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Malaysia: Stop politically motivated arrests under the Sedition Act

Malaysian authorities must immediately stop using the 1948 Sedition Act as a political tool to suppress opposing or critical views, Amnesty International said, following the arrest and detention of another opposition figure.

Member of Parliament Nurul Izzah Anwar, who is also the Vice President of an opposition party and daughter of opposition leader Anwar Ibrahim, was arrested on 16 March 2015 and detained overnight under the Sedition Act for a speech she made in Parliament. In her speech, Nurul Izzah Anwar had criticized the decision of the Federal Court to convict her father for sodomy on 10 February this year and sentence him to five years' imprisonment.

Nurul Izzah Anwar is just the latest person to be targeted in Malaysia's crackdown on freedom of expression, which appears to be politically motivated. If prosecuted and convicted, she faces three years' imprisonment and/or a fine.

Over the past year, Malaysian authorities have made increasing use of the colonial-era Sedition Act to investigate, charge and imprison opposition politicians, activists, human rights defenders, academics, journalists, lawyers and others who have peacefully expressed their dissenting opinions that are perceived by the authorities to be critical of the government or monarchy.

The Sedition Act effectively criminalizes criticism of the government, violating the right to freedom of expression and creating a chilling effect on the exercise of this right. It criminalizes a vast array of acts, including those "with a tendency to excite disaffection against any ruler or government" or to "question any matter" protected by the Malaysian Constitution. The draconian law, originally targeting those who called for Malaysia's independence from Britain, gives the government sweeping powers to arrest and lock up critics.

At least 22 people have been investigated under the Sedition Act so far in 2015. In January, human rights lawyer Eric Paulsen was charged for sedition for a tweet that criticised a government department. Also in January, a Malaysian court convicted activist artist Hishamuddin Rais of sedition for comments he made publicly in a forum, calling for people to take to the streets to protest the 2013 general election

results. In 2014, at least 29 people were put under investigation, 16 charged and three convicted under the Sedition Act.

The Sedition Act and the way it is being used to crush peaceful criticism fly in the face of international human rights law and standards, violating the right to freedom of expression, which is enshrined in Article 19 of the Universal Declaration of Human Rights and guaranteed in Article 10 of Malaysia's Constitution.

Amnesty International calls on the Malaysian authorities to end the crackdown on freedom of expression and to stop targeting dissenting voices. The organization also calls on the Malaysian Parliament to promptly repeal the Sedition Act.

Broken promises

The Malaysian government appeared to take steps toward respecting international law and protecting the right to freedom of expression when Prime Minister Najib Tun Razak publicly committed to repealing the Sedition Act in 2012, stating that it represented "a bygone era".

However, in November 2014, just a month after Malaysia was elected on to the UN Security Council, Prime Minister Najib made a major U-turn and announced that Malaysia would not be abolishing the Sedition Act.

This stands in stark contrast to statements made by Malaysia as a member on the UN Security Council. In a 19 January statement,¹ Malaysia stressed that "the advancement of civil and political rights in the country should keep pace with the significant progress made in the development areas," and that Malaysia "has taken significant measures aimed at further enhancing the exercise and enjoyment of such rights in the country." As a member of the UN Security Council, Malaysia should lead by example in respecting human rights at home, while rising to the occasion to lead on pressing security and human rights issues internationally, along with global powers.

¹ http://www.un.int/malaysia/sites/www.un.int/files/Malaysia/2015-Statements-Security-Council/2015-01-19-_unsc_open_debate_inclusive_dev_for_maintenance_of_int_peace_and_security-_f.pdf