

FREEDOM OF EXPRESSION IN MALAYSIA 2010

An Annual Review by

CENTRE FOR
INDEPENDENT
JOURNALISM





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An Annual Review by



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Foreword

PRIME MINISTER NAJIB RAZAK SAID ON 13 Jan 2011 that unfettered access to “negative influence” online could decimate Asian values and heritage. The prime minister called for greater regulation of the internet saying, “Indecency and anarchy can seep into any environment that is not anchored on any cultural roots and our values.”

Najib’s remarks are not surprising. Despite earlier declarations that the media would “responsibly report what they see”, whether or not it is helpful to the government, Najib’s administration’s actions in 2010 clearly show that rhetoric aside, government control of freedom of expression is here to stay. Najib’s deputy Muhyiddin Yasin, when opening an international media forum, captures this doublespeak, “While it is in our best interest to further liberalise the media to increase our global awareness, we must not forget that freedom of the press is not a blank cheque to do whatever we want.”

Both leaders seem to suggest that access to information and freedom of expression are “dangerous” if left unchecked. I would respectfully disagree. It is not freedom of information or expression that is dangerous. What sows hate and discord are threats of violence, imprisonment or even death against those with whom we disagree.

In 2010 for example, it was not the calm, rational discussion of whether non-Muslims could use “Allah” to refer to God at a 11

January forum at the Kuala Lumpur Selangor Chinese Assembly Hall that caused unrest. Authorities' call for the forum to be shelved for fear of violence and unrest, remained just that – a fear of an open discussion on a topic which some leaders have prescribed as a no-go area. Forum speakers and those in the audience had vastly diverse views but I am certain everyone left the forum enlightened, even if there was disagreement. What could have caused unrest were the arson attacks against some churches, ostensibly due to the “Allah” issue.

Similarly, when a Malay-Muslim Malaysian openly spoke in a video posted online about his experience as a gay man, it was not his expression that caused “indecent and anarchy” to seep into our lives. It was the death threats that he received that were vicious and dangerous and is something that should not be tolerated by society.

Post March 8 2008, it's a hard sell to the rakyat when leaders and politicians pitch that freedom of expression leads to anarchy. Our realities on the ground show that the wind blows in a different direction. We have state governments ruled by Opposition parties at Federal level, and a record number of opposition members of Parliament. We have ample evidence that it is possible for views to be aired openly, including those that do not conform to the mainstream Barisan Nasional narrative, without resulting in chaos. We have also witnessed different civil society groups airing their thoughts and opinions, including holding peaceful protests – FRU water cannons and batons notwithstanding – to call for the abolishment of repressive laws such as the Internal Security Act (ISA). And if anything, we have seen how speaking openly, without threats and bullying, leads to greater understanding and quells suspicion and misinterpretation amongst those of diverse ideas, faiths, ethnicities and beliefs.

It is imperative that citizens are free to speak out about the government they have elected. A government that does not see the need to subject itself and its policies to public criticism is a government that is seeking absolute power.

The Centre of Independent Journalism (CIJ)'s aim in producing this annual freedom of expression report is to document the ways in which government and other non-state actors have tried to control and repress dissenting voices. This act of naming is yet another call by civil society to these institutions and groups to account for their suppression of people's right to speak.

The report also documents the continued efforts of Malaysian citizens to claim the spaces in which dialogue can take place, even on the so-called "sensitive" issues of the day. In doing so, we hope to remind ourselves that these heroic efforts, small or grand, help to make the freedom to express ourselves in Malaysia a reality.

Masjaliza Hamzah
on behalf of Centre for Independent Journalism Malaysia

Overview

A REVIEW OF 2010 INDICATES further erosion of Prime Minister Najib Razak's promise of promoting "vibrant, free and informed" media. Instead, the year has seen greater state control of all forms of expression be it through print, the internet, radio or television. Through ministers' statements and strategic action against media and online commentators; the Barisan Nasional (BN) federal government has sent a clear message: It is closely monitoring what is being said and will take action against those perceived as threats. This has been reflected in Malaysia's drop in the *Reporters Sans Frontières* Press Freedom Index, moving from 131 in 2009 to 141 in 2010, its lowest position in nine years.

The Centre for Independent Journalism (CIJ) has monitored the print and online media throughout 2010, documenting the state of freedom of expression in Malaysia. This report is compiled from articles from *Utusan Malaysia*, *Sinar Harian*, *The Star*, *New Straits Times*, *theSun*, *Malaysiakini*, *The Malaysian Insider* and *The Nut Graph*.

Through the year, authors and bloggers have been arrested, books banned, show cause letters issued to newspapers, printing permits denied and cancelled and the state has overtly interfered with television and radio networks. The internet has received special attention, perhaps due to a belief that it was instrumental in

the BN's worst-ever general election performance in 2008. The Communications and Multimedia Act 1998 (CMA) was increasingly used to censure political comment. Actions under the CMA ranged from investigations against news site *Malaysiakini* to charging bloggers for articles published online and taking action for statuses posted on social networking site Facebook.

This increased activity reflects how the BN closed ranks in 2010, amid speculation of a general election in 2011. Led by the United Malays National Organisation (Umno), BN is looking to wrest control of the remaining four Pakatan Rakyat (PR) controlled states and re-establish its two-third majority in Parliament.

Speaking out

Despite these restrictions, civil society continued to speak out, using creative ways to circumvent government monitoring. Protests have continued, with several large-scale assemblies being organised, such as the 1 Aug 2010 anti-Internal Security Act protest, held simultaneously in several states. There has also been an increase in protests by BN parties or BN-linked groups, especially in PR-governed states.

Forums with speakers openly questioning or criticising federal government policies have become common, although there have also been reports of intimidation and police pressure surrounding some of these events. Critical forums also tend to be better attended than in the past, indicating that the threat of intimidation is becoming increasingly ineffective.

Social networking is being used by citizens to express discontent and to grow the democratic space in Malaysia. Views and comments that might not have been published in the print media are being expressed online. Comments on articles are also bolder, perhaps due in part to the anonymity the internet can provide.

Information, Communications and Culture Minister Rais Yatim's warning against Malaysians being "immersed" in Facebook and Twitter provoked a storm of protest tweets under the hashtag #yorais. The hashtag made the No 3 spot on Twitter's global Top 10 Trending Topics Chart. A Facebook group protesting the planned construction of a 100-storey tower in central Kuala Lumpur grew to over 279,000 members, in just over two months.

The internet news media has continued playing an important role, with notable sites including *Malaysiakini*, *Malaysian Insider*, *Merdeka Review*, *Free Malaysia Today*, *The Nut Graph* and blog *Malaysia Chronicle*. Perhaps the most important developments have been in the East Malaysian state of Sarawak. Start-ups include the *Sarawak Report*, which has brought to light various allegations of corruption against the Sarawak Chief Minister Abdul Taib Mahmud and his family; and Radio Free Sarawak, which aims to work both online and through short-wave radio broadcasts. Online news sites continue to provide space for commentary and analysis, including analysis critical of government policies. The question of control still arises however for the online media, as the ownership and funding of some websites are unclear at this juncture. *The Nut Graph*, for example, has scaled down its operations and no longer employs full-time staff, due to financial constraints.

Conclusion

Although there are encouraging signs of more critical voices emerging, the government has continued its efforts to suppress genuine discussion and debate. No significant or genuine steps were taken in 2010 by the BN government to improve the state of freedom of expression in Malaysia. It seems instead to be trying to increase its control, announcing in late 2010 that the government would introduce new guidelines on sedition in "cyberspace".

A loosening of government control over the media and the freedom of expression in general is unlikely before the next general election. Until then, the BN government will perform a balancing act. On the

one hand, it will probably continue to take action to manage and suppress critical voices to maintain control over what information is released to the public. On the other, it will be cautious of appearing heavy-handed, so it minimises the extent to which it alienates an increasingly vocal public. It is also likely to continue to make the most of its ownership and control over the print and broadcast media to bolster its image at the expense of the Pakatan Rakyat parties.

Unless there is overwhelming public pressure for the BN to abandon its long-held strategy of controlling the flow of information, it is unlikely that a BN government will take concrete measures to dismantle the extensive laws and structures available to suppress freedom of expression.

“ I need [the media] on this journey to communicate to the nation, and educate the people to embrace and adopt change, not to fear it...A symbiotic relationship between the press and the Government is absolutely critical for our future and development as a nation.”

I have always been of the view that freedom without responsibility is no freedom at all. I believe the world media can take some lessons from our Malaysian media. ”

— *Prime Minister Najib Razak, March*

Government and Political Interference

“ ...while it is in our best interest to further liberalise the media to increase our global awareness, we must not forget that freedom of the press is not a blank cheque to do whatever we want. ”

— Deputy Prime Minister Muhyiddin Yasin, October

I. Printing Presses and Publications Act 1984 (PPPA)

THE PPPA IS THE MOST POWERFUL TOOL the government has to control the print media. The law, which turned 25 in 2009, requires newspapers to obtain annual permits to publish. It also provides the Home Minister with the discretion to suspend or revoke any newspaper's permit.

The law was well-utilised in 2010 and there are no signs that the government intends to even review, let alone abolish it. Interestingly, in June 2010, Umno Youth chief Khairy Jamaluddin called for the PPPA to be abolished to improve media credibility; however he was largely ignored by his BN colleagues.

Government-controlled print media

The most important way in which the BN uses the PPPA is to maintain a monopoly on ownership of the print media. Licences to print daily newspapers or political magazines are given to either companies owned by component parties, or close BN allies. Nevertheless, the Home Ministry used the PPPA against some of these newspapers, perhaps illustrating tensions between coalition members.

One of the most frequently used “weapons” is the show-cause letter, sent by the Home Ministry, asking a publication to give reasons why they should keep their licence. In some instances, the article or articles that have provoked the letter are not mentioned, and it remains unclear, to the point of arbitrariness, what constitutes sufficient cause to retain a publishing licence. The Home Minister has the discretion to suspend or revoke a newspaper’s permit to publish with immediate effect, if the response to such letters is not to his or her satisfaction. Furthermore, should the minister decide to revoke a permit, the PPPA also prevents the court from reviewing the decision. It also excludes permit holders’ right to be heard.

In February, MCA-owned *The Star* was sent a show-cause letter and given 14 days to explain a commentary by managing editor P Gunasegaram entitled “Persuasion, not compulsion”. Gunasegaram’s article criticised the caning of three Muslim women for illicit sex under syariah law resulting in police reports being lodged against him by several Muslim groups. *The Star* capitulated by issuing an apology, stating there was no intention to insult or offend Muslims by the publication of the article. The 19 Feb article can no longer be located on *The Star*’s website.

CIJ: Respect media’s role to provide opinion

“ Discussion of laws and court judgments — be it under civil or syari’ah — should not be curtailed. It is not a sign of disrespect; in fact, discussion strengthens Malaysia’s legal system. ”

The Star later spiked columnist Marina Mahathir’s article on the same issue, for fear of further action by the Home Ministry. “They don’t want any ‘sensitive’ articles that may jeopardise their [Home Ministry] permit,” Marina said in a blog post.

In March, it was *China Press*’s turn to receive a show-cause letter. The Chinese-language daily, also MCA-owned, published a report on 13 March, claiming that Inspector-General of Police Musa Hassan had tendered his resignation. The report turned out to be inaccurate, although Home Minister Hishammuddin Hussein later confirmed that Musa would indeed be replaced, but only when his contract ended in September 2010. *China Press* was issued a show-cause letter, giving them seven days to respond. A claim was also made by DAP adviser Lim Kit Siang that the paper had been threatened with suspension unless its editor resigned, which was denied by Hishammuddin. *China Press* eventually apologised stating the report was “inconsistent with the facts” and editor-in-chief Teoh Yong Khoon was suspended for two weeks.

CIJ: Retract suspension of China Press editor, stop muzzling the press

“ While details in the report have been disputed by the Minister and the IGP, the report in its essence was accurate and therefore does not warrant any redress more severe than the publication of a correction. ”

In August, the editor of Chinese-language magazine *Special Weekly* Xiao Hong Long was sacked. According to a *Malaysiakini* report, Xiao said he was told that the Home Ministry had blacklisted him and demanded his removal, although ministry officials denied this. *Special Weekly* was issued a warning letter after publishing a cartoon depicting the prime minister as “Mr U-Turn”. It also received a warning letter in July for publishing a picture of a movie

poster showing two male actors kissing. The picture accompanied a commentary about the Film Censorship Board's relaxation of restrictions on movies depicting homosexuals.

“Only” 19 actions?

When responding to a question in Parliament in November, Deputy Home Minister Abu Seman Yusop said that as of September, 19 actions had been taken against newspapers under the PPPA. These actions constituted reprimands, show-cause letters and advice. Abu Seman however stressed that no newspaper had its permit suspended or revoked and that these actions clearly proved that Malaysia does not restrict media freedom. The deputy minister's remarks notwithstanding, it would however, be misleading for the government to deny the self-censorship and control the PPPA instils in the print media.

The deputy minister also omitted to mention the informal and largely unreported “chats” the Home Ministry holds with newspaper editors, whether individually, or as a group. Community newspaper *Selangor Times*, for example, operates under a loophole in the law, which allows state governments to publish newspapers and newsletters without Home Ministry permission. Shortly after its launch, it was hauled up by the Ministry for questioning about the validity of its printing permit. Claiming to be independent of the state government, the newspaper is still being printed. CIJ has also received anecdotal evidence of editors routinely being called in to explain a particular commentary or article that have displeased Ministry officials or others in power.

“ The [19] actions taken against the press, of all languages, clearly proves Malaysia does not restrict media freedom.

This move (setting up the special committee to monitor the alternative media) is being taken to ensure media practice is clean from elements of sedition, libel and accusations which will bring about a negative impact to the development of our country.

”

— Deputy Home Minister Abu Seman Yusop, November

Pakatan Rakyat print media

Although newspapers have not had their permits suspended or revoked in 2010, there were non-renewals of permits, as in the case of Parti Keadilan Rakyat’s (PKR) *Suara Keadilan* in July. The federal opposition newspaper was hauled up over a report alleging that the Federal Land Development Authority (Felda) was bankrupt. A show-cause letter was issued and ministry officials said an unsatisfactory explanation led to the paper’s permit not being renewed.

The non-renewal of *Suara Keadilan*’s permit coincided with show-cause letters issued to two other Pakatan Rakyat party newspapers – PAS’s *Harakah* and DAP’s *Rocket*. *Harakah* was issued two show-cause letters; the first, for failing to submit eight copies of each issue to the Home Ministry, and the second for publishing after its permit had expired. *Rocket*’s show-cause letter was also for publishing after its permit had expired. DAP’s publicity secretary Tony Pua reportedly said it was the Home Ministry that had delayed issuing the permit, which he claimed was not uncommon in the publication’s history.

CIJ: Don’t deny public right to access all media, including party organs

“

A politically motivated licencing regime has no place in a democratic system, where every citizen, organisation and political party is free to express their view in any media.

”

Selective approval of printing permits

The Home Ministry has also been inconsistent in the application of the PPPA in granting or revoking printing permits. Independent online news publication *Malaysiakini* has still not been granted a printing permit. Applications for a print version of *Malaysiakini*, now 11 years old, were submitted as early as 2002, with no success.

In contrast, Malay organisation Perkasa's fortnightly newsletter *Suara Perkasa*, appears to have been given a printing permit without impediment. The pressure group, headed by independent member of Parliament Ibrahim Ali, was initially seen as being tacitly supported by Umno, with its objective of furthering a race-based Malay agenda. The perception of close ties was strengthened when the organisation received a printing permit with comparative swiftness. Umno later distanced itself from the vocal organisation, perhaps concerned that obvious ties with Perkasa might alienate non-Malay Malaysian voters.

Suara Perkasa also got off lightly after calling for MCA Youth chief Wee Ka Siong's detention under the ISA. Wee had questioned whether Mara scholarships for Bumiputeras would be scrapped along with Public Service Department scholarships, which Perkasa said amounted to questioning Malay privileges. The newsletter's editor was reportedly reminded by the Home Ministry, during a meeting, "to be more responsible in the future" and to adhere to the permit's rules and guidelines.

Book seizures and banning

The PPPA also empowers the Home Ministry to seize and ban books considered prejudicial to "public order, morality, security, likely to alarm public opinion, contrary to any law, or prejudicial to public interest or national interest."

Barry Wain's biography on Malaysia's fourth prime minister *Malaysian Maverick: Mahathir Mohamad in Turbulent Times* was withheld for almost five months. While documenting Mahathir's 22 years as Malaysia's prime minister, Wain wrote of Mahathir "wasting" about RM100 billion in megaprojects and meddling with an independent judiciary for his own purposes. The book was only released in April after Mahathir publicly stated that he did not need government protection.

Ministry officials also went on several book-seizing raids. Copies of *iFunny Malaysia* by cartoonist Zulkiflee Anwar Haque (known as Zunar) and *Where is Justice?*, edited by John Lee and Nathaniel Tan, were seized from bookshops. The books, published by *Kinibooks*, an affiliate of *Malaysiakini*, were reportedly seized so officials could "analyse their contents". *Malaysiakini* editor Steven Gan asked the Home Ministry to stop harassing bookstores. "If they wanted to review the books, they could have gotten them from us. We would be happy to give them a free copy each," Gan said. *iFunny Malaysia* and two more of Zunar's cartoon compilations, *Perak Darul Kartun* and *Isu Dalam Kartun* were banned. Ministry officials said the cartoons' contents could "influence the people to revolt against the leaders and government policies."

These raids have a chilling effect. Anecdotal evidence is that bookstores sometimes pull titles that have been subject to a raid and investigation unless they are subsequently 'cleared' by the Ministry.

Zunar's subsequent book *Cartoon-O-Phobia* was also seized by ministry officials in September. Ministry officials went further this time and visited not only bookshops, but also Zunar's printers in their book seizing exercise. Zunar was then arrested for sedition on the day of *Cartoon-O-Phobia's* launch on 24 Sept. The cartoon collection features, amongst other topics, the murder of Mongolian Altantuya Shaariibuu and caricatures of the prime minister's wife Rosmah Mansor.

“ **CIJ: Lift ban on cartoons, repeal PPPA**

Once again, the law is being abused by the state as a political tool for hegemonic purposes rather than to maintain social order. ”

March to Putrajaya, a book critical of the BN by writer Yong Thye Chong (also known as Kim Quek), was also seized in August and subsequently banned.

Other books seized in 2010 include *Body2Body*, a book of short stories dealing with sexuality edited by Jerome Kugan and Pang Khee Teik and *Malaysian Politicians Say the Darndest Things*, compiled by Amir Muhammad.

In December, the Defence Minister Zahid Hamidi threatened legal action against a book on national defence spending, probably in reference to Kua Kia Soong’s *Questioning arms spending in Malaysia: From Altantuya to Zikorsky*.

Several authors, including Zunar and Quek, have taken their book bans to court. Two book-banning cases decided in 2010 had mixed results. On 25 Jan, the court overturned the ban on *Muslim Women and the Challenges of Islamic Extremism*, published by Sisters in Islam (SIS), a women’s rights organisation. The judge Mohamad Ariff Md Yusof found that the book, on issues faced by Muslim women, was not detrimental to public order. The government has appealed this decision.

However, on 12 Feb, the same judge upheld a book ban on *March 8*, a book by K Arumugam on an outbreak of violence along racial lines in Kampung Medan in 2001. The judge was satisfied that the deputy home minister had cause to believe that the book could be prejudicial to public order. As the book concerned a “racial disturbance”, he said this was considered to be a public order and national security issue in itself.

Ban on words: Allah issue

The Home Ministry is also at the centre of the controversy surrounding non-Muslims' use of the word Allah to refer to God. In 2008, the ministry banned Catholic weekly *The Herald* from using the word Allah in its publication. *The Herald* won a court battle to use the word on 31 Dec 2009 but the decision has since been stayed pending the government's appeal. Bahasa Malaysia-speaking Christians have been perplexed by the Home Ministry's ban, saying they have been using Allah to refer to God for generations. Scholars have also said that the word "Allah" predates Islam. The government however has argued that usage of the word Allah by non-Muslims may cause Muslims confusion and that Christians should use the word "Tuhan" instead, which also means God. Several churches were fire-bombed and one church was burnt following the court's decision.

Despite the Chief Justice's efficiency drive in the courts in 2010, no hearing date has been fixed for the Court of Appeal to hear this issue. Due to the stay on the 31 Dec 2009 decision, *The Herald* is therefore still banned from using the word "Allah".

2. Media control and ownership

The ownership and control of most mainstream print and broadcast media by the BN is a related means by which freedom of expression is suppressed. Academician Mustafa K Anuar documented the major players of Malaysia's media industry in his 2005 article *Politics and the Media in Malaysia*.

Media and organisation	Owner/Joint owner	Links with BN
New Straits Times New Sunday Times Malay Mail Berita Harian Harian Metro TV3 8TV ntv7 Channel 9	Media Prima	Closely linked to UMNO
The Star (now directly owned by MCA) Sunday Star Star RFM (radio) Nanyang Siang Pau (now owned by timber tycoon Tiong Hiew King, see below) China Press (now owned by Tiong Hiew King)	Huaren Management Sdn Bhd	MCA's investment arm
Utusan Malaysia Mingguan Malaysia Kosmo!	Utusan Melayu (M) Bhd	Closely linked with UMNO
Sin Chew Daily Guang Ming Ribao	Tiong Hiew King (Media Chinese International chairperson)	Well-connected with Sarawak's political elite
rtm1 rtm2	Owned by govern- ment, controlled by Information Ministry	Government-owned

Media ownership allows BN component parties to exercise decisions over the appointment of top management and editorial positions as well as to influence editorial policy. A Bernama article published on the front page of the *New Sarawak Tribune* entitled "Is Taib testing the waters?" earned the executive editor a two-week suspension in

September. *The Tribune* is controlled by Sarawak Chief Minister Abdul Taib Mahmud's family, who were reportedly enraged at the article. The article had quoted academicians suggesting that Taib's remarks about possibly stepping down was merely a calculated political move.

BN minister Nazri Aziz openly asked in September who *Utusan Malaysia's* boss was – Najib or Dr Mahathir. The minister in the Prime Minister's Department said the Malay-language daily's reports playing up Mahathir's remarks supporting Perkasa made it seem as if it had forgotten its own "masters" as it weakened Najib's 1Malaysia concept.

Online news publication *The Malaysian Insider* also reported on 22 Nov that editors were instructed by their political owners to report "feel-good" news in anticipation of a general election in 2011.

“ Non-free media are often prohibited from criticising the government and in many cases are required to carry propaganda as if it were news. Various other forms of censorship may restrict reporting on issues the government deems sensitive. ”

— *Information, Communications and Culture Minister, Rais Yatim, January*

Broadcast media

Such interference is not confined to the print media but extends to broadcast media. In April, Joshua Wong, a senior producer at ntv7, resigned, alleging interference with the content of his talk show *Editor's Time*. Wong's producers had imposed restrictions on the show, banning Wong from discussing political issues or from inviting federal opposition leaders such as DAP's Tony Pua, who had been scheduled to appear to discuss Malaysia's New Economic Model. An

entire episode on the Hulu Selangor by-election was also cancelled. The restrictions were allegedly imposed after Wong's boss received complaints via text messages from the Prime Minister's Department. The prime minister's wife Rosmah Mansor had allegedly complained about Wong's show to his boss.

In May, producer Chou Z Lam's contract with government-owned Radio Televisyen Malaysia (RTM) was terminated, more than seven months before it was due to expire. Chou had produced a documentary on the negative impact of the government's Bakun Dam project on indigenous people in Sarawak. Chou's termination occurred shortly after he went public about the cancellation of his Bakun Dam programme, after only two out of nine parts had aired. Chou said there were management concerns that the documentary would be harmful to BN in the 16 May Sibü by-election. RTM and the Information Ministry denied Chou's allegations, saying Chou's documentary had been one-sided and that his termination was due to budget cuts.

Chou's colleague on his documentary programme *Galeri Mandarin Nasional*, Tan Ean Nee, also lost her job with RTM in August, when her contract was not renewed.

In September, Star RFM sacked deejay Jamaluddin Ibrahim, chief executive officer Wong Lai Ngo and head of programming Tan Chia Yong. Complaints had apparently arisen over Jamaluddin's interviews with a gay pastor on race relations and with DAP secretary-general and Penang chief minister Lim Guan Eng. Star RFM is owned by Huaren Holdings Bhd, MCA's investment arm.

Political bias

BN's control of most of the print and broadcast media also casts doubt on the media's ability to write critically of the BN government's policies. Any problem within Pakatan Rakyat is given wide coverage, while setbacks in BN component parties are played down. PKR's

direct elections for example, which suffered from complaints of irregularities, were frequently termed “chaotic” by the print media. “Chaotic end” blared *The Star’s* 22 Nov front-page headline. “One calamity after another for PKR”, said an NST headline.

A Pakatan Rakyat-organised protest on 5 Dec over water tariff hikes in Selangor also received imbalanced coverage in the BN-owned or controlled press. Several reports played up traffic jams in the city, purportedly caused by the protest. Reports failed to point out that most of the traffic jams were caused by police road blocks set up to deter protesters from participating in the demonstration. Protesters were labelled “irresponsible” but no mention was made of the right to peaceful assembly under the constitution.

Coverage of the inquest into DAP political aide Teoh Beng Hock’s death was also questionable at times. Thai forensic pathologist Dr Pornthip Rojanasunand’s conclusion that Teoh had not committed suicide following her examination of Teoh’s body was buried in an *Utusan Malaysia* report. The report instead focused on Pornthip’s opinion that Teoh had not been tortured, while making irrelevant comments about the pathologist’s “dyed hair” and “tight T-shirt”.

While there is seldom direct evidence of interference with editorial decisions in the BN-owned print media, the BN’s media ownership or control affects these newspapers’ credibility. Government ownership also serves as an automatic mechanism for self-censorship by editors and journalists. Despite this obvious limitation, BN politicians continue to assert that mainstream newspapers are impartial and reliable. Falling circulation figures for many “serious” dailies, however, indicate that the public is unconvinced.

3. Increased internet monitoring

Malaysians are becoming increasingly active on the internet. They have been found to be one of the world’s heaviest users of social media. The Information, Communications and Culture Ministry

recently announced that broadband penetration is now above 50%, an increase from 31% in 2009. As Malaysians become more dependent on the internet for obtaining and disseminating information, the BN government has stepped up efforts to make its presence felt online, sending a message that online participants cannot act freely.

In September, Home Minister Hishammuddin Hussein announced the setting up of a “special unit” to monitor the internet, especially for postings that could “ignite racial tension and cause disunity”. Information, Communications and Culture Minister Rais Yatim said the Malaysian Communications and Multimedia Commission (MCMC) has a special team with the police to handle threats to national security and unity in cyberspace. Hishammuddin also said the government will introduce new guidelines to govern sedition in cyberspace, with no public consultations to date on what this law would entail.

Meanwhile, the government has stepped up usage of the Communications and Multimedia Act (CMA). The CMA had previously been used primarily to police pornography but is now increasingly used to censor political comment. The CMA’s section 233 was used several times to charge or arrest online users. This broadly defined section can be used against “offensive comments” intended to “annoy, abuse, threaten or harass” another person. As much as it is undesirable to have annoying comments posted online, this section arguably goes beyond the reasonable restrictions allowed under Article 10 of the constitution, which guarantees freedom of expression. The vagueness of exactly what it means to “annoy” or “offend” someone also leaves the section open to abuse.

Online news publication *Malaysiakini* and blog *Malaysia Chronicle* were both investigated under section 233 for reporting on the prime minister’s speech at Umno’s annual general assembly. *Malaysiakini* editor Steven Gan described MCMC’s investigation as a “waste of time”, saying that everything in the reports were taken from Najib’s speech.

Rapper Wee Meng Chee, known as Namewee, was also investigated under this section for posting a YouTube video criticising a principal who had reportedly used racist remarks against her pupils.

Blogger Irwan Abdul Rahman was charged in September under the CMA's section 233 for a satirical post about Tenaga Nasional Bhd (TNB) entitled "TNB to sue WWF over Earth Hour". Irwan was charged even though satire is expressly provided for under CMA regulations.

In October, *Rocky's Bru* blogger Ahirudin Attan was quizzed by the MCMC over a post on rumours of a minister's son benefiting from the Information Ministry's RMibil project to improve broadband access.

From these cases, it appears that the BN government will rely increasingly on the CMA and the MCMC to police the internet. When commenting on Namewee's case, Rais said it was important for people to know that the MCMC would not keep quiet if people flouted the law on the internet.

BN leaders have also tried to discredit the online media, which is generally more critical of the BN government than its print counterparts. In September, Prime Minister Najib Razak said some articles published on the "alternative media" such as websites and blogs were "half truths and inaccurate". He urged Malaysians to trust the mainstream media which was "fact-based", a strength which he said could not be found in the "alternative media". Shortly after, MCA president Chua Soi Lek told people to be critical and not accept everything reported online as true. Even the monarch, the Yang di-pertuan Agong, was involved in issuing warnings about the media. When he opened Parliament on 15 March, his prepared speech advised authorities to take stern action towards those "spreading lies and manipulating facts, especially amongst the new media".

Ironically, even as BN leaders warned the public about the dangers of the internet, they were courting Malaysians online. Najib, Chua

Soi Lek, Khairy Jamaluddin and Wee Ka Siong have Twitter and Facebook accounts. Chua arranged for 100 of his Facebook fans to meet him in person. Najib hosted a special tea party at his residence for his online friends on 13 March. “I am moved to interact further directly with my online fans and friends,” Najib said on his blog www.1Malaysia.com.my. Najib also invited online suggestions to name a Persian kitten that he had bought and announced the declaration of a public holiday on his Twitter account.

Rumours have also persisted of political “cyber troopers” – bloggers paid to counter anti-BN sentiment online and post pro-BN comments and articles. A cybertroopers unit was set up under Umno Youth’s media unit before the 2004 general election; however, it is unclear whether they remain active. In August, PR leaders denied that they would hire their own cybertroopers, as BN leaders openly declared that they needed to attack PR in cyberspace to win the “hearts and minds” of internet users.

4. Freedom of Assembly

The year did not see massive protests such as the 2007 Bersih and Hindraf marches, which drew tens of thousands onto the streets. Malaysians however have continued to hold peaceful protests to express their views. Police attitudes to protests remain largely unchanged – strictly enforcing the Police Act and insisting that a police permit is required, even for peaceful assemblies. The BN opposition in Penang and Selangor have also taken to protesting, however, there appears to be relative leniency on the police’s part when it comes to these protests.

A historic 17 March rally in Putrajaya, involving more than 2,000 indigenous Orang Asli, was stopped by police before they could reach the Prime Minister’s Department. The Orang Asli were delivering a memorandum signed by over 9,000 indigenous people to protest the government’s land policy, which they said was unfair and deprived them of their ancestral land. The police tried to redirect protesters

to the Rural and Regional Development Ministry where lunch had been provided for them. Only five members were allowed to proceed to the Prime Minister's Department to present the memorandum. Police reportedly barred protesters from carrying banners and chanting slogans.

Police crackdowns in 2010 also include action against anti-ISA protests in Petaling Jaya and Penang on 1 August, when 36 people were arrested. Protesters in Petaling Jaya retreated from anti-riot police into a mall but were arrested when they re-emerged with lit candles. Police can be heard on video being instructed to arrest those in red shirts, the designated colour of the protest. In Kelantan, anti-ISA vigil coordinators Zaidi Musa and Hamidi Musa were also held by the police after the event, and later released.

Approximately 4,200 protesters at a 5 December protest against water tariff hikes in Selangor were met with tear gas and water cannons. Police said a permit was needed for the gathering in Kuala Lumpur, where protesters intended to march from the national mosque to the palace. Fifty-eight arrests were made, although no one has been charged to date.

On 16 Dec, about 20 Pakatan Rakyat members and supporters marching from Parliament to the Malaysian Human Rights Commission (Suhakam)'s office two kilometres away were stopped by police. Two members of the group were arrested for illegal assembly. The group was intending to hand a memorandum to Suhakam to protest the suspension of four PR MPs in Parliament.

There were several "successful" smaller protests in 2010 – namely, public gatherings with minimal police interference.

About 30 Orang Asli held a demonstration at the Gombak Hospital in February to protest poor hospital services and alleged negligence.

The Joint Action Group for Gender Equality (JAG) held a protest in May against Bung Mokhtar who had broken the law by marrying a second wife without the registrar of marriages' consent.

A protest against RTM's termination of producer Chou Z Lam's organised by 528 Media Action Group, the Writer Alliance for Media Independence (Wami) and CIJ was peacefully held outside RTM's headquarters Angkasapuri on 19 May. Anti-riot police were in attendance but did not interfere with protesters.

Several protests in support of press freedom were also held at KLCC Suria Mall. On one occasion on 22 Aug, protesters wore masks with the words "1 Muted Malaysia" printed on them while reading newspapers upside down. Candlelight vigils were also held in July to mark the first anniversary of DAP aide Teoh Beng Hock's death. One such vigil was held in Penang's Millennium Square, where about 180 people reportedly gathered for about 45 minutes.

An innovative idea for protest was a series of 'cake parties' held in eight cities across Malaysia, marking the one-month anniversary of the anti-mega tower protest. Police acted in a disproportionate manner, for example, stationing themselves at a McDonald's in Kampar to ensure the cake-eating did not take place, while university students were warned to stay away.

Law reform

Suhakam has long called on the government to abolish the police permit for peaceful assemblies. This was following several public inquiries where it was found that police had behaved violently and inappropriately in breaking-up protests. Suhakam has recommended that protesters merely be required to inform police of their intention to hold an assembly and that police should assist protesters with traffic and security. It also recommended that police roadblocks should not be used to prevent assemblies from taking place, a suggestion that has obviously been ignored.

The requirement for peaceful assemblies to obtain a police permit contravenes Article 10 of the Federal Constitution, which guarantees freedom of expression. Although Article 10 allows for legal

restrictions to be made, the Federal Court has ruled that they must be “reasonable” and “proportionate”. The difficulty in obtaining permits for protests concerning anything vaguely critical of the government renders the right to peaceful assembly illusory.

Despite Suhakam and other organisations’ calls for reform of the law, there were no indications that the BN government would amend the Police Act to remove the requirement for police permits.

5. ISA, Sedition & other repressive laws

The PPPA is not the only act available to the government to suppress freedom of expression. Malaysia has a whole host of other acts which together are formidable tools in controlling the flow of information.

Internal Security Act (ISA)

The ISA, which allows for detention without trial at the Home Minister’s discretion, still looms large in the Malaysian psyche. Malaysians still recall 1987’s Operasi Lalang under Mahathir Mohamad when 119 politicians, activists, religious figures and others were detained in a late-night police swoop. The ISA was also memorably used in 2008 to arrest DAP’s Teresa Kok, blogger Raja Petra Kamarudin and *Sin Chew Daily* reporter Tan Hoon Cheng. Tan, who had reported on racist remarks by Umno division chief Ahmad Ismail, was later said to have been arrested “for her own protection”.

Calls for arrests under the ISA are still commonly employed, for example, by the Umno legal adviser against Wan Azizah Wan Ismail for suggesting that the concept of “Ketuanan Melayu” (Malay supremacy) be abolished.

It is unfortunate to observe that politicians still resort to calling for the detention without trial of those whom they disagree with, instead of engaging in reasoned debate.

Gerakan Mansuhkan ISA (GMI) reported 25 ISA detentions in 2010, an increase from 10 in 2009. Despite Najib's 2009 announcement that the ISA would be amended, nothing materialised in 2010, with the Home Minister merely saying that the amendments had been sent to the Attorney-General's Chambers for review.

Sedition Act

The archaic Sedition Act 1948 remains in place and was well-used in 2010 to threaten, arrest and charge Malaysians. The Sedition Act is notoriously broad – offenders can be charged for seditious “tendencies” of “affecting disaffection” against the rulers, the government, questioning the administration of justice or raising “discontent” and ill-will amongst Malaysians of different races. It is also a crime to question any rights or status established under Article 153 of the Constitution which relates to special privileges for Malay Malaysians and the indigenous peoples of Sabah and Sarawak. Home Minister Hishammuddin Hussein ruled out abolishing the Sedition Act anytime soon, saying it was still needed to maintain racial harmony in the country.

Below is a sample of the sedition arrests, reports, allegations and investigations in 2010:

- January** • Blogger Aduka Taruna arrested for sedition and remanded for comments posted on the late announcement of the Johor Sultan's passing.

- July** • PKR supreme council member Badrul Hisham Shaharin (known as Chegubard) arrested in relation to a posting on his blog about the Yang-di-Pertuan Agong and the royal institution
- BN Senator Ezam Mohd Nor called for the Home Ministry to investigate *The Star* and *Malaysiakini* for reporting on foreign workers woes when working on the site of the new

palace. Ezam said the reports were “anti-Malay” and “anti-Istana”.

- August**
- Police investigate MCA president Chua Soi Lek for calling for the removal of 30% bumiputera corporate equity requirement for public listed companies.
 - Penang police set up special team to investigate allegations that imams prayed for Penang Chief Minister Lim Guan Eng instead of the Yang-di-Pertuan-Agong during Friday prayers
 - Cartoonist Zunar arrested in connection with his book *Cartoon-O-Phobia* which featured cartoons of Prime Minister Najib Razak and his wife
 - Perkasa member calls for a Shah Alam church and its pastor to be investigated for planning to stage a Christian play in the Shah Alam Convention Centre during the Muslim month of Ramadan.
 - Rapper Wee Meng Chee (known as Namewee) investigated for rap entitled “*Nah*” criticising a Malay Malaysian headmistress of making racist statements to her students
- September**
- Lembah Pantai MP Nurul Izzah Anwar investigated for writing an article inviting Perkasa to engage in constructive discussion to determine the true spirit of Article 153 of the Constitution. Article 153 deals with the special position of Malay Malaysians and the indigenous peoples of Sabah and Sarawak.
 - Kelab Belia Graduan iMalaysia lodges police report against Bar Council’s MyConstitution campaign for being seditious. The campaign seeks to “demystify” the constitution’s provisions and educate the public on how the constitution applies to them.

- December** • Forty-year old man arrested for opening a Facebook account allegedly insulting the late Sultan of Johor.

Official Secrets Act 1972 (OSA)

The OSA allows the government to classify documents as “secret”, thereby making it a crime to communicate any information contained in them. This has previously been used to prosecute whistleblowers who revealed “secret” documents on alleged government abuse of power.

The BN government was shamed in November 2009 when they classified a detailed report on the causes of the Bukit Antarabangsa landslide. As the report also fell under the purview of Selangor’s Menteri Besar Khalid Ibrahim, he was able to declassify the report. After some deliberation, Cabinet decided to follow suit.

The OSA continues to be a hindrance in obtaining information on government decisions and policies although there were no notable prosecutions in 2010. A Whistleblower Protection Act was passed in Malaysia in 2010, however the new Act does not seem to provide any protection from prosecution under the OSA. It is instead more akin to a Witness Protection Act, than an act protecting whistleblowers.

Universities and University Colleges Act (UUCA)

The UUCA in its current form allows universities to take disciplinary action against students “expressing support or sympathies” for a political party. Such action was taken in May by Universiti Kebangsaan Malaysia (UKM) against four students who were present at the Hulu Selangor by-election during the campaigning period. The students brought a court action to declare the UUCA unconstitutional as it violated their right to freedom of expression under Article 10. The High Court however denied their application in September.

In November, Universiti Tunku Abdul Rahman (Utar) students who gathered at McDonalds Kampar to eat cake together were warned by university officials not to take part in an “illegal gathering”. The “cake party” was suggested by Facebook page “iM Malaysians reject 100-storey Mega Tower” and creatively proposed that people gather together to eat cake to protest the building of the “Warisan Merdeka” 100-storey skyscraper.

Securities Commission Act 1993 (SCA)

It was also revealed in 2010 that other laws such as the SCA can be used to intimidate journalists. The Securities Commission (SC) in June called four journalists for questioning in relation to an investigation into share sales of Kenmark. The questioning of *The Star*'s journalist BK Sidhu reportedly lasted eight hours. The SCA compels anyone brought in for questioning to answer all questions and does not distinguish between journalists, who are ethically bound to protect their sources, and other informants.

CIJ: SC interrogation shows need for journalist protection

6. Pakatan Rakyat & freedom of expression

Pakatan Rakyat (PR) formed the government in five states after the 12th general election in 2008. After the BN takeover in Perak in 2009, they now hold four states – Selangor, Kelantan, Kedah and Penang. There have been some encouraging signs that the PR governments are comparatively more open than their BN counterparts. PR unveiled a 100-day reform plan in December, detailing reforms it would make if it came to power federally. Their proposals included abolishing the ISA and establishing an independent police misconduct commission. PR however did not include the abolition of the PPPA in their 100-day reform plan.

Both Selangor and Penang each introduced Freedom of Information bills in 2010, something not even contemplated on a federal level. The PR bills however have been heavily criticised as defective and not complying with best practices in freedom of information legislation (see boxed text).

What's missing in PR's FOI bill

(adapted from article by CIJ director Sonia Randhawa, published in *The Nut Graph*)

Selangor introduced its FOI bill in July 2010 to much fanfare. The bill as introduced however may actually short-change citizens as it is missing key points, based on international best practices. A summary of what's missing can be found below:

a) **Maximum disclosure**

The draft says officials “may” give out information. This is a long way from being obligated by law to release information, which recognises a citizens’ right to know.

b) **Narrow exemptions**

Exemptions in the draft bill are loosely defined. Information can also be added on to the exemption list without legislative change. There is also no provision for the release of protected documents due to overriding public interest.

c) **Protect whistleblowers**

There is no attempt to provide whistleblowers with any protection.

d) **Routine publication**

There is no obligation to review and publish

information routinely, thereby reducing the need to make and process specific requests for such information.

e) Low costs, simple procedures

Requests for information will be charged a fee, but no amount is specified, leaving it open for the government to charge prohibitive costs. Also, there's a RM50,000 fine if the accessed information is used for a different purpose than what it was requested for. This again goes against the idea that information belongs to the people, and not the government.

f) Independent administrative oversight body

There is provision for a Board of Appeals to be set up however the procedures for appointment of board members is similar to Suhakam's. A proper freedom of information enactment should have an independent oversight body, whose members are openly appointed in a transparent process, based on published criteria.

There are, however, some worrying signs that PR may also be susceptible to attempting to control the media. The DAP-led Penang government's 2009 ban on the *New Straits Times* and *Utusan Malaysia* from covering state events is still in place.

In May, journalists from *Utusan Malaysia*, which is highly critical of PR, were barred from Parti Keadilan Rakyat's sixth congress.

In November, the PAS-led Kedah government barred selected media organisations from covering the state assembly's discussion on the 2011 budget. The *New Straits Times*, *Utusan Malaysia* and *RTM* were amongst those barred. *Malaysiakini* journalists were also

turned away although Kedah government officials reportedly said that that was unintentional as they were not aware that the online news publication would be covering the event.

In December, the Selangor government took the interesting step of disallowing iMalaysia logos on billboards. The state government's justification was that iMalaysia was part of BN's propaganda and as political symbols were not allowed on billboards, the logo should therefore not be allowed.

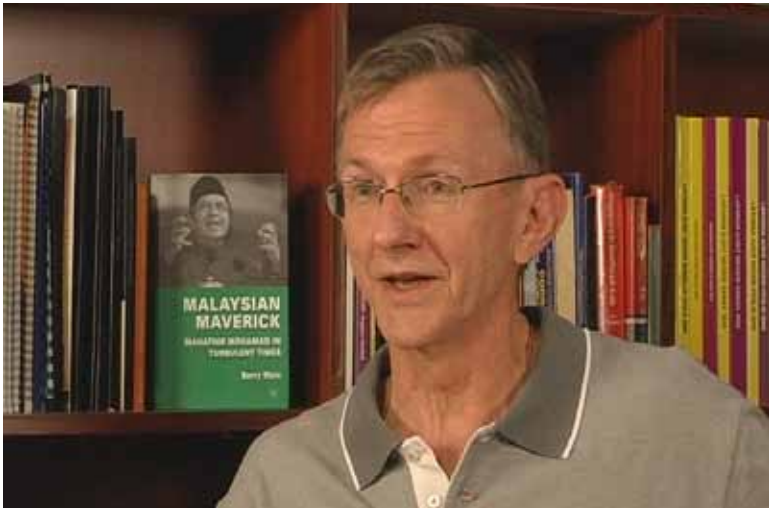
Several PR members such as Anwar Ibrahim, Syed Husin Ali and Teresa Kok, have threatened or initiated multi-million ringgit defamation suits against the mainstream print media such as *Utusan Malaysia*. Although legal measures should be available to counter false and damaging news, demanding prohibitively high damages can also be a form of curbing press freedom.



Dec demonstration against Selangor water tariff hikes (Courtesy of *Malaysiakini*)



Police fired tear gas and used water cannons to try and disperse the crowd at the 5 Dec protest (Courtesy of *Malaysiakini*)



Barry Wain, author of *Malaysian Maverick: Mahathir Mohamad in Turbulent Times* (Courtesy of *Malaysiakini*)



Star RFM deejay Jamaluddin Ibrahim (Courtesy of *Malaysiakini*)



Flash mob for press freedom on 16 May (Courtesy of *Malaysiakini*)



Protest at RTM headquarters on 19 May (Courtesy of *The Nut Graph*)



Orang Asli protest against maladministration at Gombak hospital and land policy changes (Courtesy of *Malysiakini*)



Where is Justice? co-editor Nathaniel Tan, *Malysiakini* editor Steven Gan and cartoonist Zunar with books seized by Home Ministry (Courtesy of *Malysiakini*)



Press freedom flash mob in Penang (Courtesy of *Malysiakini*)



Orang Asli protester (Courtesy of *Malysiakini*)



Audience at 11 Jan forum entitled “Allah: Siapa yang punya?” (Courtesy of *The Nut Graph*)



Former ntv7 producer Joshua Wong (Courtesy of *The Nut Graph*)



4 June protest in support of Palestine (Courtesy of *Malaysiakini*)



Police standby at the 4 June rally (Courtesy of *Malaysiakini*)



CIJ at Penang Speaker's Square to promote freedom of information in August

Civil society efforts

CIVIL SOCIETY EFFORTS to promote freedom of expression have continued in 2010, with Malaysians finding innovative ways, especially online, to express themselves.

NUJ: New leadership, new voice

The National Union of Journalists (NUJ) elected a new president in 2010 – *Utusan Malaysia* journalist Hata Wahari. Hata has vowed to revitalise the union, which he says has been too quiet. He called for newspapers to be politically impartial and urged the government to abolish the PPPA and OSA. NUJ has been more vocal since Hata's election; for example, issuing a statement to protest the Kedah government's barring of selected media from state assembly proceedings and criticising *Utusan Malaysia* for fanning racial sentiment.

“ The government of the day cannot stifle journalists and tell them what they can write or not. If any print media is seen as aggressive, the government will take away and not renew our license.

The government should not give any time frame for renewing newspaper licenses. Let the newspaper

circulations determine whether a newspaper can keep its license or not. ”

— Hata Wahari, National Union of Journalists president, October

The South East Asia Media Legal Defense Network (SEAMLDN) was launched in July. The organisation aims to provide legal support for journalists and media organisations. It will also provide support for lawyers in freedom of expression cases. The organisation is assisting cartoonist Zunar and publisher *Kinibooks* in challenging the Home Ministry’s ban of Zunar’s books.

Social media and internet

Social media has been heavily utilised by Malaysians who have access to the internet in 2010. Information, Communications and Culture Minister Rais Yatim’s warning to Malaysians against being “immersed” in Facebook and Twitter in January provoked a storm of tweets under the hashtag #yorais. The hashtag made the No 3 spot on Twitter’s global Top 10 Trending Topics Chart.

A Facebook group protesting the planned construction of a 100-storey tower in the Stadium Merdeka area grew to over 280,000 members, as of December. The group initiated a series of “cake parties” nationwide, where people were encouraged to gather and eat cake to protest the tower’s construction.

A website called *Sarawak Report* which publishes alleged exposés on the running of Sarawak by Chief Minister Taib Mahmud has become increasingly popular. Sarawak issues are often under-reported in the Malaysian media, perhaps due to its geographical distance from the usually peninsular-centric mainstream news organisations. The internet has increasingly been used as a tool to bridge this gap. A London-based radio service *Radio Free Sarawak* was also set up in

2010, focusing especially on Sarawak issues. The service goes on air daily from 6.30pm to 7.30pm Malaysian time and is also available online.

Malaysians have also made use of the internet as an alternative for radio and television, which is mostly government controlled. A notable example is www.popteevee.net, launched in 2008, which hosts *the Fairly Current Show*, which features short interviews and *That Effing Show*, which offers humorous takes on Malaysian current affairs.

Discussion and discourse

Forums and talks on political and public interest issues have become commonplace. Talks and forums, even on issues frequently deemed “sensitive” by politicians have been held regularly. A sample of some of the forums held in 2010 can be found below:

Date	Topic & Venue	Oraganisers
January	<i>Allah: Siapa yang punya?</i> – Forum on the usage of Allah by non-Muslims to refer to God, Kuala Lumpur	Free Public Forum, Persatuan Mahasiswa Islam Universiti Malaya, Kuala Lumpur Selangor Chinese Assembly Hall (KLSCAH) Youth
March	<i>Penang Forum 2: Has anything changed after 2 years?</i> – Discussion on Pakatan Rakyat’s running of Penang after two years in power, Penang <i>Islam and Christianity in the Middle East: An Arab Christian perspective</i> – public lecture by a Syrian Christian who is an expert on Islamic studies, Kuala Lumpur	Penang Forum Working Group International Institute for Advanced Islamic Studies

March	Launch of MyConstitution campaign's "Rakyat Guides" on federal-state relations with panel discussion, Selangor	MyConstitution
July	<i>The Family Institution and Polygamy in Malaysia</i> – Public forum and launch of Sisters in Islam research on polygamy, Selangor	Sisters in Islam
August	<i>Do we really need a FOI Act?</i> – Public forum on freedom of information act, Kuala Lumpur	KLSCAH Civil Rights Committee, Centre for Independent Journalism
October	<i>Seksualiti Merdeka</i> – Five-day sexuality rights festival, Kuala Lumpur	Seksualiti Merdeka
	<i>Ops Bilang</i> – Discussion on citizenship, religious freedom, freedom of expression, workers and students' rights, gender and other issues, Kuala Lumpur	Centre for Independent Journalism
November	Launch of Bersih 2.0 (Coalition for Clean and Fair Elections), Selangor	Bersih 2.0
	Anti-ISA forum – Open-air forum discussing the need for the ISA's repeal, Penang	Gerakan Mansuhkan ISA

Grassroots efforts

There have also been some grassroots efforts to raise awareness on human rights and democratic values. A group called Saya Anak Bangsa Malaysia, launched in 2009, held road shows around Peninsular Malaysia providing education on issues such as voter rights and citizenship.

The Bar Council's MyConstitution campaign has been actively conducting public education on citizens' rights under the Federal

Constitution. The campaign has tried to reach as wide an audience as possible – holding launches not just in Peninsular Malaysia, but also Sabah and Sarawak and holding events at schools, religious institutions and restaurants.

There have also been encouraging signs of collaboration between civil society groups. After three churches were subject to arson attacks on 8 January, 121 civil society groups, including Muslim groups, signed a joint statement condemning the violence. Islamic Renaissance Front director Farouk Musa, who spoke on behalf of the group, was critical of protests against non-Muslims using the word “Allah” to refer to God. “While we celebrate freedom of expression, no demonstration must be carried out to intimidate others who hold different opinions,” he said.

Themes and Trends

I. Police reports

SPECIAL MENTION SHOULD BE MADE of how police reports have been used by non-state actors to intimidate others. As making seditious comments has been criminalised, police reports can be filed against such “crimes”. Police have taken some of these reports seriously, investigating them and calling people in for interviews.

Here is a sample of police reports made in 2010 to complain against someone’s opinion and police action taken in those cases.

Date	Police Report
February	<p>Perkasa, Muslim Consumers Association of Selangor (PPIM), Malaysian Muslim People’s Coalition (IRIMM) against The Star managing editor P Gunasegaran for questioning the syariah whipping of three women for illicit sex.</p> <p>Selangor Islamic Religious Council (Muis) against Sisters In Islam (SIS) for questioning the shari’ah whipping of three women for illicit sex</p>
September	<p>Perkasa against MCA president Dr Chua Soi Lek for suggesting that the 30% bumiputera equity in the corporate sector should be gradually reduced. Ikatan Rakyat Insan Muslim Malaysia (IRIMM) and Malaysian Indian Muslim Congress (Kimma) also lodged earlier reports.</p> <p>Police took a statement from Chua.</p>

October	<p>Jaringan Melayu Malaysia (JMM) against The Malaysian Insider alleging that Indonesian group Benteng Demokrasi Rakyat (Bendera) were funding the news website. JMM also said the site had used money from securitng government contracts to slander the government, including the prime minister and his wife.</p> <p>Police conducted investigation, interviewed JMM president Azwanddin Hamzah for over an hour.</p>
November	<p>Perkasa against Dr Azmi Sharom for commenting on the Federal Court's decision not to hear S Shamala's case regarding the conversion of her children to Islam without her consent.</p> <p>Selangor 4B Youth Movement against PKR president Wan Azizah Wan Ismail for calling for "ketuanan Melayu" to be abandoned. The report urged the police to take action, if necessary, under the ISA for provoking Malays.</p>

2. Race, religion & royalty

Public discussion and discourse in Malaysia is constantly plagued by the "3Rs" of race, religion and royalty. Race and religion are often invoked by politicians to gain support or demonise opponents, stifling further discussion.

Comments on these issues are often met with vitriol and threats. Calls for race-based affirmative action to be replaced with a needs-based system could attract accusations of being anti-Malay and seditious. Comments questioning the application or interpretation of shari'ah law are often met with warnings not to "insult Islam". And the royal institution is increasingly invoked to shore up accusations of being anti-Malay and anti-Islam. All this has resulted in a narrowing of public spaces where issues of race, religion and the occasionally controversial role of the royal families can be discussed openly without fear of recrimination.

Ketuanan Melayu

In November 2010, PKR president Wan Azizah Wan Ismail's call for the concept "ketuanan Melayu" (Malay supremacy) to be abolished led to her being labelled a "political whore" by Malay rights group Perkasa. Wan Azizah and deputy president Azmin Ali, who supported her, were branded "traitors" to the Malay race. Perkasa's youth chief Arman Azha Abu Hanifah called on the Malay rulers to banish those who went against ketuanan Melayu. Umno's legal adviser Mohd Hafarizam Harun said the ISA should be invoked to deal with the controversy and accused PKR for fanning hatred and racial prejudice. The royalty also stepped into the fray with the Sultan of Johor urging Malays who intended to reject ketuanan Melayu to return to the right path. He said ketuanan Melayu was not about a master-slave relationship but referred to the sovereignty of Malay states with the ruler as the pinnacle of government. The Sultan of Perak, Sultan Azlah Shah, said that Malay Malaysians who questioned Malay rights were traitors to their own race.

There are ongoing debates about the concept of ketuanan Melayu—what it means, whether it even exists and whether it should continue to be promoted. These important discussions however have been hindered by the angry, threatening responses and the involvement of the monarchy.

Bumiputera equity quota

Even BN component parties are not spared censure when touching on race and religion. In August, MCA president Chua Soi Lek called for the gradual abolition of the 30% Bumiputera corporate equity rule and the appointment of non-Bumiputera talent to government-linked companies' boards. This resulted in calls by Perkasa for his arrest under the ISA. Chua was also chided by BN deputy chairperson Muhyiddin Yassin for his remarks. "Dr Chua should remember not to question Malay rights when fighting for the Chinese," said Muhyiddin. He added that the Malays' share of the

economy was still low and that, as Chua was aware that Malays are still not successful, Chua had to be fair to the Malays.

Chua also attracted criticism in December, when he called for terms such as “ketuanan Melayu” and “pendatang” (immigrant) to be labelled taboo and no longer used.

Racist remarks?

There were also a few incidents involving allegedly racist remarks being made by school principals. In August, a principal in Kulaijaya, Johor had allegedly described her non-Malay Malaysian students as “penumpang” or passengers in the country. One of her students told a press conference the principal had told non-Malay students to study in a Chinese school or go back to China.

A similar incident involved a principal in Kedah who allegedly told her students to go back to China. She had made the alleged remarks after she observed them eating in the school compound during the Muslim fasting month of Ramadan and accused them of being insensitive towards the culture of other races. Another student in Sabah was caned by a teacher, reportedly for bringing fried rice with pork sausages to school, as the food was non-halal, even though it was for his own consumption. The school’s principal has denied that that was the reason for the student’s caning.

Religion

There have also been attempts to silence criticisms on the application and interpretation of shari’ah law in Malaysia. Even questioning the application of laws can be viewed as a threat. Non-Muslims are often told that they are not allowed to comment on such issues.

Serious loopholes remain in the legal system regarding the applicable law when a previously non-Muslim spouse converts to Islam and

wishes to convert his or her children as well. There is a reluctance to openly discuss these issues even by the judiciary, leaving the legal issues unresolved and families in turmoil. A government inter-faith committee was set up this year as a platform where such issues can be discussed; however, the term “inter-faith” reportedly offended the Council of Muftis, who demanded a name change. The committee has reportedly been renamed the Committee for the Understanding and Harmony Among Religious Adherents and has made little headway so far.

Tensions between Muslims and non-Muslims have continued rising in 2010. A Christian play scheduled to be staged during the fasting month of Ramadan in Shah Alam was accused of being seditious. There was also protest over the building of a church in Sarawak in a reportedly Muslim-majority housing area. DAP member of Parliament Teo Nie Ching was heavily criticised when she was invited into a prayer area, and entered with her head uncovered to address people gathered there. The Sultan of Selangor reportedly directed the Selangor Islamic Affairs Council (Jais) to act against the surau’s committee after the incident, leading to their reported suspension. Teo was again criticised in December for wearing “tight clothes” during an aerobics event in a mosque compound. Teo was wearing a t-shirt and long track trousers.

About 200 Shiite adherents were arrested under Islamic laws in December. Shiism is considered deviant by Islamic authorities in Malaysia. Islamic authorities reportedly raided a Shiite prayer hall in Selangor, where special prayers were being held. “If other communities like Hindus, Buddhists, Sikhs and others have their right to worship and practise under the Constitution, then why not us?” community leader Kamil Zuhairi asked the press.

On an encouraging note, a suit to deny women’s rights group Sisters in Islam (SIS) from using “Islam” in their name was thrown out of court. The Malaysian Assembly of Mosque Youth had taken SIS to court, alleging that the use of the word Islam was confusing to Muslims, saying SIS was a women’s rights pressure group, not a

Muslim organisation. The court however ruled that the group had no standing to file the complaint.

Royalty

Court proceedings involving members of Malaysian royal families are heard in the Special Court set up under the Federal Constitution. These proceedings used to be open to the media and public, as with proceedings in any other court. New rules, however, were made in 2010 that the public and media were barred from Special Court hearings. The new rules explicitly state that there “shall be no mass media report...other than the Grounds of Judgment delivered” unless the Special Court ordered otherwise. Minister in the Prime Minister’s Department Nazri Aziz said the new rules were to uphold the dignity of the royal institution.

The new rules have been criticised in an article by lawyer Edmund Bon as being unconstitutional. As the constitution states the practice and procedure of the Special Court must be the same as any other court, the proceedings must be open to the public and the media unless Parliament makes special provision to the contrary.

As the rulers have become increasingly vocal, it remains to be seen whether they will use their influence to encourage greater debate or to silence would-be dissenters.

3. Media ethics

Journalist ethics have suffered as a result of the constraints on the mainstream print media. In the face of dwindling readership and advertising revenue, some newspapers have resorted to sensationalist and sexist articles to boost sales. Audit Bureau of Circulation figures shows that one of the highest read newspapers as of 30 June was *Harian Metro*, a tabloid.

Articles demonising the lesbian, gay, bisexual and transgender community are common, especially in the tabloid newspapers. Lesbian and gay persons are frequently labelled “deviant” and reports often breach journalistic principles of good taste and minimising harm. Malay-language newspapers also played up a YouTube video of a gay Malaysian man where he openly spoke of his sexuality. He quoted a Malaysian author who wrote, “If we know ourselves, we know everything” and ended the clip with the words, “I’m gay, I’m OK.” The person in the video however has since received death threats and newspapers reported on how Islamic authorities have been urged to curb the activities of the homosexual community. Very few quoted the man in the video or interviewed human rights NGOs or scholars on the issue of sexuality. They also seemed to downplay the serious and criminal nature of the death threats.

Sexist articles or captions also often appear, such as Chinese-language newspaper *Kwong Wah Yit Poh*’s inappropriate photo captions of synchronised swimmers at the 16th Asian Games. One of the captions for example stated, “Angels possess beautiful legs that make you unable to restrain yourself from touching them.”

There is also the question of whether the mainstream print media provides fair coverage of marginalised groups. The Orang Asli protest at Putrajaya in March was under-reported in the print media in comparison with their online counterparts. *Utusan Malaysia* described the protest as a “dialogue”, even though more than 2,000 Orang Asli had participated in a historic march to protest land policy changes that would adversely affect them.

“ The mainstream [print] media has one strength which cannot be found in the alternative media, and that is the mainstream media can be considered fact-based.

If we read the mainstream media, we intuitively regard it as an authoritative report, where its facts cannot be questioned. ”

— Prime Minister Najib Razak, September

Ethics and ethnicity

Fanning racial sentiment also occurs, with *Utusan Malaysia* a usual suspect. A 28 April column by Zaini Hassan after the Hulu Selangor by-election has this headline: “Orang Cina Malaysia: Apa lagi yang anda mahu?” (Chinese Malaysians: What more do you want?). The author questioned why Chinese Malaysians were not supportive of the BN government in the Hulu Selangor by-elections. “Twenty to 30 years ago, Malays were wary of the DAP’s chauvinist attitude, but today’s Malays know nothing of that. They now don’t care,” Zaini wrote. “They didn’t read the book on 13 May by Tunku Abdul Rahman and they didn’t know about DAP’s broom parade where DAP wanted to sweep away the Malays.” Zaini goes on to say that Chinese Malaysians have become very successful and wealthy and then asks, “So what more do Chinese Malaysians want?”

Another *Utusan Malaysia* columnist Ridhuan Tee, wrote of the 2010 Christmas celebrations and a controversy over whether or not a Catholic church was told to remove crucifixes at a function Najib was attending. “Until now, no one has stopped Christmas celebrations, even though there are few Christians,” wrote Ridhuan. “Christmas is celebrated in a way that seems as if devotees make up more than 50% of the population. On the grounds of religious freedom, there are no restrictions to limit these celebrations, even though, in actual fact, Christians make up less than 10% of the population.”

Looking Ahead

MOST GOVERNMENTS WOULD PREFER having control over what citizens said about them to maximise their chances of remaining in power. The BN government, and to a lesser extent the PR state governments, are no different and efforts to suppress genuine freedom of expression are likely to continue. It will, however, become increasingly difficult to silence the growing and divergent voices that have emerged, especially with the internet's growing role. With a general election expected by March 2013 or earlier, both civil society and the government are likely to up the ante. As civil society matures and finds more ways to get their views heard, it is likely that the federal government will attempt to increase its control on this expression. There are also indications that the government is looking to extend their reach online, with talk of extending the reach of the PPPA to internet publications.

It is hoped that politicians will realise that times are changing and begin to engage with public opinion, instead of trying to control it. A failure to do so will only lead to a wider disconnect between political leaders and a disenchanted and disengaged electorate.

As for non-state actors, the challenge in the next few years will be to learn how to discuss issues maturely and responsibly. This is needed especially where there is disagreement; and all should learn to express themselves without having to resort to threats of, or even actual, violence against each other.

Timeline of Events

PPPA

- 6 Jan** High Court grants a stay of its 31 Dec ruling allowing *The Herald* to use the word “Allah” to refer to God
- 25 Jan** Home Ministry ban on Sisters in Islam book *Muslim Women and the Challenges of Islamic Extremism* overturned by High Court. Government appeals.
- 8 Feb** *iFunny Malaysia* and *Where is Justice?*, both published by Kinibooks, seized by Home Ministry to “analyse their contents”.
- 12 Feb** Home Ministry ban on K Arumugam’s book *March 8 on Kampung Medan violence in 2001* upheld by High Court.
- 25 Feb** *The Star* receives Home Ministry show-cause letter over managing editor P Gunasegaram’s commentary “Persuasion, not compulsion” criticising the caning of three women for “illicit

sex” under Shari’ah law. *The Star* issues an apology, saying it did not intend to insult or offend Muslims. Online version of article removed.

- 3 Mar** *The Star* columnist Marina Mahathir’s article on whipping of three women for “illicit sex” spiked, reportedly out of fear of further Home Ministry action for touching on “sensitive” issues.
- 3 Mar** Perkasa receives approval letter from Home Ministry to publish fortnightly newspaper *Suara Perkasa*
- 5 Mar** Attorney-General Abdul Gani Patail says no action against *Al-Islam* reporters for incognito mission to a Catholic church in May 2009 which involved spitting out the holy communion wafer and photographing it.
- 19 Mar** *China Press* chief editor Teoh Yong Khoon suspended for two weeks for inaccuracy on the date Inspector-General of Police Musa Hassan would resign.
- 22 Apr** *Malaysian Maverick: Mahathir Mohamad in Turbulent Times* released by Home Ministry after being held up for almost five months. Becomes instant best-seller in Malaysia.
- 15 June** Khairy Jamaluddin calls for repeal of PPPA and setting up of media council to enhance press credibility. Suggestion largely ignored.
- 25 June** Home Ministry bans Zunar’s books *Perak Darul Kartun*, *Isu Dalam Kartun* and *iFunny Malaysia* for potentially influencing people to “revolt against

the leaders and government policies” and for being detrimental to public order.

- 1 July** Permit for PKR newspaper *Suara Keadilan* not renewed. *Suara Keadilan* receives show-cause letter for publishing article with the headline “Felda Bangkrap”.
- 2 July** *Suara Perkasa* summoned by Home Ministry to explain call for MCA Youth chief Wee Ka Siong to be imprisoned under ISA for allegedly questioning Malay rights.
- 5 July** *Suara Perkasa* warned over Wee Ka Siong article and advised to steer clear of articles that “did not help in uniting Malaysians”.
- 8 July** Home Ministry issues warning letter to magazine *Special Weekly* for publishing a movie poster with two male actors kissing. Picture published in the context of relaxation of censorship rules on depiction of gay characters on film.
- 13 July** Home Ministry sends show-cause letter to DAP’s *The Rocket* for publishing after expiry of permit. DAP said application submitted but Home Ministry had not responded.
- 13 July** Home Ministry sends show-cause letter to PAS’s *Harakah* for publishing after its permit expired.
- 19 Aug** Yong Thye Chong (known as Kim Quek)’s book *March to Putrajaya* seized from bookshops
- 20 Aug** *Body2Body: A Malaysian Queer Anthology* seized from bookshops to “undergo scrutiny”.

- 21 Aug** Chinese language magazine *Special Weekly*'s editor Xiao Hong Long sent "on leave". Xiao reportedly said the Home Ministry had blacklisted him and demanded his removal after a cartoon was published depicting Najib as "Mr U-Turn". Home Ministry denied issuing any such order.
- 27 Sep** *March to Putrajaya* banned by Home Ministry
- 11 Nov** Deputy Home Minister Abu Seman Yesop tells Parliament there were 19 actions taken against media organisations in the form of reprimands, advice and show-cause letters from Jan to Sep 2010.
- 3 Dec** *Selangor Times* editor summoned by Home Ministry for questioning over whether the weekly newspaper requires a licence to print.

Media ownership & control

- 20 Apr** Joshua Wong, ntv7 producer of talkshow *Editor's Time* resigns in protest, citing political interference in the show's content.
- 28 Apr** RTM programme on Bakun Dam taken off air after two of nine episodes aired. Producer Chou Z Lam alleges political interference due to upcoming Sibü by-election.
- 13 May** Chou Z Lam's contract terminated, seven months before it expires. Chou said termination related to his exposé over cancellation of Bakun Dam programme.

- 6 Aug** *Galeri Mandarin Nasional* producer Tan Ean Nee's contract not renewed by RTM.
- 1 Sep** *New Sarawak Tribune* editor Paul Si suspended after a front page headline appeared stating, "Is Taib testing the waters?" The paper is controlled by Chief Minister Taib Mahmud's family.
- 9 Sep** DJ Jamaluddin Ibrahim, chief executive officer and programming head of radio station Star RFM sacked for "breaching the station's licensing agreement". Jamaluddin had interviewed a gay pastor on race relations and Penang Chief Minister Lim Guan Eng on his radio show.
- 14 Sep** Minister in the Prime Minister's Department Nazri Aziz reprimands *Utusan Malaysia* saying, "I wonder who is their boss – Najib or Dr Mahathir?"

Increased internet monitoring

- 19 Jan** Student charged under the Communications and Multimedia Act (CMA) for posting remarks on Facebook that he had manufactured the explosives used in the petrol-bombings of churches. The comments were later found to be untrue and just a prank.
- 25 Jan** Blogger Aduka Taruna remanded for four days under the CMA for posting "insulting" comments after the death of the Sultan of Johor.
- 9 Feb** Blogger detained under the CMA for posting doctored pictures of opposition leaders engaging in sexual acts.

- 15 Mar** When opening Parliament, Agong says authorities will take stern action against those spreading lies and manipulating facts, especially amongst new media
- 10 July** PKR supreme council member Badrul Hisham Shahrin (known as Chegubard) arrested for allegedly seditious blog posting and later released under police bail.
- 26 July** Info Minister Rais Yatim says his ministry considering imposing internet filters to block pornographic sites online.
- 2 Sept** Blogger Irwan Abdul Rahman (known as Hassan Skodeng) charged under CMA for satirical post on Tenaga Nasional Berhad.
- 2 Sept** PM says to trust the “fact-based” mainstream media compared to the “opinion-based” alternative media, some of which were inaccurate and contained half-truths.
- 6 Sept** Rais says MCMC has identified 13 internet crimes that the Attorney- General’s Chambers can prosecute such as abuse of religion, pornography, phishing and sedition.
- 13 Sept** Info Ministry secretary-general Kamaruddin Siaraf says online remarks on racial and religious sensitivity can be subject to arrest under CMA, Sedition Act, Penal Code or even Internal Security Act
- 14 Sep** Rais says MCMC has set up special team with the police to handle online threats to national security and unity.

- 23 Sept** Deputy Home Minister Lee Chee Leong says government is monitoring use of social networking sites such as Twitter and Facebook. Government also reviewing laws to regulate responsible use of social networking sites.
- 14 Oct** MCMC questions blogger Ahirudin Attan who runs *Rocky's Bru* over posting that minister's son stood to benefit from Information, Communication & Culture ministry's RMrbil project
- 22 Oct** MCMC investigates *Malaysiakini* and *Malaysia Chronicle* over their coverage of PM's speech at Umno's 61st AGM.
- 20 Nov** Home Minister says new guidelines covering sedition online would be published soon.
- 22 Dec** Forty-year old arrested for suspected sedition after setting up Facebook page allegedly insulting the late Sultan of Johor.

Freedom of assembly

- 8 Jan** Protests in front of Masjid Negara against non-Muslims use of "Allah" to refer to God.
- 17 Feb** Umno Youth gather outside Australian embassy against Australian MPs call for government to drop Anwar Ibrahim's sodomy trial.
- 24 Feb** About 30 Orang Asli protest negligence and maladministration at Gombak Orang Asli hospital.

- 17 Mar** Over 2,000 Orang Asli march in Putrajaya to protest changes to land policies. Police divert protesters and prevent them from carrying banners and shouting slogans.
- 26 Mar** About 200 gather at Swedish Embassy to protest Swedish artist's caricature of the Prophet Muhammad. Protesters burn the Swedish flag and a picture of the artist.
- 2 May** About 30 protesters gather at KLCC and read newspapers upside down to commemorate World Press Freedom Day and to protest political interference in the media.
- 14 May** PAS-led protest in Kuala Lumpur against rapper PitBull's concert and also government's reported approval of a sports betting licence for Berjaya Corp Sdn Bhd.
- 19 May** Protest outside RTM headquarters Angkasapuri against termination of producer Chou Z Lam and for press freedom.
- 4 June** Almost 10,000 protesters march to the US Embassy from Kampung Baru mosque to deliver memorandum against the Israeli raid on the Gaza flotilla. Smaller prayers and protests held in Johor Baru, Kota Baru, Penang and Tawau.
- 1 July** About 400 stage protest in front of *Suara Keadilan* office against inaccurate Felda report.
- 17 July** Over 100 people gathered at Millennium Square in Penang for a candlelight vigil to mark the first anniversary of DAP aide Teoh Beng Hock's death at MACC headquarters.

- 1 Aug** At least 36 arrested in anti-ISA protests in Petaling Jaya, Kelantan and Penang. The bulk are arrested in Petaling Jaya, as protesters walk out of a mall holding candles.
- 22 Aug** About a dozen protesters turn up at a flash mob in KLCC to protest the suspension of Star RFM DJ Jamaluddin Ibrahim.
- 29 Sep** About 50 protesters from Perkasa gather outside KL and Selangor Chinese Assembly Hall to protest rapper Namewee speaking at the event. Police reportedly tell organisers to end their event early.
- 14 Oct** PAS stage protest outside Stadium Putra against Adam Lambert concert, whom they depict as “wild, lewd and extreme”.
- 21 Nov** Anti-ISA forum held at Komtar Walk, Penang disrupted by pro-ISA demonstrators. Police said organisers did not apply for permit.
- 5 Dec** About 4,000 demonstrate against water tariff hikes in Selangor. At least 48 arrested when protesters try to march from Masjid Negara to Istana Negara. Tear gas and water cannons fired by police.
- 16 Dec** Two arrested when about 20 Pakatan Rakyat members try to march from Parliament to Suhakam’s office to deliver memo.

ISA, Sedition & other repressive laws

ISA Review

- 27 Jan** Ten detained under ISA for suspected links to “international terrorist network”.
- 9 Feb** Hishammuddin says ISA amendments should be able to be tabled at March parliamentary sitting.
- 20 Mar** Hishammuddin says ISA amendments must be passed together with other preventive laws linked to public order and safety.
- 30 June** Hishammuddin says ISA amendments approved by Attorney-General’s Chambers. To be tabled in the current Parliament session.
- 1 Aug** Deputy Minister in the Prime Minister’s Department Liew Vui Keong says ISA amendments to be tabled during October parliamentary sitting.
- 12 Aug** Three detained under ISA for “suspected militant activities”.
- 22 Nov** Hishammuddin says ISA amendments have been sent to Attorney-General’s Chambers for approval and will be tabled in Parliament after that.

Sedition

- 27 Jan** Blogger Aduka Taruna arrested for comments on late Sultan of Johor.
- 3 July** BN Senator Ezam Mohd Nor calls The Star and Malaysiakini’s reports on foreign workers’ woes on

the site of the new palace “anti-Malay” and “anti-Istana”.

- 10 July** Chegubard arrested for posting on the Agong and royal institution.

- 17 Aug** Perkasa calls for sedition investigation into Shah Alam church and pastor for planning a Christian play at the Shah Alam Convention Centre during Ramadan.

- 23 Aug** Special team set up to investigate allegations that imam substituted Lim Guan Eng’s name for Agong’s during Friday prayers.

- 31 Aug** Namewee investigated for rap “Nah”

- 5 Sept** Police report lodged against Bar Council’s MyConstitution campaign for being seditious.

- 9 Sep** MCA president Chua Soi Lek investigated for calling for removal of 30% bumiputera corporate equity requirement for public-listed companies.

- 23 Sept** PKR’s Nurul Izzah Anwar investigated for article inviting Perkasa to engage in constructive discussion over the “true spirit” of Article 153 of the Constitution.

- 24 Sep** Zunar arrested over *Cartoon-O-Phobia*

- 22 Dec** Forty-year-old man arrested for opening Facebook account allegedly insulting late Sultan of Johor.

UUCA & Other laws

- 25 Apr** Four Universiti Kebangsaan Malaysia (UKM) political science students apprehended by police during Hulu Selangor by-election.
- 13 May** “UKM Four” informed of disciplinary proceedings for allegedly participating in politics.
- 1 June** “UKM Four” file suit to challenge university’s disciplinary proceedings against them.
- 23 June** *The Star* reporter BK Sidhu questioned for eight hours by Securities Commission under the Securities Commission Act over investigation on Kenmark shares.
- 28 Sep** Court dismisses UKM Four’s application to declare Universities and University Colleges Act unconstitutional.
- 16 Nov** Universiti Tunku Abdul Rahman (Utar) vice-president warns students not to participate in a gathering to eat cake to protest proposed 100-storey tower in Kuala Lumpur.
- 7 Dec** Whistleblower Protection Act passed and comes into force.

Pakatan Rakyat & FOE

- 29 May** *Utusan Malaysia* barred from covering sixth PKR congress.

- 14 July** Selangor tables Freedom of Information (FOI) bill and opens it for public consultation, research and study via a select committee.
- 1 Nov** Penang tables FOI bill and sets up committee to fine-tune its provisions.
- 15 Nov** Kedah government allows select media to cover state assembly sitting. *Utusan Malaysia*, *New Straits Times* and RTM barred from proceedings.
- 22 Dec** Selangor Housing and Local Government Committee chairperson Ronnie Liu says iMalaysia sign a political logo and should be prohibited on billboard advertisements.

About CIJ

The Centre for Independent Journalism (CIJ) is a non-profit organisation which aspires to create a society that is democratic, just and free, where all people will enjoy free media and the freedom to express, seek and impart information.

CIJ can trace its beginnings to the political crisis of 1998 when a few journalists started Saksi.com, a website that attempted to give broad analysis to current political events. Today we have expanded our effort to advocacy of freedom of expression (FOE) and Information (FOI) and to encourage professional journalism practices and media freedom in Malaysia.

Our objectives:

- Promote and defend the exercise of FOE
- Raise public awareness of FOE/FOI to mobilise support for media freedom, expression and access to information
- Ensure good policies and advocate legislative change
- Facilitate marginalised voices through community radio

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