demanded.

A number of civil society groups have come together to form CAGED (Citizen Action Group on Enforced Disappearance), to garner international attention to press the Malaysian government to provide answers regarding the disappearance of Pastor Koh and of three others, including a second pastor: Pastor Hilmy Nor and his wife, Ruth, and Muslim social activist Amir Che Mat, who have all gone missing in the last six months.

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## **100 Days Since Abduction Of Pastor Koh**

***Christian Solidarity Worldwide is calling for the Malaysian government to secure the release of Pastor Raymond Koh and to bring his kidnappers to justice, as his family and supporters mark 100 days since his abduction.***

Christian Solidarity Worldwide (23.05.2017) - <http://bit.ly/2qfmQWv> - Pastor Raymond Koh was abducted from his car in broad daylight in Petaling Jaya, Malaysia on 13 February by 15 men in three black cars. Eyewitness reports and CCTV footage suggest that Pastor Koh was abducted by professionally trained men.

His family has called on the authorities to investigate but little progress has been made. Their concerns have been echoed by the UN Human Rights Office in Bangkok. According to the family, instead of concentrating on the circumstances behind Pastor Koh’s arrest, the police have instead focused on suspicions that Pastor Koh and the non-governmental organisation (NGO) that he founded, Harapan Komuniti (Hope Community), have been guilty of ‘proselytising’ to the Malay community.

On 6 April, the Malaysian media reported that the police had started investigating Pastor Raymond Koh and alleged unnamed associates for attempting to convert unnamed Muslim teenagers to Christianity in the northern state of Perlis. Malaysia’s Inspector-General of Police, Khalid Abu Bakar, reportedly stated that the investigation would be under Section 298(A) of the Penal Code, which stipulates offences relating to religion under the Federal Constitution of Malaysia.

Pastor Raymond Koh is a Malaysian pastor and the founder of Harapan Komuniti (Hope Community), a non-profit organisation that undertakes social and charity work among marginalised and underprivileged communities, including people living with HIV/AIDS, recovering drug addicts, single mothers and their children. In 2011, a dinner organised by the NGO was raided by 30 officers from JAIS (Selangor Islamic Religious Department) and the organisers were accused of 'proselytising Muslims'. Although no one was prosecuted, Pastor Koh's family received death threats in the aftermath.

Although the Federal Constitution declares in Article 3(1) that "Islam is the religion of the Federation," there is no express prohibition of proselytisation. The use of Federal Law to investigate proselytisation by invoking Section 298(A) of the Penal Code, an ambiguous cause which bars 'causing disharmony, disunity or feelings of enmity, hatred or ill-will', is unusual and could lead to more severe punishments being handed to those who are caught proselytising.

The Federal Constitution recognises that Islam is the majority religion, providing special protections for Muslims and allowing for the creation of State shari'a courts with jurisdiction over Islamic matters, while also providing lesser protections for religious minorities. Malaysia's ruling coalition Barisan Nasional (BN) unites UMNO, the ethnic Malay and Muslim-majority party, with the Malaysian Indian Congress (MIC) and the Malaysian Chinese Association (MCA), ethnic minority parties which have significant religious minorities. This coalition has traditionally promoted tolerance and protected pluralism. However, in recent years there has been an increase in Malay-Muslim religious nationalism, led by the leading party UMNO, and a rise in discriminatory policies.

Around 61 percent of Malaysia's population of nearly 31 million are Muslims, while Christians make up about nine percent of the population, with two-thirds of them living in Sabah and Sarawak. Malaysia's much-touted moderate Muslim image has been tarnished in recent times by the rise of restrictions against non-Muslim minorities. The 2017 Annual Report by the US Commission on International Religious Freedom places Malaysia on its Tier 2 list of 12 countries where religious freedom violations engaged in or tolerated by the government are serious. Malaysia has been designated a Tier 2 country since 2014.

Benedict Rogers, East Asia Team Leader at Christian Solidarity Worldwide (CSW), said: "Pastor Raymond Koh works with all people who are in need. The work of people of faith in such communities must be free from threats of violence and intimidation. We recognise that the abduction of Pastor Koh follows and is linked to incidents of harassment, intimidation, hate speech, criminal threats and attacks, based on religious grounds, against him and his colleagues in 2011, that went largely unchecked by the authorities. We urge the Malaysian police to halt their baseless investigation against Pastor Koh and instead concentrate on securing his release and holding the criminals who have abducted him to account."