

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

Index: ASA 28/008/2014

4 September 2014

Malaysia: Increasing use of the Sedition Act fosters a climate of repression

Malaysia must end its alarming use of the Sedition Act to criminalize activists, opposition politicians, journalists, students and academics, Amnesty International urged today. The use of the law – increasingly against individuals simply expressing political, religious and other views – is creating a chilling effect on freedom of expression in the country.

In the last month alone, at least seven people are known to have been charged or placed under investigation for so-called “seditious” comments or statements under the Sedition Act – five opposition politicians, a journalist and an academic. So far in 2014, Amnesty International is aware of at least 15 people charged or placed under investigation under the Act.

On 4 September journalist Susan Loone, who works for independent news portal Malaysiakini, was the latest to be arrested under the Sedition Act in the state of Penang. She was arrested in connection with an article published on 1 September, which allegedly defamed the police. The article was based on an interview with Phee Boon Poh, the chairperson of the Penang Voluntary Patrol Unit (PPS), in which he claimed he had been “treated like a criminal” following his arrest on 31 August.

The day before, on 3 September, opposition politician David Orok from Sabah was charged with sedition for allegedly insulting Islam and the Prophet Mohamed on his social media page on 4 June 2014. Other opposition politicians were also charged in August including parliamentarians Rafizi Ramli, Khalid Samad and N. Surendran as well as Penang state assemblyman RSN Rayer. These charges appear to be politically motivated.

On 2 September, Dr Azmi Sharom, an academic from the University of Malaya was charged for his alleged seditious remarks relating to the 2009 political crisis in state of Perak published by an

online news portal. He is the first academic to have been charged with sedition during this recent spate of arrests.

Amnesty International believes the increasing use of the Sedition Act to suppress the views and opinions of opposition politicians and other critical voices, as well as ordinary individuals who are simply expressing their opinions on a range of issues, is fostering a climate of repression in Malaysia.

Amnesty International has long expressed concerns about the 1948 Sedition Act, a legacy of the British colonial era, which has been used to stifle dissent and criminalize peaceful activists and opposition in the past. The law criminalizes a wide array of acts, including those "with a tendency to excite disaffection against any Ruler or government" or to "question any matter" protected by the Constitution. Those found guilty can face three years' jail, be fined up to MYR 5,000 (approximately USD 1,570) or both. It does not comply with international human rights law, and violates the right to freedom of expression, which is enshrined in Article 19 of the Universal Declaration of Human Rights (UDHR), and also guaranteed in Article 10 of the Malaysia's Constitution.

In 2012, Prime Minister Najib Tun Razak publically committed to repealing the repressive law stating that it represented "a bygone era". Two years later, that promise has not been fulfilled. Amnesty International calls on Prime Minister Najib Tun Razak to deliver on his promise to repeal the Sedition Act and to drop all charges against those criminalized for peacefully exercising their right to freedom of expression.

Amnesty International also reiterates its longstanding calls on the Malaysian authorities to ratify the International Covenant on Civil Political Rights (ICCPR) at the earliest opportunity, incorporate its provisions in to domestic law and implement it in policy and practice.

Additional Information:

Tian Chua MP from the opposition People's Justice Party (PKR) has been investigated twice for sedition over statements made in a public lecture on 20 April 2014, and a tweet made during Anwar Ibrahim's conviction for "sodomy" on 7 March.

On 6 May, parliamentarian Teresa Kok from the opposition Democratic Action Party (DAP) was charged under the Sedition Act over a Chinese New Year video entitled "Onederful Malaysia" that parodied the Malaysian Prime Minister's concept of "1Malaysia".

Also on 6 May, Abdullah Zaik Abdul Rahman, president of the group Ikatan Muslimin Malaysia (ISMA), was charged with sedition for labelling ethnically Chinese Malaysians as "intruders".

On 14 May, PKR lawmaker Rafizi Ramli was investigated under the Sedition Act for statements made in a book that chronicled opposition leader Anwar Ibrahim's "sodomy" trials.

On 18 June, assemblyman RSN Rayer from the DAP was arrested and charged with sedition over remarking "UMNO Celaka" (Damn UMNO) during a state assembly meeting. UMNO (the United Malays National Organisation) is the largest party in the ruling *Barisan Nasional* (BN) coalition.

On 26 June, parliamentarian Khalid Samad from the opposition Pan-Malaysian Islamic Party (PAS) was charged over remarks made about the Selangor state sultan and the Selangor Islamic Affairs Council.

On 20 June, two netizens, Gopinath Jayaratnam and Hidayat Muhamad were charged under the Sedition Act for comments made on social media. Gopinath had allegedly insulted the Islamic faith, while Hidayat allegedly insulted Hindus.

In August, a 15-year-old student was reportedly investigated under the Sedition Act for clicking "like" on a Facebook page called "I Love Israel".