



RIGHTS IN REVERSE:

One year under the Perikatan Nasional government in Malaysia

MARCH 2021

EXECUTIVE SUMMARY

Malaysian people have experienced seismic upheavals in the past year. In late February 2020, the ruling Pakatan Harapan government collapsed amid surreptitious political manoeuvring. On 1 March 2020, Malaysia's King appointed Tan Sri Muhyiddin Yassin as Prime Minister after determining that he commanded the support of a majority of elected MPs under the umbrella of the Perikatan Nasional coalition. The turnover in government marked a political sea change and the abrupt end to the reform agenda of the Pakatan Harapan government.

The ascendance of the Perikatan Nasional government coincided with the onset of the COVID-19 pandemic in Malaysia. The government implemented a strict Movement Control Order (MCO) that severely curtailed travel and social interactions. While the government's efforts to stymie the spread of the virus have been successful in many respects, authorities have at times applied measures in a discriminatory manner and used the pandemic as an excuse to restrict human rights.

This report examines the Perikatan Nasional government's record on fundamental freedoms during its first year in power. Specifically, the report considers the government's actions against its obligations to respect, protect, and fulfil the rights to freedom of expression, peaceful assembly, and association. These rights are the focus of ARTICLE 19 and CIVICUS's work in Malaysia.

Last year's change of government has proven to be a major setback for fundamental freedoms in Malaysia. While the Pakatan Harapan government's track record on human rights was disappointing in many ways,¹ it took some steps to roll back repressive laws and policies and was much more open to engaging with civil society and the human rights community than its predecessor. The Perikatan Nasional government has halted this progress.

During the first year of Perikatan Nasional rule, authorities have aggressively applied the Sedition Act 1948 and the Communication and Multimedia Act 1998 (CMA) against human rights defenders, journalists, political opponents, and ordinary members of the public. Criminal provisions under these laws have been used to investigate, arrest, charge, and convict individuals who have criticised government officials or Malaysian royalty or shared opinions about sensitive issues such as race and religion. The CMA has also been used to investigate more than 250 individuals alleged to have spread 'fake news' about COVID-19. Although the government is justified in its concerns about misinformation concerning the virus, the criminal penalties associated with offences under the CMA are disproportionate to the alleged threat and have a chilling effect on freedom of expression.

Journalists and media in Malaysia have routinely faced harassment, restrictions, and threats from the government over the past year. Online news outlet *Malaysiakini* was recently convicted of contempt of court concerning reader comments left under an article about the judiciary on its website. Authorities also launched an investigation of *Al Jazeera* journalists that produced a documentary on the treatment of migrant workers during the COVID-19 pandemic. The police stated that they were looking into possible sedition and criminal defamation offenses, as well as violations of the CMA. Other journalists have experienced harassment and death threats for reporting on the activities of government officials.

1 See ARTICLE 19 and CIVICUS, 'New Government, Old Tactics', May 2018, available at: <https://www.article19.org/wp-content/uploads/2019/05/CIVICUS-New-Government-Old-Tactics-A4-v1.pdf>.

During the first year of Perikatan Nasional rule, authorities have aggressively applied the Sedition Act 1948 and the Communication and Multimedia Act 1998 (CMA) against human rights defenders, journalists, political opponents, and ordinary members of the public.

The space for peaceful protest has shrunk considerably under the Perikatan Nasional government. In the immediate wake of the collapse of the Pakatan Harapan coalition, police reportedly opened investigations into a least 20 individuals who protested the change in government or supported the protests on social media. The Perikatan Nasional government also arrested health professionals and human rights defenders protesting the lack of protective gear available to hospital workers and summoned activists for demanding justice for death-in-custody victims.

Civil society organisations, human rights groups, and new political parties have found it increasingly hard to register themselves. Authorities at times added extra steps to the registration process, including requiring sign off from Special Branch police. The Registrar of Societies used its broad discretion to reject registration applications from groups whose goals diverged from – or conflicted with – the government’s.

The deterioration of fundamental freedoms under the Perikatan Nasional government has been underscored by its complete abandonment of the previous government’s legislative reform agenda. The government has taken no concrete steps to reform laws that are incompatible with the rights to freedom of expression, peaceful assembly, and association, including the Sedition Act, CMA, Peaceful Assembly Act, and Societies Act. In some cases, government officials have explicitly or implicitly affirmed their intention to continue to apply the most repressive provisions in these laws. In other cases, the government has remained silent on its intentions. The lack of transparency in the government’s agenda has hamstrung civil society engagement on legislative affairs. For these reasons, Malaysia is rated as ‘obstructed’ by the CIVICUS Monitor, a global platform tracking civic space.

The Perikatan Nasional government must choose a different path in its second year. It should impose a moratorium on the most repressive provisions criminalising freedom of expression and assembly. The government should also take steps to end the arbitrary application of the law against political opponents and government critics. In the long term, protecting fundamental freedoms will require a sustained, principled program of reform to bring Malaysia’s legal framework in line with international human rights standards. These priorities should anchor the government’s agenda in the year to come.

FREEDOM OF EXPRESSION

Article 10(a) of Malaysia's Federal Constitution guarantees the rights to freedom of expression and assembly. These rights may be restricted on certain enumerated grounds, including the protection of public order or national security; prevention of defamation or incitement to commit an offence; and upholding public morality.

Since the Perikatan Nasional government took power in March 2020, authorities have repeatedly used repressive laws, policies, and tactics to restrict the exercise of the right to freedom of expression.² The government's stance towards independent media has been particularly aggressive, with journalists regularly facing legal harassment and threats. Moreover, the government has used the COVID-19 pandemic as a pretext for restricting freedom of expression and limiting the media's access to information.

SEDITION ACT 1948 AND COMMUNICATIONS AND MULTIMEDIA ACT 1998

Malaysia's legal framework contains numerous repressive laws and provisions that enable censorship and the punishment of those exercising their right to freedom of expression. These laws promote a climate of fear and stifle public discourse.

No laws have been used to restrict freedom of expression to a greater extent than the Sedition Act 1948 and the Communication and Multimedia Act 1998 (CMA). ARTICLE 19 and CIVICUS have called on successive governments to repeal the Sedition Act and amend the CMA in line with international human rights standards.

The Sedition Act is a British colonial-era law that criminalises any conduct with a 'seditious tendency', the utterance of 'seditious words', and the import or distribution of 'seditious publications'. First-time offences are punishable by up to three years' imprisonment, and subsequent offences by up to five years' imprisonment.³ The law has been used to stifle discourse concerning racial and ethnic groups, religion, and Malaysian royalty.⁴ The government has also used the law to suppress dissent and silence opponents.⁵

Despite its problematic elements and frequent arbitrary application, the Perikatan Nasional government has repeatedly defended the law's legitimacy. In May 2020, the Home Minister Hamzah Zainudin stated that the authorities would not hesitate to use all existing legislation — including the Sedition Act — against those spreading 'fake news that was seditious in nature'.⁶ On 21 July 2020, Hamzah stated that the Sedition Act was still relevant due to the rise of 'fake news' and the country's ethnically and religiously diverse makeup. Hamzah said that the government was committed to 'improving' the Act, given its enduring relevance.⁷ A few days later, on 27 July 2020, in a written reply to a parliamentary question, Hamzah again stated that the Sedition Act was needed to address the spread of false information and communications that threatened

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- 2 ARTICLE 19, 'Malaysia: Reform or repeal laws that restrict freedom of expression', 12 June 2020, available at: <https://www.article19.org/resources/malaysia-reform-or-repeal-laws-that-restrict-freedom-of-expression/>;
ARTICLE 19, 'Briefing Paper: Blasphemy Provisions in Malaysian Law', 20 January 2021, available at: <https://www.article19.org/resources/briefing-paper-blasphemy-provisions-in-malaysian-law/>.
 - 3 ARTICLE 19, 'Memorandum on the Malaysian Sedition Act 1948', July 2003, available at: <https://www.article19.org/data/files/pdfs/analysis/malaysia-sedit.03.pdf>.
 - 4 ARTICLE 19, 'Malaysia: Repeal the Sedition Act', 27 July 2020, available at: <https://www.article19.org/resources/malaysia-repeal-the-sedition-act/>.
 - 5 ARTICLE 19, 'Malaysia: Reform or repeal laws that restrict freedom of expression'.
 - 6 Malay Mail, 'Home Ministry issues warning, won't hesitate to act against sedition, "fake news"', 14 May 2020, available at: <https://www.malaymail.com/news/malaysia/2020/05/14/home-ministry-issues-warning-wont-hesitate-to-act-against-sedition-fake-news/1866168>.
 - 7 Malaysiakini, 'PN looking to "improve" Sosma, Sedition Act', 21 July 2020, available at: <https://www.malaysiakini.com/news/535372>.

public safety.⁸ He emphasised that the government depends on the Sedition Act to address cases concerning sensitive issues such as race, religion, royalty, and special constitutional rights.⁹ On 2 December 2020, in a written reply to Parliament, the Home Minister once again stressed that the Perikatan Nasional government had no intention of repealing or amending the Act.¹⁰

The Sedition Act has been used extensively in recent years. According to the Home Affairs Minister, between 2015 and July 2020, 300 cases were opened under the Act. In these cases, 41 individuals were charged with violating the Act, 171 cases have been closed, and 34 cases were still pending as of July 2020.¹¹



Two Umany students called for investigation under the Sedition Act by the police for publishing a Facebook post about the role of the king, 5 November 2020, Kajang Police District Headquarters.

Pic Credit: Free Malaysia Today (FMT)

Since it was adopted in 1998, the CMA has emerged as one of the greatest threats to freedom of expression in Malaysia. The CMA contains many provisions that are incompatible with international human rights law. Section 233 of the Act imposes criminal penalties of up to one year imprisonment and a fine for the use of 'network facilities or network service' to transmit communications that are 'obscene, indecent, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass another person'. Along with the Sedition Act, the CMA was one of the primary laws used by previous governments to target human rights defenders and political opponents.¹²

8 Parlimen Keempat Belas, 'Mesyuarat Kedua, Penggal Ketiga, 23 July 20202, available at: <https://www.parlimen.gov.my/files/jindex/pdf/JDR23072020.pdf>.

9 Minderjeet Kaur, 'Sedition Act still relevant, says home minister, *Free Malaysia Today*, 27 July 2020, available at: <https://www.freemalaysiatoday.com/category/nation/2020/07/27/sedition-act-will-not-be-abolished-says-home-minister/>.

10 Malaysiakini, 'Home Ministry won't repeal Sedition Act, other repressive laws', 2 December 2020, available at: <https://www.malaysiakini.com/news/553470>.

11 The Malaysian Insight, 'Sedition Act stays', 27 July 2020, available at: <https://www.themalaysianinsight.com/s/263166>.

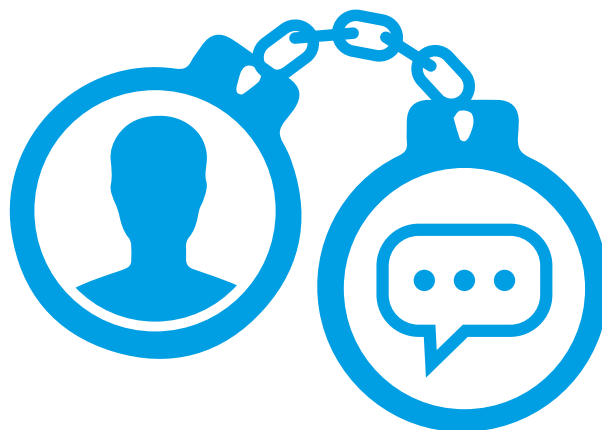
12 ARTICLE 19, 'Malaysia: Communication and Multimedia Act', 24 March 2017, available at: <https://www.article19.org/resources/malaysia-communications-multimedia-act/>.

On 3 May 2020, the Communications and Multimedia Minister Saifuddin Abdullah was asked if the Act would be reviewed or repealed. He responded in a tweet that he was ‘looking into [the] Act’.¹³ On 4 August 2020, Saifuddin stated that the government was open to improving or amending existing laws related to the media, including the CMA.¹⁴ On 24 August 2020, the Deputy National Unity Minister Ti Lian Ker referenced Section 233 of the CMA as one of several existing laws that could be used to preserve national unity and harmony in Malaysia.¹⁵ The Perikatan Nasional government has not given any further indication of its intentions in relation to the CMA.

During its 12 months in power, the government has explicitly reversed some of the commitments made by the Pakatan Harapan government to abolish repressive laws. However, the prevailing concern has been a lack of transparency in the government’s legislative reform agenda. Very little is known about current plans concerning the Sedition Act, CMA, or other laws that restrict fundamental freedoms.

At the same time, the authorities have clearly demonstrated their intent to continue using the laws to suppress freedom of expression. Human rights defenders, journalists, MPs, political opposition leaders, and ordinary members of the public have been investigated, arrested, charged, and convicted under the Sedition Act and CMA during the first year of Perikatan Nasional rule.

ARTICLE 19 and CIVICUS recorded 66 cases involving 77 individuals initiated under the Sedition Act and Section 233 of the CMA between March 2020 and February 2021 which infringed on the right to freedom of expression.¹⁶ Although no cases under the Sedition Act have resulted in charges to date, individuals have been summoned and threatened under the law, creating a threatening environment that chills freedom of expression. Cases initiated under the CMA have been more likely to progress to trial, with at least 12 convictions under the CMA in the past year. (See Appendix: Application of the Sedition Act and CMA to restrict fundamental freedoms, for further detail.)



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- 13 Saifuddin Abdullah, Twitter, 3 May 2020, available at: <https://twitter.com/saifuddinabd/status/1256801114139160576?s=20>; see also Malaysiakini, ‘CIJ blasts continued use of Sec 233 of the CMA despite Saifuddin’s pledge’, 5 June 2020, available at: <https://www.malaysiakini.com/news/528994>.
- 14 Ministry of Communications and Multimedia Malaysia, ‘Press Freedom: Govt ready to improve media laws — Saifuddin’, 4 August 2020, available at: <https://www.kkmm.gov.my/en/privacy-policy/233-kpkk-news/17506-bernama-04-aug-2020-press-freedom-govt-ready-to-improve-media-laws-saifuddin>.
- 15 Malay Mail, ‘Existing laws sufficient to preserve unity, says deputy minister’, 24 August 2020, available at: <https://www.malaymail.com/news/malaysia/2020/08/24/existing-laws-sufficient-to-preserve-unity-says-deputy-minister/1896624>.
- 16 This number does not include the use of the law to target misinformation during the COVID-19 pandemic. Additionally, ARTICLE 19 and CIVICUS identified three more cases involving alleged threats to individuals, but could not obtain details sufficient to determine whether the speech involved would constitute protected speech under international human rights law.

TYPES OF CASES BROUGHT UNDER THE SEDITION ACT AND CMA

TYPE OF OFFENCE	NUMBER OF CASES OPENED
Insulting the king/royalty	20
Insulting political institutions	14
Insulting the implementation of COVID-19 or MCO measures	13
Insulting religion (Islam/the Prophet Muhammad)	7
Insulting national symbols	4
Insulting comments on race	3
'Fake news'	3
Others	2

In the past year, Malaysian authorities have frequently used the Sedition Act and CMA to target critics of the government and monarchy. In many of these cases, the accused were human rights defenders or civil society leaders.¹⁷

On 1 March 2020, amid the political turmoil caused by the change in government, police announced that they were investigating activist Fadiah Nadwa Fikri under the Sedition Act and the CMA for a Twitter post that called for people to protest against the new government.¹⁸ On the same day, police announced the arrest of a 35-year old man in relation to a Facebook post that allegedly insulted the Agong (king).¹⁹ The police stated that the man and three other individuals were being investigated under the Sedition Act and CMA for social media posts that insulted the king or undermined democracy.

In May, police opened an investigation into a Kuala Langat MP under the Sedition Act and CMA after he allegedly said that the 18 May parliamentary session was 'worthless' and 'rubbish'.²⁰ A Muar MP was investigated under the Sedition Act and CMA in June in relation to comments made in an interview with *Al Jazeera*, during which he said that the Prime Minister and government align themselves with 'kleptocrats'.²¹ In the same month, the Chairman of the Malaysian Crime

17 ARTICLE 19, 'Malaysia: Reform or repeal laws that restrict freedom of expression', 12 June 2020, available at: <https://www.article19.org/resources/malaysia-reform-or-repeal-laws-that-restrict-freedom-of-expression/>.

18 The post at issue read, '*Turun ke Jalan, Demokrasi Mati (Go to the Streets, Democracy is Dead)*'. 'Safeek Affendy Razali, 'Polis siasat peguam ajak himpun di Dataran Merdeka, malam ini', *Berita Harian*, 29 February 2020, available at: <https://www.bharian.com.my/berita/kes/2020/02/660725/polis-siasat-peguam-ajak-himpun-di-dataran-merdeka-malam-ini>; see also Justin Ong, 'Cops confirm sedition probe against activist behind pro-democracy demonstration,' *Malay Mail*, 1 March 2020, available at: <https://www.malaymail.com/news/malaysia/2020/03/01/cops-confirm-sedition-probe-against-activist-behind-pro-democracy-demonstra/1842390>.

19 Teoh Pei Ying, 'Man arrested for insulting King', *New Straits Times*, 1 March 2020, available at: <https://www.nst.com.my/news/crime-courts/2020/03/570692/man-arrested-insulting-king>.

20 The Star, 'Cops to call Xavier over alleged statement with elements of sedition', 20 May 2020, available at: <https://www.thestar.com.my/news/nation/2020/05/20/cops-to-call-xavier-over-alleged-statement-with-elements-of-sedition>.

21 Hafiz Yatim, 'Syed Saddiq quizzed for 45 minutes over Al Jazeera interview', *The Edge Markets*, 18 June 2020, available at: <https://www.theedgemarkets.com/article/syed-saddiq-under-probe-over-alleged-seditious-remarks>.

Watch Task Force (MyWatch) was charged under the CMA after making comments about the Royal Malaysian Police on his personal Twitter account and the MyWatch account.²² In July, an activist from the Centre to Combat Corruption and Cronyism (C4 Center) was arrested and detained overnight by the police under the Sedition Act, the CMA, and Section 505(b) of the Penal Code in relation to a Facebook post in which he criticised the manner in which police were enforcing COVID-19-related restrictions.²³ In November, police investigated two leaders of Universiti Malaya Association of New Youth (UMANY) for publishing a post about the role of the king under the Sedition Act and CMA.²⁴

As described in the section that follows, the Sedition Act, CMA, and other laws have been used by the Perikatan Nasional government to target journalists reporting on the actions of government officials and government bodies. The Sedition Act and CMA were also invoked during a June investigation of Gerakbudaya, a publisher, regarding the cover of a book that the authorities alleged insulted the national coat of arms.²⁵ On 1 July 2020, the Home Ministry banned the book.²⁶

Successive governments have also used the Sedition Act and CMA alongside an explicit blasphemy provision in Section 298 and 298A(1) of the Penal Code to investigate and prosecute those who have allegedly insulted Islam or the Prophet Mohammed.²⁷ The Perikatan Nasional government has continued these efforts. In June, the Deputy Minister in the Prime Minister's Department (Religious Affairs) Ahmad Marzuk Shaary warned that any posts that insult Islam or the Prophet Muhammad will be treated as serious offences, emphasising that Islamic teaching must be protected since Malaysia is a Muslim-majority country.²⁸ ARTICLE 19 and CIVICUS recorded seven cases in which the Sedition Act or CMA were used in criminal proceedings against individuals alleged to have insulted Islam or the Prophet Mohammed in the past year. Many of these cases involved the social media posts of ordinary citizens, following a broader trend of the increasing use of Section 233 of the CMA against internet users.²⁹

Authorities have also used the CMA to crackdown on supposedly 'obscene' content. In an official statement, the Malaysian Communications and Multimedia Commission (MCMC) stated that 22 out of the 34 charges filed by the MCMC under Section 233 of the CMA between January and September 2020 related to the dissemination of 'obscene content'.³⁰

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- 22 Rahmat Khairulrijal, 'MyWatch chairman charged with circulating offensive remarks on cops', NST, available at: <https://www.nst.com.my/news/nation/2020/06/598149/mywatch-chairman-charged-circulating-offensive-remarks-cops>.
 - 23 Hariz Mohd, 'Penang C4 activist held over post critical of MCO arrests', *Malaysiakini*, 22 July 2020, available at: <https://m.malaysiakini.com/news/535555>. Section 505 concerns 'statements conducing to public mischief'. These provisions impose custodial penalties on broad categories of speech and violate the right to freedom of expression. Penal Code provisions have often been used alongside the Sedition Act or CMA to investigate and prosecute government critics.
 - 24 Justin Zack, 'Cops recorded statements of UM duo over FB post on King', *The Star*, 5 November 2020, available at: <https://www.thestar.com.my/news/nation/2020/11/05/cops-record-statements-of-um-duo-over-fb-post-on-king>
 - 25 Kenneth Tee, 'Police probing book with "insulting" cover of modified Malaysian coat-of-arms for alleged sedition, three other laws', *Malay Mail*, 30 June 2020, available at: <https://www.malaymail.com/news/malaysia/2020/06/30/police-probing-book-with-insulting-cover-of-modified-malaysian-coat-of-arms/1880228>.
 - 26 Chan Wai Kit, 'Home Ministry bans book with "insulting" cover of modified Malaysian coat-of-arms', *Malay Mail*, 1 July 2020, available at: <https://www.malaymail.com/news/malaysia/2020/07/01/home-ministry-bans-book-with-insulting-cover-of-modified-malaysian-coat-of-arms/1880644>.
 - 27 ARTICLE 19, 'Briefing Paper: Blasphemy Provisions in Malaysian Law'.
 - 28 'Jakim to continue monitoring insults against Islam, Prophet Muhammad, says deputy minister', *Malay Mail*, 22 June 2020, available at: <https://www.malaymail.com/news/malaysia/2020/06/22/jakim-to-continue-monitoring-insults-against-islam-prophet-says-deputy-mini/1877799>.
 - 29 SUARAM, 'Malaysia Human Rights Report Overview 2020', December 2020, available at: <https://www.suaram.net/wp-content/uploads/2020/12/HRR-Overview-2020-Digital-Print.pdf>.
 - 30 Malaysian Communications and Multimedia Commission, 'Salah Guna Media Sosial: 48 Kes Didakwa Di Mahkamah Setakat Suku Ketiga 2020', 11 November 2020, available at: <https://www.mcmc.gov.my/en/media/press-releases/salah-guna-media-sosial-48-kes-didakwa-di-mahkamah>.

After the repeal of the short-lived, repressive Anti-Fake News Act in 2019, the CMA became the primary law used by authorities to combat ‘fake news’ and misinformation.³¹ The use of the CMA for this purpose replicated the central flaw of the Anti-Fake News Act, the reliance on disproportionate criminal penalties to combat misinformation. The COVID-19 pandemic brought these concerns into sharper focus.

As of 18 January 2021, according to Senior Minister (Security Cluster) Datuk Seri Ismail Sabri Yaakob, a total of 278 investigations have been opened regarding ‘fake news’ related to COVID-19. Of those cases, 141 are still under investigation, 35 people have been charged and 21 individuals have been found guilty. 13 trials are still pending, and 12 individuals have been given warning notices.³²

HARASSMENT OF JOURNALISTS

A free and independent media is essential for the enjoyment of the right to freedom of expression and information. In General Comment 34, the Human Rights Committee stated the ability to share information and ideas on public affairs requires that ‘a free press and other media [are] able to comment on public issues without censorship or restraint and to inform public opinion’.³³ The public also has a corresponding right to information from the media.³⁴ The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health has specifically emphasised the importance of the media in ensuring accountability in health systems.³⁵

The Communications and Multimedia Minister Saifuddin Abdullah stated in May 2020 that the government is committed to ensuring press freedom in Malaysia but added that “press freedom must be in line with the principles of truth and justice”.³⁶

The COVID-19 crisis has hit the media sector hard at a time when providing accurate information and countering disinformation about the pandemic is crucial. Journalists and media in Malaysia have been harassed and faced restrictions and threats from the government while reporting on the COVID-19 pandemic.

A few days before the MCO took effect in March 2020, a female journalist from online news outlet *Malaysiakini*, Kow Gah Chie, was harassed by netizens after writing a news article that included statements made by Environment Minister Tuan Ibrahim Tuan Man during a livestreamed press conference. During the press conference, the Minister appeared to defend logging operations in Kelantan. Accusations that Gah Chie had fabricated the statements were shared thousands of times on Facebook. Many comments included degrading and dehumanising language directed at Gah Chie. The threats referred to her Chinese ethnicity, and some called for physical violence against her.³⁷

31 ARTICLE 19, ‘Malaysia: Repeal of Anti-Fake News Act must be followed by broader legislative reform efforts’, 16 August 2018, available at: <https://www.article19.org/resources/malaysia-repeal-of-anti-fake-news-act-must-be-followed-by-broader-legislative-reform-efforts/>.

32 Majlis Keselamatan Negara, ‘Siaran Langsung’, Facebook, 19 January 2020, available at: <https://fb.watch/3cWj-HWoO4/>.

33 UN Human Rights Committee, General Comment 34, UN Doc. CCPR/C/GC/34, para. 13 (12 September 2011).

34 Ibid.

35 Paul Hunt, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, UN Doc. No. A/63/263, para. 11 (11 August 2008).

36 Malaysiakini, ‘Gov’t committed to press freedom, says Saifuddin’, 3 May 2020, available at: <https://www.malaysiakini.com/news/523778>.

37 ARTICLE 19, ‘Malaysia: End online attacks, ensure the safety of journalists’, 16 March 2020, available at: <https://www.article19.org/resources/malaysia-end-online-attacks-ensure-the-safety-of-journalists/>.

In April 2020, the online attacks against journalists continued when Defence Minister Ismail Sabri used his Twitter account to accuse Channel News Asia Malaysia Bureau Chief Melissa Goh of having 'bad intentions' after she tweeted about one of his statements.³⁸ He was responding to a tweet by Goh that read, 'No food for migrant workers in buildings under lockdown due to COVID-19. Malaysia minister says it's not the government's responsibility'.³⁹ Her tweet was based on Ismail Sabri's statement at a press conference in which he said that embassies are responsible for their own citizens.⁴⁰ He later denied that he ever made the statement.⁴¹ Goh's tweets gained attention and netizens joined in the attacks with comments in the same thread as the Minister's tweets. The Minister threatened that stern action would be taken against any online media portals that published 'untrue and inaccurate' news, particularly regarding government statements.⁴²

On World Press Freedom Day, 3 May 2020, police summoned journalist Tashny Sukumaran, a correspondent for the *South China Morning Post*, in relation to her reporting on 1 May raids on undocumented migrant communities.⁴³ Tashny announced on Twitter that she was summoned for questioning by the police under Section 504 of the Penal Code and Section 233 of the CMA.⁴⁴ In response to Tashny's tweet, Communication and Multimedia Minister Saifuddin Abdullah said that he instructed the MCMC not to take action against her. Even though he did not like what she wrote, he said, he defended her right to write the article.⁴⁵ However, on the same day, Datuk Huzir Mohamed, the Director of the Criminal Investigation Department, confirmed that police had in fact opened an investigation against Tashny.⁴⁶ On 6 May 2020, Tashny, who was accompanied by lawyer New Sin Yew, was questioned by the police.⁴⁷ At the time of writing, the police had not provided any further update to Tashny regarding the status of her case.

The harassment of Kow Gah Chie, Melissa Goh, and Tashny Sukumaran constitute a severe threat to independent journalism and freedom of expression. The government undermines their own ability to respond to a public health crisis, such as the COVID-19 pandemic, when they target journalists.

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- 38 Ismail Sabri (@IsmailSabri60), Twitter (9 April 2020, 11:04 AM), available at: <https://twitter.com/ismailsabri60/status/1248265660150345729?lang=en>.
 - 39 Melissa Goh (@MelGohCNA), Twitter (8 April 2020, 7:52 AM), available at: <https://twitter.com/MelGohCNA/status/1247854910512627714>.
 - 40 Julia Chan, 'Putrajaya: We will help but foreign embassies responsible for own citizens during MCO', *Malay Mail*, available at: <https://www.malaymail.com/news/malaysia/2020/04/03/putrajaya-we-will-help-but-foreign-embassies-responsible-for-own-citizens-d/1853208>.
 - 41 Ismail Sabri (@IsmailSabri60), Twitter (9 April 2020, 11:04 AM), available at: <https://twitter.com/ismailsabri60/status/1248265660150345729?lang=en>.
 - 42 Malaysiakini, 'Tough action on portals reporting "confusing, inaccurate" news – minister', 11 April 2020, available at: <https://www.malaysiakini.com/news/520085>; Centre for Independent Journalism Malaysia, 'CSOs worried over "stern action" on online media that misreport', 12 April 2020, available at: <https://cijmalaysia.net/csos-worried-over-plan-to-take-action-against-online-media-that-misreport/>.
 - 43 Malay Insight, 'Police to question journalist over Labour Day raid on migrants in Masjid India', 3 May 2020, available at: <https://www.themalaysianinsight.com/s/242602>; see Tashny Sukumaran & Bhavan Jaipragas, 'Coronavirus: hundreds arrested as Malaysia cracks down on migrants in Covid-19 red zones', *South China Morning Post*, 1 May 2020, available at: <https://www.scmp.com/week-asia/politics/article/3082529/coronavirus-hundreds-arrested-malaysia-cracks-down-migrants>.
 - 44 Teh Athira Yusof & Kalbana Perimbanayagam, 'Cops probing South China Morning Post reporter over migrant raid article', *New Straits Times*, 3 May 2020, available at: <https://www.nst.com.my/news/nation/2020/05/589549/cops-probing-south-china-morning-post-reporter-over-migrant-raid-article>; see ARTICLE 19, 'Malaysia: Communications and Multimedia Act must be urgently revised', 24 March 2017, available at: <https://www.article19.org/resources/malaysia-communications-and-multimedia-act-must-be-urgently-revised/>.
 - 45 Malaysiakini, 'Saifuddin orders MCMC not to act against HK media over migrant report', 3 May 2020, available at: <https://www.malaysiakini.com/news/523797>.
 - 46 Ida Lim, 'Police confirm investigating SCMP report of Malaysia's rounding up of migrants amid Covid-19', *Malay Mail*, 3 May 2020, available at: <https://www.malaymail.com/news/malaysia/2020/05/03/police-confirm-investigating-scmp-report-of-malysias-rounding-up-of-migran/1862612>.
 - 47 Alyaa Alhadjri, 'Cops question jorno over immigration raid tweets, says lawyer', *Malaysiakini*, 6 May 2020, available at: <https://m.malaysiakini.com/news/524467>.

MALAYSIAKINI CONTEMPT CONVICTION

In June 2020, Attorney General Idrus Harun filed an ex-parte application to initiate contempt of court proceedings against *Malaysiakini* and *Malaysiakini's* Editor-in-Chief Steven Gan over third-party comments made by its readers under an article titled 'CJ orders all courts to be fully operational from 1 July'.⁴⁸ In the application, the Attorney General stated, 'These comments threaten public confidence in the judiciary and are clearly aimed at tarnishing the administration of justice by the judiciary'. Police officers independently opened an investigation into the comments on the *Malaysiakini* website under the CMA and the Penal Code.⁴⁹

The Federal Court heard the contempt hearing on 13 July 2020 to determine whether the news organisation had intended to commit contempt by facilitating readers' comments.⁵⁰ On 19 February 2021, the Federal Court announced its verdict, convicting *Malaysiakini* and handing down a fine of RM 500,000 (approximately USD 124,000), more than double the amount suggested to the Court by the government's lawyer. On the same day, the court acquitted *Malaysiakini's* editor-in-chief. ARTICLE 19 voiced concerns that the conviction would set a dangerous precedent by making website owners and administrators criminally liable for the actions of Internet users over whom they have little control.⁵¹



Malaysiakini's Editor-in-Chief Steven Gan after the Federal Court convicted *Malaysiakini* for contempt of court, 19 February 2021, Palace of Justice, Putrajaya.

Pic Credit: GERAMM

After the conviction, authorities doubled-down by targeting individuals who criticised the court's ruling. Three days after the ruling, police opened a new investigation into comments made by Steven Gan and Klang MP Charles Santiago based on comments they made in response to the court's verdict.⁵²

48 *Malaysiakini*, 'CJ orders all courts to be fully operational from July 1', 9 June 2020, available at: <https://www.malaysiakini.com/news/529385>.

49 *Malaysiakini*, 'AG files application to cite Mkini for contempt over readers' comments', 16 June 2020, available at: <https://www.malaysiakini.com/news/530477>.

50 Hariz Mohd & Hidir Reduan Abdul Rashid, 'Apex court hears arguments if "facilitating" readers' comments amount to contempt', *Malaysiakini*, 13 July 2020, available at: <https://www.malaysiakini.com/news/534171>. On 17 June 2020, the Federal Court permitted contempt of court proceedings in this case. On 25 June 2020, *Malaysiakini* applied to set aside the Federal Court ruling that granted leave to the Attorney General to start proceedings against *Malaysiakini*. On 2 July 2020, a seven-member panel of the Federal Court unanimously dismissed this application.

51 ARTICLE 19, 'Malaysia: Conviction of *Malaysiakini* a blow to press freedom' 19 February 2020, available at: <https://www.article19.org/resources/malaysia-conviction-of-malaysiakini-a-blow-to-press-freedom/>; ARTICLE 19, 'Malaysia: Drop contempt proceedings against online news outlet *Malaysiakini*', 19 June 2020, available at: <https://www.article19.org/resources/malaysia-drop-contempt-proceedings-against-online-news-outlet-malaysiakini/>.

52 Yiswaree Palansamy, 'Malaysiakini editor, Klang MP under sedition investigation over remarks on Federal Court contempt ruling', *MalayMail*, available at: <https://www.msn.com/en-my/news/national/malaysiakini-editor-klang-mp-under-sedition-investigation-over-remarks-on-federal-court-contempt-ruling/ar-BB1dTtF>.

AL JAZEERA INVESTIGATION

On 3 July 2020, *Al Jazeera* released a 25-minute documentary entitled 'Locked Up in Malaysia's Lockdown'. The documentary reported on the arrests of undocumented migrant workers during the COVID-19 pandemic. The international news agency came under fire from netizens, government officials, and the police for allegedly attempting to tarnish Malaysia's image. On 6 July 2020, the Defence Minister Ismail Sabri said the report was misleading and inaccurate and called on *Al Jazeera* to apologise.⁵³ The same day, the Malaysian police announced that they were investigating *Al Jazeera* for sedition, defamation, and violations of the CMA.⁵⁴

On 9 July 2020, *Al Jazeera* issued a statement denying the allegations and saying it stood by 'the professionalism, quality and impartiality of its journalism'.⁵⁵ On 10 July 2020, several *Al Jazeera* journalists involved in producing the documentary were questioned at the Bukit Aman police headquarters.⁵⁶ The national police chief stated that the investigation had been ordered by the Attorney General, and justified the probe by saying that the report had 'sparked public anger'.⁵⁷ On 4 August 2020, police raided *Al Jazeera's* office and seized two computers.⁵⁸

On 19 July 2020, the Malaysia National Film Development Corporation (FINAS) announced that a preliminary investigation into the documentary revealed that *Al Jazeera* had not obtained the necessary licence to produce the video.⁵⁹ According to the FINAS statement, *Al Jazeera* failed to comply with the licensing requirements in Section 22(1) of the Perbadanan Kemajuan Filem Nasional Malaysia Act, which governs the film industry.⁶⁰

The police have also targeted at least one individual who appeared in the video. On 25 July 2020, immigration officials arrested Mohamed Rayhan Kabir, a Bangladeshi migrant and whistleblower who was featured in the video.⁶¹ He was deported back to Bangladesh on 22 August 2020.⁶²

In August, *Al Jazeera* reported that Malaysian authorities had refused to renew work visas for two of the Australian journalists involved in the film's production.⁶³ The authorities have not provided any public updates on the status of the case.

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- 53 Mazwin Nik Anis, 'Ismail Sabri wants apology from Al Jazeera for "false reporting"', *The Star*, 6 July 2020, available at: <https://www.thestar.com.my/news/nation/2020/07/06/ismail-sabri-wants-apology-from-al-jazeera-for-false-reporting>.
 - 54 Al Jazeera, 'Al Jazeera shocked by the response from Malaysian authorities to its documentary "Locked Up in Malaysia's Lockdown" and worried about the safety of its staff', 9 July 2020, available at: <https://network.aljazeera.net/pressroom/al-jazeera-shocked-response-malaysian-authorities-its-documentary-%E2%80%98locked-malaysia%E2%80%99s>.
 - 55 Al Jazeera, 'Al Jazeera rejects Malaysian officials' claims over documentary', 9 July 2020, available at: <https://www.aljazeera.com/news/2020/7/9/al-jazeera-rejects-malaysian-officials-claims-over-documentary>.
 - 56 Al Jazeera, 'Al Jazeera journalists questioned over Malaysia documentary', 10 July 2020, available at: <https://www.aljazeera.com/news/2020/7/10/al-jazeera-journalists-questioned-over-malaysia-documentary>.
 - 57 Associated Press, 'Malaysian police grill Al Jazeera over report on immigrants', 10 July 2020, available at: <https://www.msn.com/en-gb/news/world/malaysian-police-grill-al-jazeera-over-report-on-immigrants/ar-BB16zyks>.
 - 58 Polis Diraja Malaysia (Royal Malaysian Police), Facebook, 4 August 2020, available at: <https://www.facebook.com/161086313901684/posts/3439676222709327/>.
 - 59 FINAS Malaysia, Facebook, 20 July 2020, available at: <https://www.facebook.com/malaysiafinas/photos/a.507264046052370/2901385159973568/?type=3&theater>.
 - 60 The text of the Perbadanan Kemajuan Filem Nasional Malaysia Act 1981 can be found here: <http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Act%20244%20-%20Perbadanan%20Kemajuan%20Filem%20Nasional%20Malaysia%20Act%201981.pdf>.
 - 61 Nurul Hidayah Bahaudin, 'Bangladeshi in Al Jazeera documentary tracked down, arrested', *New Straits Times*, 24 July 2020, available at: <https://www.nst.com.my/news/crime-courts/2020/07/611414/bangladeshi-al-jazeera-documentary-tracked-down-arrested>.
 - 62 New Straits Times, 'Al Jazeera doc interviewee Rayhan deported from Msia', 21 August 2020, available at: <https://www.nst.com.my/news/nation/2020/08/618400/al-jazeera-doc-interviewee-rayhan-deported-msia>.
 - 63 New Straits Times, 'Al-Jazeera says Malaysia rejects visas for Aussie staffers', 7 August 2020, available at: <https://www.nst.com.my/news/nation/2020/08/614716/al-jazeera-says-malaysia-rejects-visas-aussie-staffers>.

MEDIA ACCESS TO INFORMATION

The media have also faced significant obstacles in accessing information while reporting on the COVID-19 pandemic. At times, access to press conferences has been limited to certain media outlets. On 6 April 2020, for example, the Prime Minister's Corporate Communication Unit issued a press invitation to a briefing on the outcome of a special Cabinet meeting in relation to the MCO. In the press invitation, only the government news outlets BERNAMA and Radio TV Malaysia (RTM) were invited to cover the live press conference.⁶⁴ This practice has also been applied to the daily press briefings of the Defence Minister and the Health Ministry; media other than BERNAMA and RTM have been consistently excluded.

Several incidents have highlighted concerns about the media's access to information:

- On **5 May 2020**, the media was barred from covering court proceedings involving the eldest daughter of UMNO party president Ahmad Zahid Hamidi, Nurulhidayah Ahmad Zahid, and her husband Saiful Nizam Mohd Yusoff, in Putrajaya. In a press statement, Gerakan Media Merdeka (Geramm) stated that those journalists present in the courtroom were asked to leave before the ruling.
- On **6 May 2020**, The National Union of Journalists (NUJ) demanded an explanation from the Putrajaya Magistrate's Court after journalists were barred from the courtroom.⁶⁵ In response, the Federal Court Chief Registrar's Office claimed the court was unaware of any issues with the media and that there was no issue of denying access to media.⁶⁶
- On **8 May 2020**, the De Facto Law Minister Takiyuddin Hassan stated that media access to the Parliament sitting held on 18 May 2020 would be restricted to official government media.⁶⁷ This news was confirmed by the Dewan Rakyat Speaker Mohamad Ariff Mohd Yusof, who clarified that the ruling applied both inside and outside of the Dewan Rakyat chambers.⁶⁸ Media freedom advocacy organisations Geramm and the Centre for Independent Journalism (CIJ) in separate statements called for the Speaker to revoke the instruction, allow access to all media without discrimination, and refrain from using COVID-19 as an excuse to deny and undermine the media's freedom to seek information.⁶⁹
- On **11 May 2020**, the Malacca State Assembly initially prohibited all media from covering a special one-day session and later permitted only government-owned media to cover it.⁷⁰

64 Jemputan Media, Nota Kepada Pengarang Jabatan Perdana Menteri, 6 April 2020, available at: <https://drive.google.com/file/d/17MSXSfe8QxmHco2Cks2bZ8q-tOcclhWg/view>.

65 Yiswareee Palansamy, 'NUJ demands explanation from court after reporters barred from covering Zahid's daughter, son-in-law's MCO violation proceedings', *Malay Mail*, 6 May 2020, available at: <https://www.malaymail.com/news/malaysia/2020/05/06/nuj-demands-explanation-from-court-for-barring-reporters-from-covering-zahi/1863576>.

66 Teh Athira Yusof, 'Court says unaware of media presence to cover Zahid's daughter's case', *New Straits Times*, 6 May 2020, available at: <https://www.nst.com.my/news/crime-courts/2020/05/590467/court-says-unaware-media-presence-cover-zahids-daughters-case>.

67 Radzi Razak, 'Minister announces 15-day Parliament meet in July, insists government not afraid', *Malay Mail*, 8 May 2020, available at: <https://www.malaymail.com/news/malaysia/2020/05/08/minister-announces-15-day-parliament-meet-in-july-insist-government-not-afr/1864314>.

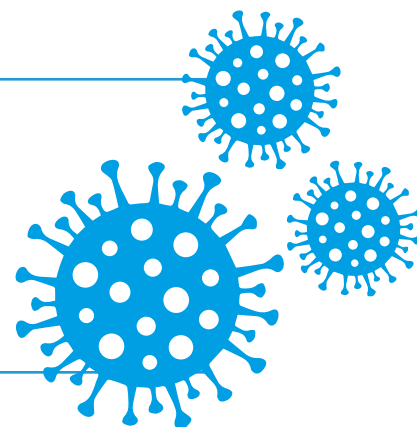
68 Annabelle Lee, 'Speaker: Only government media for May 18 Parliament sitting', *Malaysiakini*, 8 May 2020, available at: <https://www.malaysiakini.com/news/524760>.

69 Malaysiakini, 'Don't use Covid-19 as excuse to restrict media scrutiny, groups urge Dewan Rakyat', 8 May 2020, available at: <https://www.malaysiakini.com/news/524887>.

70 Malaysiakini, 'Chaos in Malacca assembly and 9 news from yesterday', 11 May 2020, available at: <https://www.malaysiakini.com/news/525180>.

- **On 11 May 2020**, the media was not allowed to cover or take photographs or videos of the raids that took place at the Selayang Wholesale Market by the Immigration Department, even though journalists had been waiting at the location since the morning.⁷¹
- **On 12 May 2020**, the Perak State Assembly only allowed the government-owned media — BERNAMA and RTM — to cover a one-day session even though an earlier notice was sent to all the media. The day before the seating, the State Secretariat office released a statement indicating that after careful consideration, the CMCO decided to limit the invitation.⁷²
- **On 17 October 2020**, only 15 media organisations were granted access to parliamentary proceedings from 2 November to 10 December 2020. The NUJ called on the Parliament administration to review the decision and allow other media outlets to cover the proceedings as well.⁷³

The media have also faced significant obstacles in accessing information while reporting on the COVID-19 pandemic. At times, access to press conferences has been limited to certain media outlets.



71 Malay Mail, 'Immigration Dept raids Selayang Wholesale Market', 11 May 2020, available at: <https://www.malaymail.com/news/malaysia/2020/05/11/immigration-dept-raids-selayang-wholesale-market/1865096>.

72 John Bunyan, 'Citing CMCO, coverage of Perak state assembly tomorrow limited only to govt media', *Malay Mail*, 11 May 2020, available at: <https://www.malaymail.com/news/malaysia/2020/05/11/citing-cmco-coverage-of-perak-state-assembly-tomorrow-limited-only-to-govt/1865225>.

73 Martin Carvalho, 'Media rights groups want access to Parliament for news portals too', *The Star*, 18 October 2020, available at: <https://www.thestar.com.my/news/nation/2020/10/18/media-rights-groups-want-access-to-parliament-for-news-portals-too>.

FREEDOM OF PEACEFUL ASSEMBLY

Article 10(b) of the Federal Constitution guarantees the right to peaceful assembly. In 2012, the government passed the Peaceful Assembly Act, which eliminated the requirement to obtain a police permit prior to holding an assembly and repealed some of the more draconian elements of the Police Act.

In its 2018 election manifesto, the Pakatan Harapan coalition included the Peaceful Assembly Act in a list of laws that should be amended to address 'draconian provisions' (Promise 27). Amendments were made in July 2019, removing provisions that make street protests a crime.⁷⁴ Further, organisers of peaceful assemblies or street protests now only need to notify the police officer in charge of a district (OCPD) five days before the event as opposed to the previous ten day notification period.⁷⁵

However, onerous requirements in the Peaceful Assembly Act, such as the need to provide detailed information about the planned event and its organisers, fall short of international standards and infringe on the right to peaceful assembly. Further, anyone who organises an assembly without giving the required notice can be charged with a criminal offence carrying a fine of up to RM10,000 (approximately USD 2,500).⁷⁶

The Peaceful Assembly Act still lacks an exception to the notice requirement for spontaneous assemblies where it is not practicable to give advance notice. Under international law, protests that are organised in rapid response to an unforeseen development and which, in the opinion of participants, cannot be postponed should not be subject to prior notification procedures.

The continued imposition of criminal sanctions – in the form of heavy fines – in Section 4(2) in the Peaceful Assembly Act is problematic. The law makes it a criminal offence for individuals under 21-years-old to organise an assembly and for children to attend an assembly. This is inconsistent with the Federal Constitution where there is no age limit attached to the right to freedom of assembly, as well as the Convention on the Rights of the Child (CRC), to which Malaysia is a State Party. Under the Peaceful Assembly Act non-citizens are also denied the right to organise or participate in protests, which is clearly discriminatory. The right to freedom of peaceful assembly is particularly important for non-citizens, especially the many migrant workers and refugees who may often lack other mechanisms to advance their concerns and exercise their rights.⁷⁷

Further, the 2019 amendments include a new Section 21A whereby the police, with the consent of the Public Prosecutor, may opt to compound up to RM5,000 (approximately USD 1,250) in lieu of criminal prosecution for failure to provide notice under Section 9(1) or failure to comply with restrictions under Section 15.

To date, the Perikatan Nasional government has not revealed any plans to reform the Peaceful Assembly Act nor any broader commitment to protect the right to freedom of peaceful assembly in line with international human rights standards.

74 Alifah Zainuddin & Dashveenjit Kaur, 'Parliament passes bill to decriminalise street protests', *The Malaysian Reserve*, 5 July 2019, available at: <https://themalaysianreserve.com/2019/07/05/parliament-passes-bill-to-decriminalise-street-protests/>.

75 Martin Carvalho et al., 'Amendments to PAA passed, heads-up time reduced from seven days to five', *the Star*, 4 July 2019, available at: <https://www.thestar.com.my/news/nation/2019/07/04/amendments-to-paa-passed-heads-up-time-reduced-from-seven-days-to-five>.

76 CIVICUS & Pusat Komus, 'Joint Submission on Malaysia to the UN Universal Periodic Review 31st Session of the UPR Working Group', 29 March 2019, available at: https://www.civicus.org/images/Joint_CIVICUS_Pusat_Komas_UPR_Submission_Malaysia_2018.pdf.

77 Amal Atrakouti, 'Malaysia: Positive step but further revisions needed of protest law', *Civics & Pusat Komus*, 4 July 2019, available at: <https://www.civicus.org/index.php/es/component/content/article/112-media-resources/news/3930-malaysia-positive-step-but-further-revisions-needed-of-protest-law?Itemid=1523>.

Following the breakup of the Pakatan Harapan ruling coalition on 24 February 2020 and around the time of the swearing in of the new Prime Minister, activists organised a gathering at Dataran Merdeka on 29 February 2020. As described above, activist Fadiah Nadwa Fikri was hauled in for sedition by the police in relation to a Twitter post in which she urged the people to join the protest, writing, 'Turun ke Jalan, Demokrasi Mati' (Go to the Streets, Democracy is Dead). Human rights groups also raised concern about online intimidation and harassment against other individuals who participated in and spoke at the gathering.⁷⁸

The following day, on 1 March 2020, a peaceful protest was organised outside a shopping centre in Kuala Lumpur. About 100 protesters defied police warnings and rallied against the appointment of the new Prime Minister and what they said was his 'backdoor' government. They carried placards with the words '#NotMyPM' and 'Uphold democracy'. The group called for Parliament to be dissolved and fresh polls held. They also demanded that party-hopping be banned, trials of corrupt individuals be continued, and draconian laws be abolished.⁷⁹ Police reportedly opened investigations into at least 20 of the protesters for potential violations of the Peaceful Assembly Act.⁸⁰

Following the onset of the COVID-19 pandemic in March 2020 and the authorities' imposition of movement restrictions, there was a drastic reduction in peaceful protests compared to previous years. On 2 June 2020, police arrested five protesters who had gathered outside a hospital in Ipoh to highlight concerns about cleaners working in state-run hospitals. Those arrested include human rights defender Sarasvathy Muthu and members and supporters of the National Union of Workers in Hospital Support and Allied Services (NUWHSAS).



20 civil society activists investigated for potential violations of the Peaceful Assembly Act, 4 March 2020, Dang Wangi Police District Headquarters

Pic Credit: *Malaysiakini*

According to protesters who were present, they were protesting against the lack of adequate protective gear for hospital cleaners, putting them at risk during the pandemic. Further, members of the NUWHSAS also claimed that they had been subjected to constant harassment, victimisation, and union-busting activities since early 2020 after making multiple police reports and complaints to the Human Resources Ministry against Edgenta UEMS Sdn Bhd, a hospital cleaning service.

The five were arrested for obstructing public servants from carrying out their duty under the Criminal Procedure Code and Regulation 7(1) of the Prevention and Control of Infectious Diseases (Measures within Infected Local Areas) Regulations. Photos of the protest show the union members standing at least a meter apart, all wearing masks. All were released on bail the next day. According to those detained, they were repeatedly harassed by police officers and were

78 The Star, 'NGO "deeply troubled" by police probe against activist', 1 March 2020, available at: <https://www.thestar.com.my/news/nation/2020/03/01/ngo-039deeply-troubled039-by-police-probe-against-activist>.

79 Eileen Ng, 'Protesters rally in central KL over "backdoor" government', *The Straits Times*, 1 March 2020, available at: <https://www.straitstimes.com/asia/se-asia/protesters-rally-in-central-kl-over-backdoor-government>.

80 ARTICLE 19, 'Malaysia: End harassment of civil society and peaceful protestors', 5 March 2020, available at: <https://www.article19.org/resources/malaysia-end-harassment/>.

also pressured to undress in front of officers, threatened with a baton, and denied water and face masks while jailed.⁸¹ Following advocacy and mobilisation from civil society organisations (CSOs), on 1 October 2020, the five protesters were granted a discharge not amounting to an acquittal. This was after the prosecution accepted the defence's representation not to proceed with the charges.⁸²



Remand hearing of unionists involved in protests, 3 June 2020, Ipoh, Magistrate Court

Pic Credit: *Parti Sosialis Malaysia (PSM)*

On 6 July 2020, Thomas Fann, the chairperson of election watchdog Bersih 2.0, was called in by the police for questioning over a post on the group's Facebook page in February 2020. Fann is being investigated under Section 9(5) of the Peaceful Assembly Act for urging citizens unhappy with the sudden change of government to attend a protest.

On 16 July 2020, three activists were summoned for police questioning after they spoke at a demonstration demanding justice for death-in-custody victims. The event was organised by EDICT – Eliminating Deaths in Custody Together – outside the Bar Council building in Kuala Lumpur. Speakers at the demonstration also called for the formation of an Independent Police Complaints and Misconduct Commission (IPCMC). Those questioned include Khalid Mohd Ismath, the executive director of EDICT, Rama Ramanathan from Citizens Against Enforced Disappearances (CAGED), and S Arutchelvan from the Socialist Party of Malaysia. According to reports, the three were investigated under Section 9(5) of the Peaceful Assembly Act.⁸³

81 CIVICUS, 'Malaysian police ramp up persecution of Al Jazeera, journalists, and activists to stifle criticism', 5 August, 2020, available at: <https://monitor.civicus.org/updates/2020/08/05/malaysian-authorities-ramp-persecution-journalists-and-activists-stifle-criticism/>.

82 CIVICUS, 'Free speech under assault in Malaysia as government targets students, online critics, and journalists', 27 November 2020, available at: <https://monitor.civicus.org/updates/2020/11/27/free-speech-under-assault-malaysia-government-targets-students-online-critics-and-journalists/>.

83 CIVICUS, 'Malaysian police ramp up persecution of Al Jazeera, journalists, and activists to stifle criticism'.

FREEDOM OF ASSOCIATION

While Article 10(c) of the Malaysian Constitution guarantees the right to freedom of association, the previous Barisan Nasional government regularly used legal restrictions to prevent the formation of associations and threatened to suspend, close, or obstruct CSOs and movements that were not formally registered.

The legal framework governing the operations of CSOs and political parties remains unduly restrictive and overly burdensome. In particular, the Societies Act prohibits the operation of unregistered groups. Organisations that have attempted to register with the Registrar of Societies (RoS) have experienced excessive waiting periods, as there is no fixed time period in the law for the RoS to decide upon a registration application. Human rights groups have been told that their applications had to be vetted by the Malaysian Special Branch, an intelligence department within the Royal Malaysia Police, a time consuming extra-legal procedure.⁸⁴ Further, the RoS has broad powers to refuse registration and absolute discretion to declare a society illegal. As a result, many CSOs in Malaysia register as companies, which presents legal and bureaucratic restrictions on their ability to recruit members and raise funds.⁸⁵

New opposition political parties have also faced challenges in registering under the Societies Act. On the other hand, the Perikatan Nasional government only took a week for its registration to be approved by the RoS.⁸⁶

On 6 January 2021, the RoS rejected an application from youth movement Malaysia United Democratic Alliance (MUDA) to be registered as a political party. According to MUDA, there were no reasons provided. The rejection came four months after MUDA had submitted its application to the RoS.⁸⁷ MUDA claimed the rejection was a move by the Perikatan Nasional government to prevent them from taking part in upcoming elections. The youth party has since filed an application to the High Court for a judicial review of the government's decision not to register it.⁸⁸ On 4 February 2021, the court turned this down stating that MUDA should have filed its appeal first to the home ministry rather than file the court action.⁸⁹

84 This was confirmed during a meeting between SUARAM, CIVICUS and officials of the Registrar of Societies in Putrajaya on 9 August 2019. SUARAM was told that the need for Special Branch vetting was contained within an internal document that was not available publicly and the RoS had little say in this matter if it was rejected by them.

85 CIVICUS and Pusat Komus, Joint Submission'.

86 Norzamira Che Noh, 'Perikatan Nasional applies to RoS to be formally recognised', *New Straits Times*, 10 August 2020, available at: <https://www.nst.com.my/news/politics/2020/08/615506/perikatan-nasional-applies-ros-be-formally-recognised>; Radzi Razak, 'RoS confirms Perikatan as registered entity, says approved on Aug 7', *Malay Mail*, 14 September 2020, available at: <https://www.malaymail.com/news/malaysia/2020/09/14/ros-confirms-perikatan-as-registered-entity-says-approved-on-aug-7/1903174>.

87 Teh Athira Yusof, 'RoS rejects registration of Muda as political party', *New Straits Times*, 7 January 2021, available at: <https://www.nst.com.my/news/politics/2021/01/655291/ros-rejects-registration-muda-political-party>.

88 Ho Kit Yen, 'Court to rule of Feb 4 if Muda can challenge RoS' rejection', *Free Malaysia Today*, 25 January 2021, available at: <https://www.freemalaysiatoday.com/category/nation/2021/01/25/court-to-rule-on-feb-4-if-muda-can-challenge-ros-rejection/>.

89 Ho Kit Yen, 'Court rejects MUDA's bid over RoS refusal to register party', *Free Malaysia Today*, 4 February 2021, <https://www.freemalaysiatoday.com/category/nation/2021/02/04/court-rejects-mudas-judicial-review-bid-over-ros-refusal-to-register-party/>

The legal framework governing the operations of CSOs and political parties remains unduly restrictive and overly burdensome.



MUDA party members at Registrar of Societies, Putrajaya demanding registration. 21 December 2020, Putrajaya
Pic Credit: MUDA

Similarly, the opposition political party, Pejuang (Parti Pejuang Tanah Air), led by former Prime Minister Dr Mahathir Mohamad, had its application rejected by the RoS on 6 January 2021.⁹⁰ The party had previously filed a judicial review at the High Court as there has been no further response from RoS after Pejuang requested for several amendments to be made to the party's constitution following its application in August 2020.⁹¹

90 Ho Kit Yen, 'RoS rejects Pejuang's application', *Free Malaysia Today*, 7 January 2021, available at: <https://www.freemalaysiatoday.com/category/nation/2021/01/07/ros-rejects-pejuangs-application/>.

91 Kenneth Tee, 'Pejuang takes RoS to court over party's registration after four-month delay', *Malay Mail*, 10 December 2020, available at: <https://www.malaymail.com/news/malaysia/2020/12/10/pejuang-takes-ros-to-court-over-partys-registration-after-four-month-delay/1930810>.

RECOMMENDATIONS



ARTICLE 19 and CIVICUS urge the Malaysian government to undertake a comprehensive and inclusive process of legislative and institutional reform in order to promote and protect fundamental rights and freedoms. To this end, authorities must ensure that any processes to review and reform legislation are fully transparent and facilitate the full and effective participation of all concerned stakeholders, including civil society.

ARTICLE 19 and CIVICUS further believe that it is essential that Malaysia's reform process is informed by relevant international human rights standards, and therefore call on the government to take concrete steps to ratify core human rights treaties, including the International Covenant on Civil and Political Rights.

Without prejudice to broader sets of recommendations provided to Malaysian authorities by ARTICLE 19 and CIVICUS, the organisations suggest that the government prioritise the following reforms relating to freedom of expression, peaceful assembly and association:

FREEDOM OF EXPRESSION

- Impose a moratorium on the use of repressive legislation, including the Sedition Act, Section 233 of the Communications and Multimedia Act, and Section 505b of the Penal Code;
- Repeal the Sedition Act 1948 in its entirety;
- Review and amend the Communications and Multimedia Act 1984 and the Printing Presses and Publications Act in order to ensure compliance with international human rights law and standards;
- Withdraw all charges against human rights defenders, journalists, and others who are being investigated or have been charged merely for their exercise of the right to freedom of expression;
- Enact right to information legislation through an inclusive, participatory process;
- Take steps to ensure a free, independent, and diverse media environment, including by enacting a Media Council Act in line with international standards on freedom of expression and media freedom and ensuring a clear regulatory framework that provides for self-governance and independence of the media and broadcasting sector;
- Refrain from reliance on criminal prosecution and other coercive measures as a primary means of combating the spread of misinformation about COVID-19;
- Allow all media to access government press conferences and events without discrimination;
- End the harassment of journalists reporting on COVID-19 and official responses to the spread of the virus; and
- Create an enabling environment for freedom of expression that promotes critical thinking, healthy debate, and government transparency and accountability.

FREEDOM OF ASSEMBLY

- Amend the Peaceful Assembly Act to guarantee the right to the freedom of peaceful assembly as provided by international law and standards;
- Halt the judicial harassment of demonstrators, community activists, and human rights defenders for exercising their right to the freedom of peaceful assembly; and
- Instruct all police departments that it is their duty to facilitate peaceful assemblies rather than hinder them.

FREEDOM OF ASSOCIATION

- Take measures to foster a safe, respectful, and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the right to freedom of association;
- Remove all undue restrictions on the ability of CSOs to be established in line with best practices articulated by the UN Special Rapporteur on the rights to freedom of peaceful assembly and association; and
- Review the Societies Act to guarantee that undue restrictions on the freedom of association are removed, and the Act is brought into compliance with Articles 21 and 22 of the ICCPR.

APPENDIX 1: APPLICATION OF THE SEDITION ACT AND CMA TO RESTRICT FREEDOM OF EXPRESSION

No	Date	Name	Alleged offence	Law(s) used	Remarks/ Update	Source
1	01 Mar 20	three Facebook users, Aaron Yee, Gavin Lee and Haizad Azhar	Facebook posts accusing the king of being a racist and undermining democracy	Section 4(1)(a) of the Sedition Act, Section 233 of the CMA	Investigations were launched into the others. No further information is available	https://www.nst.com.my/news/crime-courts/2020/03/570692/man-arrested-insulting-king
2	03 Mar 20	Activist Fadiah Nadwa Fikri	Rallying people to attend a protest against the new administration	Section 4(1)(a) of the Sedition Act, Section 233 of the CMA	Fadiah was questioned by police who recorded statements. No further action taken	https://www.thestar.com.my/news/nation/2020/03/03/activist-lawyer-fadiah-arrives-at-bukit-aman-for-questioning-over-tweet
3	05-Mar-20	Student, Ain Zafira Md Said	Knowingly uploading an offensive post insulting the prophet on Facebook	Section 233(1) (a) of the CMA	Pleaded guilty, convicted by the Sessions Court, and fined RM4,000	https://www.nst.com.my/news/crime-courts/2020/03/572037/uni-student-slapped-rm4000-fine-insulting-prophet-muhammad
4	06 Mar 20	Facebook user, Azrin Bidin	Four counts of insulting the king, and the Sultan of Johor, via his Facebook account	Section 233(1) (a) of the CMA	Pleaded not guilty and paid RM26,000 bail	https://www.malaymail.com/news/malaysia/2020/03/06/car-salesman-charged-with-insulting-agong-johor-sultan/1843978
5	13 Mar 20	Facebook users, Ooi Wei Siong and Nurhaizad Azhar	Insulting the king via their Facebook accounts	Section 233(1) (a) of the CMA	Pleaded guilty and paid fined RM6,000 each	https://www.thesundaily.my/local/two-men-plead-guilty-to-insulting-agong-on-facebook-XD2126275 https://www.freemalaysiatoday.com/category/nation/2020/03/17/man-fined-rm6000-for-insulting-agong-on-fb/ https://www.thesundaily.my/local/online-trader-fined-rm6000-for-insulting-agong-JF2227038
6	25 Mar 20	Mohd Naim Md Isa	Producing and sending via WhatsApp an offensive recording that mocked the implementation of the MCO	Section 233(1) (a) of the CMA	Pleaded guilty and bailed RM6,000. Sentencing pending a full forensic report. No further information is available	https://www.malaysiakini.com/news/516776
7	27 Mar 20	Celebrity, Azwan Ali (also know as Diva AA)	Insulting frontline COVID-19 staff through YouTube	Section 233(1) (a) of the CMA	Pleaded guilty and fined RM17,000	https://www.malaysiakini.com/news/517184

No	Date	Name	Alleged offence	Law(s) used	Remarks/ Update	Source
8	29 Mar-20	Facebook users, Fiza Wie and Mizo Sulaiman	Uploading fake news about COVID-19	Section 233 of the CMA, Section 504(b) of the Penal Code	Investigated opened. No further information is available	https://www.hmetro.com.my/mutakhir/2020/03/560110/covid-19-polis-buru-dua-pemilik-akaun-facebook
9	29 Mar 20	Nursahira Mohd Mizuar	Insulting the police through offensive remarks on Facebook in relation to the MCO	Section 233(1) (a) of the CMA	Fined RM10,000 and sentenced to three months in jail. The Court allowed Nursahira's application for a stay of execution of her sentence pending her appeal	https://www.thestar.com.my/news/nation/2020/04/15/sorry-says-woman-given-three-month-sentence-for-insulting-cops
10	08 Apr 20	Unnamed individual	Insulting the king on Twitter	Section 4(1) of the Sedition Act, and Section 233 of the CMA	No further information available	https://www.malaysiakini.com/news/519480
11	11 Apr 20	MP, Fuziah Salleh	Causing unrest over fake news for posting a video on Facebook depicting chaos at the Customs, Immigration and Quarantine Complex during the MCO	Section 233 of the CMA, Section 505(b) of the Penal Code	Charged under Section 505(b) of the Penal Code and Section 249 of the CMA on 29 April 2020	https://www.thestar.com.my/news/nation/2020/04/11/kuantan-mp-fuziah-gives-statement-to-cops-over-fb-video-on-immigration-complex https://www.freemalaysiatoday.com/category/nation/2020/04/29/pkrs-fuziah-claims-trial-to-spreading-fake-news/
12	11 Apr 20	Twitter user, Mirzi	Uploading pictures deemed insulting to Islam	Section 4(1) of the Sedition Act, Section 233 of the CMA, and Section 298 of the Penal Code	No further information available	https://www.sinarharian.com.my/article/78473/BERITA/Nasional/Polis-siasat-pemilik-Twitter-Mirzi-hina-Islam
13	12 Apr 20	Facebook user, Wendy Shoo Wai Ching	Uploading two seditious posts on Facebook that threaten public order	Section 4(1)(a) of the Sedition Act, Section 504 of the Penal Code, Section 233 of the CMA	Arrested on 11 April 2020. No further information is available	https://www.astroawani.com/berita-malaysia/kenyataan-facebook-berbaur-hasutan-wanita-ditahan-polis-237928
14	17 Apr 20	Unnamed individual, 38-years-old	Posting derogatory remarks on Facebook towards the police and the Johor royal family	Section 233(1) (a) of the CMA, and Section 504 of the Penal Code	Arrested on 17 April 2020. No further information is available	https://www.thestar.com.my/news/nation/2020/04/17/jobless-man-nabbed-for-insulting-johor-royal-family-on-fb

RIGHTS IN REVERSE:

No	Date	Name	Alleged offence	Law(s) used	Remarks/ Update	Source
15	18 Apr 20	Two unnamed individuals, both 20-years-old	Mocking Islam in a video posted on Instagram	Section 4(1) of the Sedition Act, Section 14 of the Minor Offences Act, Section 298 of the Penal Code, and Section 233 of the CMA	Their mobile phones were seized and they were remanded for four days. No further information is available	https://www.malaymail.com/news/malaysia/2020/04/19/police-nab-salesman-college-student-in-ipoh-for-insulting-islam/1858299
16	06 May 20	Journalist, Tashny Sukumaran	Tweeting about the 1 May immigration raid at the Selangor Mansion during the MCO	Section 233 of the CMA, and Section 504 of the Penal Code	Tashny was questioned for two hours by federal police who recorded a statement. No further action was taken	https://www.malaysiakini.com/news/524467
17	08 May 20	Shamsub-ahrin Ismail	Making a Facebook post that criticised the prosecution of those who breach the MCO	Section 233(1) (a) of the CMA, and Section 505(b) of the Penal Code	Pledged not guilty under two charges and released on bail of RM14,000. No further information is available	https://www.freemalaysiatoday.com/category/nation/2020/05/08/taxi-company-boss-charged-over-fb-post-on-mco-cases/
18	09 May 20	Celebrity, Patrick Teoh	Making an offensive statement on Facebook against the Crown Prince of Johor	Section 233(1) (a) of the CMA	Charged on 14 June 2020, pleaded not guilty and released on bail of RM10,000. No further information is available	https://www.thestar.com.my/news/nation/2020/05/10/patrick-teoh-remanded-for-three-days-for-allegedly-insulting-tmj https://www.freemalaysiatoday.com/category/nation/2020/06/14/dj-patrick-teoh-pleads-not-guilty-to-insulting-tmj/
19	20 May 20	Former-gov-ernment-minister, Dr Xavier Jayakumar	Making a seditious statement insulting the king during a parliament sitting	Section 4(1) of the Sedition Act and Section 233 of the CMA	Police opened investigations. No further action was taken	https://www.malaysiakini.com/news/526650
20	29 May 20	Unnamed individual, 45-years-old	Making an online statement ridiculing the approval for a 12-person congregation to perform Friday prayers	Section 233 of the CMA, Section 505(b) of the Penal Code	Remanded for three days and later released on police bail. No further information is available	https://www.thestar.com.my/news/nation/2020/05/29/man-to-be-charged-over-alleged-fb-post-ridiculing-12-person-congregation-for-friday-prayers
21	05 Jun 20	Malaysian Crime Watch Task Force Chairman, Datuk R. Sri Sanjeevan	Making offensive remarks about the Police on Twitter via handles @SamjeevanSS and @My_CrimeWatch	Section 233(1) (a) of the CMA	Charged and pleaded not guilty, released on bail of RM10,000. No further information is available	https://www.nst.com.my/news/nation/2020/06/598149/mywatch-chairman-charged-circulating-offensive-remarks-cops

No	Date	Name	Alleged offence	Law(s) used	Remarks/ Update	Source
22	05 Jun 20	Founding Director of the Centre to Combat Corruption and Cronyism, Cynthia Gabriel	Writing a letter titled 'Anticorruption rhetoric will never purify the unelected Perikatan Nasional government'	Section 4(1) of the Sedition Act, Section 233 of the CMA	Police questioned her and recorded a statement. No further action was taken	https://www.malaysiakini.com/news/528923
23	09 Jun 20	Lai Yuet Ming	Making offensive remarks against the Prime Minister and the king on the 'MalaysiaFlip-Flop' blog	Section 233(1) (a) of the CMA, and Section 505(b) of the Penal Code	Charged on two accounts and pleaded not guilty, released on bail for RM4,000. No further information is available	https://www.malaymail.com/news/malaysia/2020/06/09/single-mother-claims-trial-to-insulting-king-pm-on-blog/1873928
24	09 Jun 20	Md Haniff Md Yunos	Knowingly making and initiating offensive and malicious communications against the Sultan of Kelantan Sultan Muhammad V on Facebook	Section 233(1) (a) of the CMA	Charged and released on bail of RM3,000. No further information is available	https://www.malaymail.com/news/malaysia/2020/06/09/single-mother-claims-trial-to-insulting-king-pm-on-blog/1873928
25	10 Jun 20	Tham Wai Yuen	Spreading offensive remarks on Facebook that insult Islam	Section 298A(1) (a) of the Penal Code, Section 233(1)(a) of the CMA	Two charges imposed, pleaded not guilty and released on bail of RM4,000. He was ordered against making further social media posts	https://www.malaymail.com/news/malaysia/2020/06/10/unemployed-man-in-kl-charged-with-insulting-islam-on-facebook/1874191
26	13 Jun 20	Danny Antoni	Posting insulting remarks against Islam, the Prophet Muhammad, and PAS President on Facebook	Section 298A(1) (a) of the Penal Code, and Section 233(1) (a) of the CMA	Following a guilty plea on 13 June 2020, Antoni was sentenced to 26 months imprisonment on 17 July 2020	https://www.malaymail.com/news/malaysia/2019/06/13/man-charged-with-insulting-islam-prophet-muhammad-hadi-awang-changes-plea-t/1761842 http://bit.ly/2Nzj0Z4
27	17 Jun 20	MP, Hannah Yeoh	Publishing a seditious and inflammatory remark on Facebook	Section 4(1) of the Sedition Act, Section 505(c) of the Penal Code, and Section 233 of the CMA	Summoned for questioning on 23 June 2020. Yeoh claims that it was a fake quote. No further action was taken	https://www.malaymail.com/news/malaysia/2020/06/17/cops-probing-hannah-yeoh-for-seditious-inflammatory-facebook-post-but-mp-sa/1876408 https://www.nst.com.my/news/nation/2020/07/607777/igp-seditious-posting-not-hannah-yeoh

RIGHTS IN REVERSE:

No	Date	Name	Alleged offence	Law(s) used	Remarks/ Update	Source
28	18 Jun 20	Former-government minister and MP, Syed Saddiq	Speaking out against the Perikatan Nasional government during an interview with Al Jazeera	Section 4(1) of the Sedition Act, Section 233 of the CMA	Questioned by police who recorded a statement. No further action was taken	https://www.theedgemarkets.com/article/syed-saddiq-under-probe-over-alleged-seditious-remarks
29	18-Jun-20	Human rights lawyer, Siti Kasim	Criticising political party Parti Islam Se Malaysia (PAS) on a Facebook post	Section 4(1) of Sedition Act, Section 233 of the CMA and Section 505(b) of the Penal Code	Questioned by police who recorded a statement. No further action was taken	https://www.malaymail.com/news/malaysia/2020/06/18/lawyer-siti-kasim-quizzed-by-mcmc-over-facebook-posting-about-pas-tahfiz/1876624
30	22 Jun 20	Muhammad Shammir Sam	Making a Facebook post insulting the king	Section 233(1) (a) of the CMA	Charged, pleaded not guilty and released on bail of RM10,000	https://www.thestar.com.my/news/nation/2020/06/23/factory-worker-pleads-not-guilty-to-insulting-king
31	29 Jun 20	Koh Teen Ern	Posting an insulting comment towards Islam on Facebook	Section 233(1) (a) of the CMA	Pleaded guilty and fined RM6,000	https://www.freemalaysiatoday.com/category/nation/2020/06/29/factory-supervisor-fined-rm6000-for-insulting-islam/
32	30 Jun 20	GerakBudaya Enterprise Sdn Bhd's Strategic Information and Research Development Centre	Publishing a book with insulting cover of modified Malaysians coat-of-arms	Section 4(1) of the Sedition Act, Section 5 of the Emblems and Names (Prevention of Improper Use) Act, Section 8 of the Printing Presses and Publications Act and Section 233 of the CMA	Police seized 313 copies of the book. The book was banned by the Home Ministry on 1 July 2020	https://www.malaymail.com/news/malaysia/2020/06/30/police-probing-book-with-insulting-cover-of-modified-malaysian-coat-of-arms/1880228 https://www.freemalaysiatoday.com/category/nation/2020/06/30/cops-raid-pj-publisher-over-controversial-book-cover/
33	30 Jun 20	Activist, Sevan Doraisamy	In relation to an article published by activist group Malaysia Muda in 2018	Section 4(1) of the Sedition Act	Questioned by police who recorded a statement. No further action was taken	https://www.freemalaysiatoday.com/category/nation/2018/12/06/suarams-sevan-doraisamy-quizzed-over-activists-article https://bit.ly/3pKWARL
34	01 Jul 20	Mohammad Shahrizal Md Shah Rudin	Making an offensive Facebook post towards the police	Section 233(1) (a) of the CMA	Pleaded guilty and released on bail for RM3,000. He was subsequently sentenced to a fine of RM2,000	https://www.thesundaily.my/local/unemployed-man-admits-insulting-police-on-facebook-DD2647533 https://www.thestar.com.my/news/nation/2020/07/14/unemployed-man-fined-rm2000-for-insulting-police

No	Date	Name	Alleged offence	Law(s) used	Remarks/ Update	Source
35	02 Jul 20	Artist, Shia Yih Yiing	Designing a book cover that mischaracterises Malaysia's coat-of-arms	Section 4(1) of the Sedition Act, Section 5 of the Emblems and Names (Prevention of Improper Use) Act, Section 8 of the Printing Presses and Publications Act, and Section 233 of the CMA	Questioned by police who recorded a statement. Police seized 313 copies of the book. The book was banned by the Home Ministry on 1 July 2020	https://www.malaymail.com/news/malaysia/2020/07/04/report-police-question-cover-designer-of-rebirth-book-banned-over-state-crc/1881309 http://www.federalgazette.agc.gov.my/output/pua_20200701_PUA200.pdf
36	03 Jul 20	Abdullah Sani Ahmad	Posting an offensive remark against the Health Minister on Facebook	Section 233(1) (a) of the CMA	Pleaded guilty and fined RM2,000	https://www.nst.com.my/news/crime-courts/2020/07/605651/man-fined-rm2000-fb-post-insulting-health-minister
37	03 Jul 20	Sahril Zainudin	Using a fake Facebook profile to insult the king	Section 233(1) (a) of the CMA, and Section 505(b) of the Penal Code	Pleaded guilty to both charges and fined RM27,000 or nine months imprisonment. Zainudin was subsequently sent to Kajang Prison for failure to pay	https://www.freemalaysiatoday.com/category/bahasa/2020/07/03/penganggur-gagal-bayar-denda-rm27000-kerana-hina-agong-guna-akaun-fb-palsu/
38	07 Jul 20	Activist, Heidy Quah	Posting a statement alleging mistreatment of refugees at immigration detention centres	Section 500 of the Penal Code, and Section 233 of the CMA	Questioned by police who recorded a statement. No further action was taken	https://www.freemalaysiatoday.com/category/nation/2020/07/07/cops-question-ngo-head-over-facebook-post-on-immigration/
39	10 Jul 20	Nazaruddin Mohamad	Making and sharing offensive remarks towards the king on Facebook in 2018	Section 233(1) (a) of the CMA	Charged and pleaded not guilty. No further information is available	https://www.malaymail.com/news/malaysia/2020/07/10/kl-freelance-town-planner-charged-with-insulting-agong/1883257
40	10 Jul 20	Six Al Jazeera journalists	Publishing a documentary about Malaysia's treatment of undocumented workers during the pandemic, alleging racism and discrimination by the government	Section 4(1) of the Sedition Act, Section 500 of the Penal Code, and Section 233 of the CMA	Questioned by police who recorded statements. No further information is available	https://www.aljazeera.com/news/2020/7/10/al-jazeera-journalists-questioned-over-malaysia-documentary

RIGHTS IN REVERSE:

No	Date	Name	Alleged offence	Law(s) used	Remarks/ Update	Source
41	15 Jul 20	Two unnamed individuals, aged 25 and 35	Mocking the government's announcement of Jawi Day on social media	Section 505(c) of the Penal Code, and Section 233 of the CMA	Arrested following two separate raids. No further information is available	https://www.malaysiakini.com/news/534586
42	20 Jul 20	Activist, K Sudhakaran Stanley	Facebook post critical of police arrests during the MCO	Section 4(1) of the Sedition Act, Section 505(b) of the Penal Code and Section 233 of the CMA	Arrested and released on police bail the following day. No further information is available	https://m.malaysiakini.com/news/535555
43	21 Jul 20	Siti Nurul Ain Mat Nayan	Writing insulting comments towards the Selangor royal family on Facebook	Section 233(1) (a) of the CMA	Pleaded guilty and fined RM10,000 on 24 July 2020	https://www.thestar.com.my/news/nation/2020/07/22/housewife-faces-a-years-jail-for-insulting-royals https://www.themalaysianinsight.com/s/262686
44	23 Jul 20	Muhammad Hariz Saleh	Posting offensive contents against Selangor royal family on his Facebook in 2018	Section 233(1) (a) of the CMA	Pleaded not guilty. No further information is available	https://www.thesundaily.my/home/unemployed-man-charged-with-insulting-selangor-sultan-JG3109830
45	04 Aug 20	Ramesh Rao	Claiming that the High Court judge is related to Dr Mahathir Mohammad on Twitter	The Sedition Act and the CMA	Questioned by police who recorded a statement. No further action was taken	https://www.freemalaysiatoday.com/category/nation/2020/08/04/cops-record-statement-on-claim-linking-src-trial-judge-to-dr-ms-kin/
46	06 Aug 20	Sufazrin Amin Ismail	Making Twitter posts insulting the king under the handle @Fazr_Ismail	Section 233(1) (a) of the CMA	Pleaded not guilty to eight charges. The Court set RM2,000 bail for each charge	https://www.nst.com.my/news/crime-courts/2020/04/582458/e-hailing-driver-kelantan-charged-insulting-king-nsttv
47	14 Aug 20	Mohd Asri Hamid, known as Asri Janggut	Insulting the police and army personnel during an interview posted on Facebook and a second video	Section 505(c) and Section 505(b) of the Penal Code, and Section 233 of the CMA	Police opened two investigation papers. No further information is available	https://www.thestar.com.my/news/nation/2020/08/13/two-investigation-papers-opened-on-asri-janggut-for-allegedly-insulting-police-army-personnel
48	24 Aug 20	Jamal Yunos	Submitting a memorandum urging the police to raid premises conducting gambling activities	Section 500 of the Penal Code, Section 233 of the CMA	Questioned by police who recorded a statement. No further action was taken	https://www.malaymail.com/news/malaysia/2020/08/25/jamal-yunos-quizzed-by-police-over-memo-on-illegal-gambling/1896774

No	Date	Name	Alleged offence	Law(s) used	Remarks/ Update	Source
49	15 Sep 20	Fadilah Hamid	Publishing an offensive post directed at the Prophet Muhammad on Facebook	Section 233(1) (a) of the CMA	Pleaded guilty and fined RM2,000	https://www.nst.com.my/news/crime-courts/2020/09/624753/kl-woman-fined-insulting-prophet-muhammad-fb-post
50	30 Sep 20	Former-government minister, Mohamaddin Ketapi	Making a speech likening the battle between Malaysian armed forces and Sulu terrorist to 'theatrics'. The video of his speech went viral on social media	Section 505(b) of the Penal Code, and Section 233 of the CMA	Police opened investigation paper. No further information is available	https://www.malaymail.com/news/malaysia/2020/09/30/bukit-aman-mohamaddin-ketapi-to-be-quizzed-over-remarks-on-lahad-datu-incur/1908084
51	07 Oct 20	Cik Non	Insulting Sabahans on Facebook and blaming them for the spike in COVID-19 cases	Section 233 of the CMA, and Section 505(b) of the Penal Code	Police opened investigation paper. No further information is available	https://says.com/my/news/police-investigating-m-sian-ceo-for-insulting-and-blaming-sabah-for-rising-covid-19-cases
52	08 Oct 20	Muhamad Syakir Mustaffa	Making and sharing a defamatory Facebook post against the Jakel family and company	Section 233 of the CMA	Pleaded not guilty and granted bail for RM3,000. No further information is available	https://www.mole.my/ambulance-driver-charged-with-insulting-jakel-on-facebook/
53	16 Oct 20	MP, Anwar Ibrahim	Circulating statements with the intent to cause public alarm or induce the public to commit offence against the state, and sharing offensive or menacing content	Section 505(b) of the Penal Code, and Section 233 of the CMA	Question by police who recorded a statement. No further action was taken	https://www.thestar.com.my/news/nation/2020/10/15/anwar-to-meet-cops-over-list-of-mps-on-friday-oct-16 https://www.thestar.com.my/news/nation/2020/10/17/bukit-aman-recorded-statements-from-anwar-on-several-issues-on-friday-oct-16
54	18 Oct 20	Ganesparan A/L Nadaraja	Posting a seditious video which went viral on social media	Section 4(1) of the Sedition Act, and Section 233 of the CMA	No further information is available	https://www.thesundaily.my/home/police-investigate-individual-who-insults-institution-of-malay-rulers-government-NX4671825
55	26 Oct 20	Facebook users Ronnie Liu Tian Khiew and Ho Ruey Terng, and Twitter users Uncle Ireeve and Liew Lip Nan	Insulting the king on Twitter and Facebook	Section 4(1) of the Sedition Act, and Section 233 of the CMA	One man was detained and police investigation launched. No further information is available	https://www.nst.com.my/news/crime-courts/2020/10/635604/4-under-probe-allegedly-insulting-king-social-media https://www.thestar.com.my/news/nation/2020/10/27/man-detained-for-insulting-royalty-via-twitter-three-other-cases-being-investigated

RIGHTS IN REVERSE:

No	Date	Name	Alleged offence	Law(s) used	Remarks/ Update	Source
56	27 Oct 20	Mohd Firdaus Adnan and Azmi Jaafar	Posting a video on social media showing them blacking out Chinese characters on street signs	Sections 427 and 505(c) of the Penal Code, and Section 233 of the CMA	Questioned by the police who recorded a statement. Released on police bail	https://www.freemalaysiatoday.com/category/nation/2020/10/27/2-activists-held-over-blacked-out-chinese-characters-on-penang-street-signs/
57	28 Oct 20	Mohd Azmi Ismail	Posting offensive and insulting remarks against former-cabinet minister Fuziah Salleh on Facebook in 2018	Section 233(1) (a) of the CMA	Pleaded not guilty and paid bail of RM5,000	https://www.nst.com.my/news/crime-courts/2020/10/636115/man-claims-trial-posting-offensive-remarks-facebook
58	28 Oct 20	DAP leader Ronnie Liu	Sharing a photo of demonstrations in Thailand on Facebook deemed insulting to the king	Section 4(1) of the Sedition Act, and Section 233 of the CMA	Arrested and detained on 28 October 2020 and released on bail after four hours of questioning	https://www.freemalaysiatoday.com/category/nation/2020/10/28/daps-ronnie-liu-arrested-by-police-over-facebook-post/ https://www.thestar.com.my/news/nation/2020/10/28/dap-rep-ronnie-liu-detained-over-fb-post-allegedly-insulting-to-king https://www.thestar.com.my/news/nation/2020/10/28/ronnie-liu-released-on-police-bail-after-four-hours-of-questioning-over-allegedly-seditious-fb-post
59	02 Nov 20	Mujahid Yusof Rawa	Questioning the king's power in appointing the Prime Minister in speech shared on social media	Section 4(1) of the Sedition Act, and Section 233 of the CMA	Questioned by police who recorded a statement. No further action was taken	https://www.thestar.com.my/news/nation/2020/11/02/mujahid-leaves-bukit-aman-after-almost-two-hours
60	05 Nov 20	Yap Wen Qing and Tan Li Yuan	Publishing an article that questions the role of the king	Section 4(1) of the Sedition Act, Section 233 of the CMA	Police recorded statement. No further action taken	https://www.thestar.com.my/news/nation/2020/11/05/cops-record-statements-of-um-duo-over-fb-post-on-king
61	28 Dec 20	Unnamed individual	Insulting video using altered lyrics to Indonesia's national anthem	Section 4(1)(b) of the Sedition Act, and Section 233(1) of the CMA	No further information is available	https://www.thestar.com.my/news/nation/2020/12/28/cops-investigating-insulting-video-using-altered-lyrics-to-indonesia039s-national-anthem
62	31 Dec 20	Instagram user Bukan_Bang_Jago	Insulting the king, the national anthem, and the Malaysian flag in an Instagram post using edited photos	Section 4(1) of the Sedition Act, and Section 233 of the CMA	No further information is available	https://www.theborneopost.com/2021/01/01/report-lodged-over-instagram-post-on-king-negaraku-lyrics-malaysian-flag/ https://www.theborneopost.com/2021/01/01/report-lodged-over-instagram-post-on-king-negaraku-lyrics-malaysian-flag/

No	Date	Name	Alleged offence	Law(s) used	Remarks/ Update	Source
63	04 Jan 21	41-year-old man	Using communist-themed pictures and caricatures in a restaurant that went viral on social media	Section 233 of the CMA, Section 505(b) of the Penal Code, and Section 47 of the Societies Act	Police have recorded a statement. No further information is available	https://www.thesundaily.my/home/restaurant-removes-communist-themed-images-that-went-viral-XA5929660
64	13 Jan 21	Facebook user Respati	Posting on Facebook threats towards the police and the Immigration Department regarding the MCO	Section 506 of the Penal Code, and Section 233 of the CMA	Police investigating to trace the account owner. No further information is available	https://www.thesundaily.my/home/police-tracking-down-respati-over-facebook-post-AK6095345
65	21 Jan 21	TV host, Azwan Ali	Mocking the emergency declaration in a video clip posted on Facebook	Section 233 of the CMA, and Section 509 of the Penal Code	Police opened investigations. No further information is available	https://www.malaymail.com/news/malaysia/2021/01/21/police-summon-azmin-alis-brother-azwan-over-clip-allegedly-mocking-emergenc/1942752
66	06 Feb 21	Former-Attorney-General, Tommy Thomas	Writing a book containing seditious and malicious references that could cause hatred towards the government	Sections 3 and 4(1) of the Sedition Act, Section 8 of the Official Secrets Act, and Section 500 of the Penal Code	Report lodged on 6 February 2021	https://www.theborneopost.com/2021/02/06/book-ahmad-maslan-lodges-police-report-against-tommy-thomas/

RIGHTS IN REVERSE:

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