



Shortlist 2009

Public Eye Positive Award [www.publiceye.ch](http://www.publiceye.ch)

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**Nominated for the Public Eye Positive Award 2009  
by Pesticide Action Network (PAN) Asia & the Pacific, Malaysia:**

## **Irene Fernandez**

Position: Director of Tenaganita (Women's Force) (since 1991)  
Chairperson of the Pesticide Action Network (PAN) Asia and The Pacific (since 1992)  
Industry: Human rights and workers rights

### **In Brief**

*Malaysia's longest case is not about bloody murder. Human rights activist Dr. Irene Fernandez was on trial because she had published a report about the dehumanized living conditions of migrants in Malaysian detention camps. In 2003 she was found guilty of publishing falsehoods and sentenced to one year in prison. This blatant violation of the right to freedom of opinion and expression provoked much international indignation. In the past thirteen years Irene Fernandez appeared in court more than 300 times. On November 24, 2008, she was finally acquitted by the country's highest court. The nominating organization PAN demands that human rights activists like Irene Fernandez are not treated like criminals and receive better protection from malicious judicial prosecution. For her trailblazing commitment to human rights 62-year old Ms. Fernandez received the Right Livelihood Award, also known as an "Alternative Nobel Prize", in 2005.*

### **Courageous Behavior**

Dr. Irene Fernandez has championed the rights of exploited women and migrants for more than three decades. She is the founder an NGO called Tenaganita, meaning Women's Force. She and her co-workers interviewed 300 illegal immigrants who faced deportation. The migrants told tales of abuse, overcrowding, water and food shortages in Malaysian detention camps. Almost 50 people died for lack of medical attention, as the government later admitted. In 1995, based on this research, Irene Fernandez published a report in which she documented the precarious situation of migrants in Malaysia. Some three million migrants currently live in Malaysia where they are exploited as a cheap labor force. In 2003 the government decided to crack down on illegal immigrants and sought to deport over a million of them, as Tenaganita reported in 2005. In publishing her report, Irene Fernandez was taking a stand and started the ball rolling in a development that has since brought about many changes in the social and economic fabric of Malaysia.

## **Consequences/Successes**

In March 1966 Irene Fernandez was charged with violating the „Printing Presses and Publication Act“ (PPPA) because she deliberately published false information in her report, as the prosecution claimed. On October 16, 2003, she was sentenced to 12 months in prison and then freed on bail. For the next 13 years the well-known human rights activist fought against her conviction and in the process appeared in court over 300 times. Ms. Fernandez' civil rights were restricted. The court kept her passport under lock and key. Because she now had a criminal record she was barred from running for parliament in 2004 and 2008. Exculpatory evidence was “lost” and a computer virus allegedly destroyed the court records of her case.

Despite a looming prison term and further attempts at intimidation, Irene Fernandez continued to fight against the abuse of migrants and violence against women. In addition to her work as director of Tenaganita, she pursues – in her capacity as chair of the Pesticide Action Network (PAN) – a ban on pesticides like paraquat to prevent the poisoning of farm workers. For her exemplary activities she was awarded the Right Livelihood Award (aka Alternative Nobel Prize) in 2005.

## **Current Situation and Demands**

According to Amnesty International the „Printing Presses and Publication Act“ (PPPA) that led to Irene Fernandez' conviction violates human rights, namely the right to freedom of expression, and criminalizes human rights activists. To this day, the Malaysian Government denies that people were abused in Malaysian detention camps. Irene's appeal, in the making since 2003, was delayed time and again until the surprising turnaround in November 2008. The 8988 pages of documents relating to her 13-year court case were unintelligible, according to Irene's lawyer and the state prosecutor. The defense lawyer demanded an end to the proceedings. When the plaintiffs failed to object, the Supreme Court judge acceded to his request. The longest trial in Malaysian history ended in acquittal on November 24. The nominating organization now demands the full rehabilitation of Irene Fernandez. Her prosecution merely served to intimidate human rights activists across Malaysia. Tenaganita calls for a law to protect whistle blowers who criticize the government or business organizations.

## **For more Information:**

- [http://www.tenaganita.net/index.php?option=com\\_content&task=view&id=244&Itemid=1](http://www.tenaganita.net/index.php?option=com_content&task=view&id=244&Itemid=1)
- [http://www.huffingtonpost.com/suzette-standing/irene-fernandez-the-best\\_b\\_138586.html](http://www.huffingtonpost.com/suzette-standing/irene-fernandez-the-best_b_138586.html)
- <http://www.rightlivelihood.org/irene-fernandez.html>