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Malaysia: Authorities must end suppression of media to silence critical reporting

Amnesty International is concerned about the decision by the authorities yesterday to block access to the online news portal The Malaysia Insider. This move is the latest act in an organized campaign of harassment and intimidation of media outlets and journalists critical of the government and must end immediately.

On 25 February 2016, the Malaysian Communications and Multimedia Commission (MCMC) blocked access to online news portal The Malaysian Insider on the grounds of “national security” under Section 233 of the 1998 Communications and Multimedia Act (CMA).

The Communications and Multimedia Minister, Salleh Said Keruak, stated today that the blocking was instituted because the site had “caused public confusion” for publishing a report quoting an unnamed source from the Malaysia Anti-Corruption Commission on an investigation related to the Prime Minister Najib Razak. Subsequently, the Inspector-General of Police announced on Twitter that the chief editor of The Malaysian Insider and several other journalists would be called in for questioning.

However, under Section 233 of the CMA Act 1998, which lays down the offence of ‘improper use of network facilities or network service’, the MCMC does not have the powers to block a site without due process of law. Breaches of this provision must be proven before a court where the defence must be given a chance to answer to the charge before a decision is made and sanctions meted out.

Amnesty International believes the blocking of The Malaysian Insider website to be arbitrary and a serious attack on freedom of expression in Malaysia. The authorities must immediately reverse this decision and ensure that The Malaysia Insider is able to go back online to freely disseminate information. If the authorities have reasonable concerns about the content, these should be addressed in line with provisions provided by law and according to international standards, which must be necessary and proportional to a legitimate aim (national security, public order, public health or morals or the rights or

reputations of others). The authorities must not use such restrictions to simply silence a critical voice.

The Malaysian authorities must also cease the harassment and intimidation of journalists and editors through the misuse of the criminal justice system and criminal investigations that are based solely on the peaceful exercise of the right to freedom of expression.

Media and journalists play a key role in the effective realization of all aspects of freedom of expression and the rule of law, and undue restrictions can have a negative impact on the exercise of this right by all individuals, including the right to seek, receive, and impart information and ideas.

Over the last two years, the government has launched an unprecedented crackdown on freedom of expression and peaceful assembly. In 2015, journalists were arrested and investigated under the Communications and Multimedia Act for publishing materials critical of government while the Printing Presses and Publications Act was used to set restrictions on and suspend media outlets and publishing houses.

Amnesty International urges Malaysia to review and amend all other laws which unduly restrict the right to freedom of expression and peaceful assembly, and bring them into strict compliance with international human rights law and standards.