A REPORT BY THE CENTRE FOR INDEPENDENT JOURNALISM FREEDOMORE EXPRESSION AND GESSON AND GESSON



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Printed by Vinlin Press Sdn Bhd 2, Jalan Meranti Permai 1, Meranti Permai Industrial Park, Batu 15, Jalan Puchong, 47100 Puchong, Selangor, Malaysia.

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FOREWORD

his report highlights key moments in freedom of expression (FOE) in the build-up and immediate aftermath of the 13th general elections.

With Barisan Nasional surviving but weaker than ever, it was inevitable that civil liberties would be a particular area of concern: many wondered to what extent would BN use the state apparatus to curb and censor expression? Or will the regime commit to widening the space of political discourse and cultural autonomy for Malaysia's many religious and ethnic minority communities?

Are the pressures to change coming from the grassroots or bureaucrats from above, or both? What about the use of public sphere as a realm of free expression? And are spaces for discourse widening in traditional and social media? What do the observable trends say about the potential for a more vibrant and inclusive democracy to develop in Malaysia? More importantly: how do we distinguish FOE violations that are motivated by BN's desire to maintain power, from violations that merely reflect conservative tendencies in Malaysian culture? These are some of the issues and questions that Centre for Independent Journalism's FOE Report hopes to address.

The key moments throughout the period covered will be arranged and explained thematically rather than chronologically to identify and address broader developing trends, rather than particular events. Weaim to understand particular issues in order to draw out general patterns insofar as they can be read to indicate serious or cosmetic changes in the state of civil liberties in Malaysia and the pressures from which they are coming from. For example, rather than to simply

talk about the banning of books in isolation and to explain them as mere infringements against the freedom of speech we will attempt to look deeper into the political motivations behind the book ban and what that might signal about the larger story of freedom of expression in Malaysia.

We have chosen this approach for two reasons. The first is to distinguish method from motivation. For example, while books by both Canadian author Irshad Manji and Malaysian cartoonist Zunar were banned in 2012, they occurred out of two distinct political pressures. The former evoked conservative Muslim anger which did not reflect any partisan bias. The latter was clearly motivated by the BN regime's eagerness to curb dissent. Despite both being book bans, they were outcomes of different reactions against the freedom of religion and conversely freedom of speech.

Thus, for a clearer analysis of the scenario, such distinctions and their underlying causes must be closely examined. The same can be said of various other offences against freedom of expression. The methods do not always reveal the whys, the hows and whos, which are what this report will attempt to point out.

The second reason is to understand the extent to which the major breakthroughs and violations in FOE throughout 2012–2013 indicate a significant shift in political awareness against the long-standing BN status quo.

An overview of the overall situation in freedom of expression in Malaysia, in the form of an executive summary, will precede the report's main analyses of particular FOE events and incidents. This will provide some background of the politics behind them.

The discussion from thereon will focus on the following: 1) the major protests that occurred before and after the elections and their overall significance, if any; 2) the ways various media have been used as a battleground to both promote and challenge the old hegemony; 3)

how religion continues to challenge the boundaries of free expression; and 4) how the state has actively operated to deliberately target and quell dissent. The report ends with some concluding thoughts on what the main topics above indicate.

We will end with a chronology to better situate the timing of note worthy events ofthe 2012 and 2013. The chronology details key incidents in FOE and will also be coupled with the page numbers where the item is discussed. A general index is also added at the end for ease of reference.

Ultimately, we hope the report will give a clear grasp of the FOE issues that occurred in 2012 and 2013 in light of the 13th general elections, and their relevance in understanding the shifts that are happening in Malaysia's political discourse. This, we hope, will further clarify thinking and participation in Malaysian society as a critically informed citizen and observer of current affairs.

OVERVIEW

alaysians heard a great deal about transformation in the build up to the elections only to be promised the total opposite, despite Barisan Nasional's victory. Nowhere is this more evident than in the tone and content of government dominated media where racial and conservative religious sentiments continue to pervade.

The Prime Minister himself was clear, during the 2013 UMNO General Assembly, that from now on the party will proceed as protectors of Malay-Muslim identity. No longer is "moderation" part of the local agenda. Realizing that its base is rural and Malay, UMNO will no longer rely on pretentions of 1Malaysia or multiculturalism.

That, however, will be easier said than done. For one, the rise of new and social media is facilitating an exchange of information that goes beyond what the mainstream, government controlled media can monitor. The success of the massive rallies that took place in the immediate aftermath of the elections is one such example. Alternative and social media played a crucial role in promoting the protests.

The increasing presence of CSOs in Malaysia's political discourse is also a reflection of that growing awareness. BERSIH 3.0's success is just one example amidst increasing courage among Malaysians to take to the streets.

More will be explained in the ensuing parts of this report, where we will look at the key protests of 2012 and 2013 in more detail.

For now it would suffice to note the example of Himpunan Hijau, which grew out of grave worries regarding the safety standards of the Lynas rare-earth processing plant in Kuantan. What started out as a grassroots campaign from a specific community eventually grew to become a nationwide movement, appealing to Malaysians across races and generations over a shared concern for the environment: this too added more anxieties in the build up to the elections, as many anticipated some concession from the BN government.

We find little improvement, however, in the encroachment of politicised Islam into civil liberties. This happens to be the case for both political coalitions. The Kedah government under the Pan-Islamic Party of Malaysia (PAS), for example, mooted a bill to render all decisions by the state Mufti council irrefutable. Few Muslim groups came to Canadian author Irshad Manji's defence when her book *Allah*, *Kebebasan dan Cinta* was banned during her visit to Malaysia. In fact, the Department of Islamic Development of Malaysia (JAKIM) even saw it fit to charge Nik Raina Nik Abdul Aziz, a manager at Border's bookstore, for selling and distributing the book.

The persistent obstacles to religious freedom in Malaysia are most evident in the continued debates on the rights of non-Muslims, in particular, the right of the Christian community to reference Allah in their holy texts and the right of Shia Muslims to practice their faith.

In what follows, our report will look into particular instances of the above trends to offer a more accurate account of the major developments in the freedom of expression in Malaysia throughout 2012, right up to the end of 2013.

PRE-ELECTIONS: RECLAIMING THE PUBLIC SPHERE

he struggle for freedom of expression continued throughout the build up to the elections, through the persistent claims for the right of assembly. This came from various quarters: students, protesters against the Internal Security Act (ISA), environmentalists and women rights groups.

STUDENT ACTIVISM

UPSI

On the early morning of New Year's Day 2012, scores of student activists at the Sultan Idris University of Education (UPSI) gathered for a peaceful sit-in demonstration, demanding academic freedom and in solidarity with fellow student activist Adam Adli Abdul Halim, who was suspended from UPSI after lowering a flag bearing Najib's likeness outside the headquarters of the United Malays National Organisation (UMNO) in Kuala Lumpur in late 2011.¹

But matters soon took a turn for the worse. The students were at first intimidated and harassed by the police and eventually, they claim, attacked by them. Several demonstrators were physically assaulted and arrested. Video evidence showed significant violence and pandemonium, as well as private property being damaged.

Muhammad Safwan Anang, the president of undergraduate movement Gerakan Menuntut Kebebasan Akademik (Bebas), was sent to a hospital in Slim River after he lost consciousness. Up to 17 students were arrested in the 2.30 am incident and taken to the Tanjung Malim police station. They were aged between 19 and 24 and were investigated under Sections 186, 145 and 147 of the Penal Code, and Section 27(5) of the Police Act. They were released on police bail the evening of the same day.

http://www.malaysiakini.com/news/185509

The police did not deny their role in the assault, although they were careful to add that the assaults were not planned. One officer defended the force's rough treatment of the students on the grounds that they were gathering without a permit and refused to disperse.

Abolish PTPTN

On 12 April 2012, some 500 student activists marched across the Kuala Lumpur city centre, calling for free tertiary education and an end to BN rule. In particular, they demanded the end of PTPTN, the National Higher Education Fund, which they say has burdened thousands of students with debt.

The students made the point that it would only take the government an outlay of RM2.2 billion each year to wipe out PTPTN debts, and this would make for a more humane policy than the continued corruption that the regime has been accused of.²

Although PKR vice presidents Nurul Izzah Anwar and Tian Chua appeared at the protest to give short speeches, Khalid Ismath, secretary of the Independent Undergraduate Activists Group (KAMI), denied that the protest was influenced by the opposition.

Halfway through the march, some students placed framed pictures of Najib and Higher Education Minister Mohamed Khaled Noordin on the floor, wrapped a garland around each and stuck a tombstone between them (as is done for Malay-Muslim funerals) to signify the death of democracy and academic freedom.

The students marched to Dataran Merdeka at 4pm before slowly dispersing, although about 200 stayed behind to declare that they will remain encamped at Dataran Merdeka until BN senta representative to negotiate with them. They converged with the Occupy Dataran group which had been gathering there. More will be said about the

² http://www.malaysiakini.com/news/195014

Occupy Dataran movement in the following section of this chapter.

Three students—third-year Islamic political science student Mohd Syahid Zaini, third-year Islamic education student Safwan Anang and first-year law student Haziq Abdul Aziz—were eventually charged with disciplinary action by Universiti Malaya under Section 16c of the Universiti Malaya Methods (Student Regulations) 1999. Among the university's claim was that their theatrics resembled a Hindu ritual.

Occupy Dataran

On New Year's Eve, 200 people wearing Guy Fawkes masks participated in a "V for Merdeka" flash mob protest at Dataran Merdeka, organised by Occupy Dataran.³ While this was done underthe pretext of protesting against the Peaceful Assembly Bill, which bans street demonstrations in Malaysia, it was also part of the momentum Occupy Dataran had gradually built up since July 2011, as they sought to represent a Malaysian response to the wave of Occupy protests around the world in 2011.

In April 2012, they began to share a space with the Mansuhkan PTPTN movement by setting up an encampment alongside them. Occupy, however, were clear that they were only there on the basis of their support for democracy and the use of public space for deliberation among the people. Thus, they overlapped with Mansuhkan PTPTN insofar as they believed in the right for the people to voice out their political positions in public.

The joint encampment, however, garnered significant public support. Reports indicate that the total gathered amount was up to 300 people. Many citizens came to offer complimentary food, drinks and

Guy Fawkes was originally a member of a small Catholic sect in Medieval England who plotted against the British monarch during what was known as the Gunpowder rebellion. His popularity is due to the film V for Vandetta, where his look / mask is a symbol of protest.

tents and, as public attention shifted, so too did many notable public personalities, activists and politicians such as Anwar Ibrahim and Haris Ibrahim.

About a week into the encampment, Occupy was attacked by a group of thugs believed to be connected to UMNO. Eyewitness accounts sayclose to 60 menstormed into the camping area to physically assault the campers, tear down their tents, throw away their food, steal the donation box and damage their property. Some disturbing observations include the fact that this occurred in the presence of uniformed police personnel not far from the attacks and the identification of an UMNO insignia on the attackers.⁴

Activist Fahmi Reza was also arrested for allegedly defying a KL City Hall (DBKL) ban to leave the premises to make way for a royal concert. According to Occupy Dataran, however, they were misled into thinking they could return after. A DBKL officer had informed them that they could continue camping there until 28 April 2012. He also offered to store Occupy's things into the DBKL truck, and promised to return it to them after the concert ended. Prior to that, the same DBKL officer had told them that they were allowed to keep three of their tents. All this contradicted the DBKL's official stance in the media which stated that the encampment did not belong at Dataran Merdeka.⁵

It was because that confrontation with DBKL officers too that an Occupy Dataran protester and 23-year-old college student, Umar Mohamad Azmi, was sentenced to one month in jail and a RM1,000 fine. He was found guilty under Section 186 of the Penal Code for obstructing a DBKL officer from carrying out his duties during the council's raid at the camp. In solidarity with Umar, Occupy Dataran staged a protest camp for one night in front of Kajang Prison on the day he was sent there. Representatives from Selangor Democratic

⁴ http://www.themalaysianinsider.com/malaysia/article/student-activists-claimattacked-by-mob-at-dataran-merdeka

http://www.malaysiakini.com/news/195647

Action Party (DAP) Socialist Youth and PAS Youth also came to show their support.⁶

• Listen!

In January 2013, Malaysian social media were rocked by a video of a dispute during a forum in Universiti Utara Malaysia, between Sharifah Zohra Jabeen, representing an organisation called Suara Wanita 1Malaysia, and KS Bawani, a law student at the university.

The video showed Bawani disagreeing with the claims from Sharifah's presentation, where the latter had mischaracterised Ambiga Sreenevasan's role as the co-chairperson of Bersih, and the importance of public demonstrations for a democracy. Instead of responding with clear reasoning, Sharifah resorted to haranguing Bawani. Sharifah repeatedly told Bawani to listen, while stopping her from continuing with her question.

The consensus, judging from online reactions to Sharifah's aggressive tone and demeanor, was that she had exceeded all expectations of reasonable behaviour, especially in the capacity of an educator seemingly speaking for the government.

This was soon followed by a mass scale voluntary online campaign to criticise Sharifah's heavy-handed approach in support of Bavani's right as a student to speak and inquire, especially at a university. This resulted in various humorousmemes, songs and remixes portraying Sharifah's bellicose rhetoric as well as an outpouring of support from various politicians and student groups expressing not only their solidarity with Bawani as a student and citizen, but also the urgent need for student autonomy at Malaysian varsities.

⁶ http://www.malaysiakini.com/news/217208

BERSIH 3

Interestingly enough, the frequently raided student encampment at Dataran Merdeka foreshadowed more government anxieties against the Bersih 3 rally on 28 April 2012. Kuala Lumpur Mayor Ahmad Fuad Ismail referenced DBKL's stern actions against the students to describe the repercussions Bersih protesters would face if they dared to encroach the Dataran area. He stated that chaos would ensue as a consequence and thus the Bersih committee should instead opt for Stadium Merdeka as initially offerred ordered.⁷

All this was compounded by recollections of what occurred during Bersih 2.0, namely the street clashes between civilians and police and attacks against journalists, in addition to a failed lockdown of the city, that eventually showed—largely helped by the viral exchange of videos—the extent to which the physical capacity of state power was truly limited to halt the progress of a popular movement. So it was no surprise that Home Minister Hishammuddin Hussein had to assert that that police would go through all necessary measures to prevent the protesters from gathering, citing the Peaceful Assembly Act as legal warrant for him to allow for a crackdown if need be.⁸

The reaction was disproportionate since Bersih 3 only demanded two hours from 2–4pm for a sit-in protest at the square, seeing that their demands, had still not been met. The whole objective of Bersih being a movement for free and fair elections was typically obscured in the controversies that preceded it. Furthermore, the official stand of the Bersih steering committee was there was little time to negotiate the change of space from Dataran to Stadium Merdeka.

So the day came, and with it, the expected controversies. Most contentious of all was the storming of the road barricades and razor wire surrounding Dataran, which saw protesters and police clash.

http://www.malaysiakini.com/news/195990

⁸ http://www.malaysiakini.com/news/196205

Tear gas was shot into the crowd, risking a stampede. More than 500 protesters, including members of the Bersih steering committee and opposition political parties, were arrested. Sixty-three protesters and two police officers received treatment at Hospital Kuala Lumpur in the wake of the rally.

The police, as Bersih 2.0, laid the blame on the protesters, who had supposedly "behaved aggressively", adding that "everything that happened is an offence of rioting." Najib weighed in eventually, characterising the police as the true victims of the clash despite them being well-armed and protected with guns, helmets and shields.

Incidents of violence against journalists will be dealt with a later part of the report. However, it must be noted here the media censorship that ensued. The mainstream print and broadcast media presented only the government's side of the story, in addition to minimising coverage of Bersih 3 prior to the rally, in order to give as little attention as possible to the event. But one manipulation of a British Broadcasting Corporation (BBC) report by satellite TV operator Astro was particularly egregious. A total of 30 seconds of footage which showed a policeman firing tear gas canisters and water cannons at protesters, including interviews with demonstrators explaining their reasons for protesting, was omitted from the original broadcast, denying perspectives crucial to the viewers.⁹

Notified of this, the BBC released a strongly worded statement against it: "The BBC is carrying out urgent enquiries after it was made aware that output from its BBC World News channel may have been censored in Malaysia. The broadcast of anti-government protests in Malaysia was apparently edited before it was re-broadcast on Malaysian satellite television, with sequences removed from the original BBC version. The BBC is making urgent enquiries to the Malaysian

http://my.news.yahoo.com/bbc-flays-local-censors-for-slashing-bersih-coverage-051610106.html

operator, Astro, to establish the facts."10

Astro's response was disappointing; its senior vice-president of broadcast operations Rohaizad Mohamed said they have the right to edit the content of the news they wish to air, stating that BBC should have known that Astro had a duty to comply with local regulators.¹¹

HIMPUNAN HIJAU

On 26 February 2012 an estimated 20 thousand concerned citizens, NGOs and politicians, from all over Malaysia, gathered in Kuantan for Himpunan Hijau (Green Rally), a peaceful assembly organized to protest the establishment in the city of the LYNAS advanced material rare earth processing plant. It made three demands: 1) Scrap the rare earth refinery project, 2) Scrap or review all projects which is to the detriment of Malaysians and 3) Ensure that all development projects are in line with the Earth Charter.¹²

Preparations in organizing the assembly were met with much resistance. The area Himpunan Hijau demanded was cordoned off three days beforehand, contrary to Pahang Menteri Besar Adnan Yaakob's public approval for the assembly to proceed. The police also imposed 12 conditions on the organizers, which included allowing the police to record speeches made at the rally. Police presence also meant that their helicopter hovered above throughout the protest. Regardless, the organizing committee found the conditions reasonable and agreed to abide by them.

http://www.sarawakreport.org/2012/04/bbc-signals-outrage-over-malaysian-censorshipof-bersih-3-0-coverage-exclusive/

¹¹ http://www.malaysiakini.com/news/196664

The earth charter is a document of principles for building a just and sustainable global society. It was launched in 2000 at the Hague after six years of consultation with various stakeholders.

¹³ http://www.malaysiakini.com/news/190369

The assembly began with a theatre performance by Teater Bukan Teater, which poked fun at Adnan for allowing the Lynas plant to be established in Kuantan, portraying him as taking a hefty fee in the process. Marches organized from various points of the city were also met with honks from passing vehicles, cheering in support. "Hancur Lynas" (Lynas to perish) was reported as the most popular chant. The speeches began after a quick doa (prayer) recitation which was translated into English by Hishamudin Rais, and a round of the people's protest song Suara Rakyat by a jubilant crowd.¹⁴

Other environmental groups also used the Himpunan Hijau platform: they included a group of activists from Bukit Koman, Raub, who spoke of their against gold mining activities which uses highly poisonous cyanide; an anti-incinerator group from Cameron Highlands, Pahang; and a group opposing the construction of high tension electrical pylons in Kampung Baru Rawang, Selangor. It was also reported that the Lynas Corporation website was hacked during the assembly. Taking credit for this was Hacker XL who replaced the website with an announcement that read "Stop Lynas, Save Malaysia. Do not hurt my country", with a fluttering Malaysian flag in the background.

Accompanying protests were also conducted simultaneously at different locations in the country including Kuala Lumpur, Bukit Merah and Tanjung Aru, including one organized by Malaysians in Melbourne. However, the one in Penang, which was attended by close to a thousand people, was attacked by an opposing NGO. Commotion ensued and *Kwong Wah Jit Poh* reporter Andrew Chew and photographer Lee Hong Chun, who were documenting the tense events, suffered body and head injuries and were admitted to the hospital.

Tensions rose when Penang Chief Minister Lim Guan Eng tried to address the crowd at the assembly and was heckled by Lynas

¹⁴ http://www.malaysiakini.com/news/190308

¹⁵ http://www.malaysiakini.com/news/189771

supporters. The situation worsened when the pro-Lynas group blocked Guan Eng's car from leaving the scene, Guan Eng's security team had to intervene to clear a passage for him. Just as an allout confrontation seemed inevitable, the police intervened. It was reported that it took 40 police officers to bring calm to the situation. Interestingly, Penang Police chief Datuk Ayub Yaakob blamed the assembly organizers for not informing the authorities about the protest beforehand.¹⁶

The momentum continued to build in November 2012 when protesters marched from Kuantan to Kuala Lumpur (a distance of 300km) where the 300 marchers converged with twenty thousand supporters greeting and cheering them at Dataran Merdeka. Wong Tack gave a speech congratulating Malaysians for the bold statement against Lynas, as he pledged to stay at Dataran until 9am with his followers. The crowd dispersed by around 6pm.

Some groups want to send a louder message against environmental degradation in Malaysia. In December 2012, the Malaysian Youths Against Public Hazard staged a 100-hour hunger strike. In addition to the Lynas plant, the group also protested the use of cyanide in gold mining in Bukit Koman, Pahang, and the Refinery And Petrochemical Integrated Development (Rapid) in Pengerang, Johor.¹⁷ To express their commitment, the protesters also shaved their heads bald some 66 hours into the strike.

SIT-IN AT GEBENG

The momentum surrounding Lynas continued when in June 2012, some 1,000 protesters moved past police roadblocks to stage a peaceful gathering at the Gebeng Industrial Park in Kuantan, Pahang. Having lost patience with the government's lack of response to their

http://www.malaysiakini.com/news/215072

¹⁷ http://www.malaysiakini.com/news/217703

¹⁸ http://www.malaysiakini.com/news/201742

calls to abolish the Lynas rare earth plant, Himpunan Hijau, led by their charismatic leader Wong Tack, decided to take the initiative by staging a public display of their grievances at the plant itself. Bersih co-chairs Ambiga and A. Samad Said, Hishamuddin Rais, PAS Deputy President Mohamad Sabu and DAP Pahang chair Leong Ngah Ngah were reported to be present.¹⁹

The protest occurred after an occupation / camping event known as Occupy Balok Gebeng, held at the Pelangi Beach Resort at Pantai Balok. Both the protest and occupation were conducted in response to the approval given to the Lynas plant by the Parliamentary Select Committee, which concluded that the plant posed no immediate danger.²⁰ Over 100 police personnel were present despite the assembly being approved by the police.²¹

After the success of Himpunan Hijau, it's no surprise Wong Tack decided to enter politics, contesting against BN for the Bentong seat in the 13th General Elections. While he eventually ran under DAP's ticket, he made it clear that his goal was the removal of the Lynas plant from Pahang, adding that going with DAP was a choice made by the opposition coalition Pakatan Rakyat. He would have been amenable to contest under PAS or even PKR.²²

SAVE RIVERS

A significant although less discussed development occurred in Sarawak, where the Save Sarawak Rivers Network (SAVE Rivers) campaign gained momentum. Representing seven indigenous groups in the state, the campaign was against the construction of 12 mega

¹⁹ http://www.malaysiakini.com/news/201742

http://www.freemalaysiatoday.com/category/nation/2012/06/19/anti-lynas-demo-at-gebeng-on-sunday/

²¹ http://www.malaysiakini.com/news/201742

http://www.malaysia-chronicle.com/index.php?option=com_k2&view=item &id=72431:good-for-you-i-will-stand-as-independent-wong-tack&Itemid=2

dams in the state. They engaged in various activities throughout the year to spread their message. In addition to joining Himpunan Hijau for their 14-day march from Kuantan, SAVE Rivers also conducted a tour in Tasmania to raise awareness on the dam projects which allegedly involved Australian companies Snowy Mountains Engineering Company, GHD and Hydro Tasmania.²³

In November 2012, SAVE Rivers marched from the Bukit Aman police headquarters to the Parliament to submit a memorandum to PM Najib demanding a stop to the construction of the mega dams. Najib, who was overseas in Phnom Penh at the time, did not send a representative to receive the memorandum; the memo was thus handed over to DAP secretary-general Lim Guan Eng, who pledged to halt the construction of the dams in the event of a Pakatan takeover.²⁴ Damn the Dams action group spokesperson Ng Yap Hwa, SAVE Rivers chairperson Peter Kallang and Baram Protection Action Committee chairperson Philip Jau were present for the march.

Their efforts made a breakthrough in December 2012 when Hydro Tasmania's CEO, Roy Adair, announced that they will leave Sarawak the next year. SAVE Rivers, alongside the Huon Valley Environment Centre and the Bruno Manser Fund, managed to garner more than 5,700 e-mails to be sent to Adair, asking the Hydro Tasmania CEO to get out of Sarawak.²⁵

THE INTERNAL SECURITY ACT

In February 2012, the campaign against the ISA converged with the freedom of expression when the session's court charged 16 anti-ISA protesters with illegal assembly. The offence was committed in August 2009 at Masjid Negara. 26

²³ http://www.malaysiakini.com/news/214323

http://www.malaysiakini.com/news/214514

http://www.barubian.net/2012/12/victory-for-sarawak-dams-campaign-hydro.html

http://thestar.com.my/news/story.asp?file=/2012/2/22/nation/20120222115230&sec=nation

In April 2012, about 50 protesters marched to Parliament, demanding an end to the ISA, as promised in September 2011. Additionally, the repeal was scheduled to be tabled in March 2012, but this did not occur.

Led by Gerakan Mansuhkan ISA and their chairperson Syed Ibrahim Syed Noh, the protesters walked from Lake Gardens to the Parliament building. The goal was to submit two memoranda, one to PM Najib and one to the opposition leader Anwar Ibrahim. The memoranda also included demands for the establishment of a truth and reconciliation commission to investigate past abuses of the ISA, compensation for the damages therein, to close the Kamunting camp and convert it to a national heritage site, respect human rights in anti-terror activities and to ratify the International Covenant on Civil and Political Rights and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.²⁷

In May 2012 – after the ISA was repealed and now replaced by SOSMA - nine of the remaining 50 ISA detainees began a hunger strike, demanding to be released, as was promised. Four of the strikers were Sri Lankan nationals, another was an Indian national.²⁸ Most of the hunger strikers relented when National Human Rights Commission (SUHAKAM) intervened.²⁹ However, new hunger strikes began in June 2012, with one striker hospitalized because he was deemed too weak ³⁰

http://www.malaysiakini.com/news/194527

²⁸ https://www.freemalaysiatoday.com/category/nation/2012/05/17/foreign-nationalson-isa-hunger-strike/

²⁹ http://www.freemalaysiatoday.com/category/nation/2012/05/18/isa-detaineesend-hunger-strike/

³⁰ http://www.freemalaysiatoday.com/category/nation/2012/06/28/isa-detaineeforced-to-call-off-hunger-strike/

JANJI DEMOKRASI

Janji Demokrasi, a one-hour gathering planned at Dataran Merdeka on 30 August 2012, generated more anxiety for the state.

This was notable in the U-turn made by Dang Wangi district police chief Zainuddin Ahmad who prohibited the gathering after initially stating the opposite.³¹ He declared it illegal at the 11th hour and urged the public not to participate because the organisers (consisting of 50 NGOs) failed to provide notice to the Dang Wangi police chief under Section 9(1) of the Peaceful Assembly Act 2012 (PAA), failed to obtain permission from the owner of the place of gathering under Section 11 of the PAA; and will disrupt preparations made for Independence Day celebrations the following day. The organisers replied that they were not aware that they needed a police permit to celebrate Independence Day.³² At any rate, the organisers eventually agreed to not enter Dataran and that they would only gather at the vicinity.

While Janji Demokrasi was organised to demand the government implement Bersih 2.0's eight demands, Bersih stated that it was not part of the gathering, even though it supported Janji Demokrasi's right to peaceful assembly.³³

The rally while peaceful insofar as there was no physical violence, was nonetheless marred by controversy, which will be discussed separately in the later part of this report.

³¹ http://www.themalaysianinsider.com/litee/malaysia/article/janji-demokrasi-rally-unlawful-cops-say/

³² http://www.freemalaysiatoday.com/category/nation/2012/08/30/janji-demokrasisays-go-yellow-go-anywhere/

³³ http://www.freemalaysiatoday.com/category/nation/2012/08/30/janji-demokrasisays-go-yellow-go-anywhere/

HIMPUNAN RAKYAT CAMERON

In October 2012, more than 200 people, dressed in green, joined Himpunan Rakyat Cameron to protest the proliferation of environmental problems in the mountain resort district, especially the rampant forest clearing for the construction of the Ulu Jelai hydroelectric dam.

The participation of members of Cameron Highlands' Orang Asal community was particularly encouraging, as one of the groups that would be most affected by the dam. Also present at the protest were Malaysia Youth and Students Democratic Movement (DEMA), The Save Malaysia Stop Lynas & Bukit Koman Anti-Cyanide Committee, political parties from the Pakatan Rakyat coalition, and secondary school students from Cameron Highlands.³⁴

The rally occurred under heavy police and Police Volunteer Reserve Corp (RELA) presence, although by 11am, it had turned into a carnival of sorts, with songs, banners and dramatic performances.³⁵ Speeches were made demanding solutions to the failure of the traffic system in Cameron Highlands, the injustice of the Pahang Government failing to grant land titles to the Cameron residents, the environmentally hazardous incinerator under construction in Blue Valley and the Green Cow residents' problem due to commercial projects.

ARRESTS AT TEMIAR BLOCKADE

In January 2012, thirteen Orang Asal of the Temiar tribe were arrested when they gathered peacefully to protest and block an illegal encroachment into their ancestral land for more logging, under the pretext of an agricultural project known as the Ladang Rakyat Program. Reports indicated that the police also burned down the blockade and prevented family members from accompanying the arrested to

³⁴ http://partisosialis.org/en/node/2401

³⁵ http://www.malaysiakini.com/news/212360

the police station.³⁶ Also arrested was Siti Kasim of the Bar Council's Committee for Orang Asal Rights, effectively depriving the Orang Asal of legal representation, whereby they were interrogated for hours without legal counsel, which the Bar Council stated was "a clear breach of their rights under Article 5 of the Federal Constitution."

The authorities assured the protesters that their concerns would be addressed, although this seemed unlikely, as the direct and egregious entry of the logging industry into Orang Asal land has been happening for a long time and has been continuing unabated.³⁷

The Bar Council, in addition to condemning the arrests, added that: "The Court of Appeal in the *Sagong Tasi* case made it absolutely clear that non-gazetted Orang Asli land that is native customary land must nonetheless be protected in the same way as gazetted Orang Asli reserve land.

"The Malaysian Bar urges the Kelantan state government to follow this landmark decision and accept that the lands of the Temiar people in Gua Musang are native customary lands, and therefore deserving of protection. Development on native customary lands must conform to the principle of "free, prior and informed consent" as laid down in the United Nations Declaration on the Rights of Indigenous Peoples 2007, for which the Malaysian government voted in favour." 38

WANITA SUARA PERUBAHAN

An estimated 4,000 people clad in purple gathered at the Padang

³⁶ http://www.malaysianbar.org.my/press_statements/press_release_malaysian_bar_ deplores_arrest_of_orang_asli_and_lawyer_and_abuse_of_police_powers_in_gua_musang. html

³⁷ http://www.theedgemalaysia.com/business-news/200182-malaysian-bar-concernedover-arrests-of-orang-asli-lawyer-in-kelantan.html

³⁸ http://www.malaysianbar.org.my/press_statements/press_release_malaysian_bar_ deplores_arrest_of_orang_asli_and_lawyer_and_abuse_of_police_powers_in_gua_musang. html

Astaka in Petaling Jaya to mark International Women's Day with Wanita Suara Perubahan, a coalition of organisations representing the voice of Malaysian women calling for clean government.³⁹

Their demands included: a government free from corruption, the introduction of a decent living wage, a better quality of life, an end to gender-based violence, the repeal of laws that restrict public assemblies and the establishment of free and fair elections.⁴⁰ As a symbol of their demand, they encouraged participants to wear white gloves.

It was attended by representatives from the Orang Asal community as well as several opposition leaders such as Teresa Kok, Nurul Izzah Anwar and Siti Zailah Yusof. The gathering was preceded by marches from two starting points: Taman Tasik Jaya and the Tun Abdul Aziz mosque, where chants of "Hidup, Hidup, Hidup, Wanita!" and "Tolak, Tolak, Tolak Rasuah!" could be heard. The mood, by all accounts, was festive, as the marchers eventually converged at Padang Astaka at a stage for speeches and musical performances by the country's foremost female figures.

HIMPUNAN KEBANGKITAN RAKYAT

Also known as the KL112 rally (after the date it was held), Himpunan Kebangkitan Rakyat was the first major rally of 2013, spearheaded by the opposition coalition and backed by their civil society partners, in particular Bersih 2.0.

The rally was held in Stadium Merdeka to much praise from observers and commentators, for it defied fears and claims that it would end in civil unrest. Moreover, it proceeded successfully despite the many obstacles placed against them: university students and civil servants were officially

³⁹ http://beta.malavsiakini.com/news/192423

http://www.sistersinislam.org.my/news.php?item.953.116

prohibited from attending, and the police cordoned off Stadium Merdeka and ordered the organisers to hold the rally at Bukit Jalil.

Fears of provocations by the police were also quelled as law enforcement co-operated throughout the event. Estimates of the rally's attendance varied from 100,000 to 150,000 people.

The ten-point declaration of the rally included: Free and fair elections, saving the settlers of Federal Land Development Authority (FELDA), restoring the rights of Sabah and Sarawak, increasing the oil royalty to petroleum-producing states to 20%, safeguarding the future of civil servants, maintaining a clean and healthy environment, strengthening the national language and mother tongues, freeing of all political detainees, preserving the Malaysia's national heritage, and better living standards for women.

As expected, the BN-aligned mainstream media added their negative spin to the reports. The *New Straits Times* front-paged it with a banner headline which read "Simply Irresponsible", placed over a photo showing a woman closing the metal grills of her shop as she looked on at the protesters.

The photo suggests that her business had been compromised by the event. Another photo showed rubbish all over the floor to convey the message that the protesters had not bothered to clean the premises after the gathering. Alongside all that were three bullet statements: "Children, banners with provocative messages present", "Anwar threatens trouble if Pakatan loses election", "Rally organisers did not adhere to all conditions, say police".

The same one-sided perspective was also adopted by UMNO-owned *Mingguan Malaysia* (the Sunday edition of *Utusan Malaysia*) which stated that "Organisers breach rules" with a subhead: "Police successfully control opposition rally". The reports also spoke of seditious banners that sowed the seeds of division and that participants were paid RM200–700 to attend.

Berita Harian on the other hand mentioned absolutely nothing about the rally on its front page. Instead, a small report on apostasy was printed instead, where Johor Islamic Affairs council advisor Nooh Gadut claimed that there could be more Muslim apostates if Christians were allowed to use the word Allah.

The Star was more neutral. Their headline read "Incident-free" although they noted that the organisers of the protest had infringed upon three conditions: bringing children to the event, carrying provocative banners and breaching the 30,000-person limit for the stadium.

It was in *Sinar Harian*, however, that we found balanced and objective coverage. An aerial photo of the gathering was published on the front page, with the headline, "Congratulations". The same aerial shot was used by the major Chinese dailies *Sin Chew Daily, China Press, Oriental Daily, Kwong Wah Yit Poh* and *Guang Ming Daily*, which focused on the positives of the rally, and commending on how it proceeded smoothly.

POST-ELECTIONS: THE MOMENTUM CONTINUES

he post elections period also saw more demonstrations, especially in the immediate aftermath of the general elections. The manner in which Barisan Nasional had won the election was far from clean and transparent, and this raised the ire of many Malaysians who did not see Barisan's victory as a reflection of their aspirations.

"SUARA RAKYAT, SUARA KERAMAT" AND BLACK 505

The momentum began when about 120,000 people gathered at the Kelana Jaya stadium on May 8^{th} ; two days after the election results were announced. Fresh with enthusiasm from the elections, many were outraged that Barisan Nasional had not won fair and square.

So massive was the protest that long traffic jams were reported in the highways leading to the venue. Rain added to the congestion. Protestors testified to having walked over two kilometres to reach the stadium. Motorists who were unwilling to wait for the traffic to clear parked on the side of the highway and walked, effectively leaving only one lane open. Tian Chua and Elizabeth Wong tweeted that they were among those stuck in traffic.

The theme of the protest was unity in diversity. Anwar Ibrahim directly took on the *Utusan Malaysia* headline "Apa Cina Mahu?" condemning the paper for stoking racial sentiments. He also claimed solidarity with non-Malays and non-Muslims, as well as East Malaysians. Lim Kit Siang, notably, was spotted arriving at the venue on a motorbike. He too took to the stage to speak, reiterating his belief that there were many irregularities in the voting process. Others who took to the stage included Wong Chen and Rafizi Ramli.

The gathering ended at about 11.30 p.m., but protestors were still making their way to the stadium after the event was over.

http://www.malaysiakini.com/news/229583

Three days later, 80,000 people attended a rally in Penang, after which another rally was held in Ipoh, this time attended by 30,000.² These were followed by a rally in Kedah.

News, tweets and observer reports testify to the very multicultural composition of the turnout. The consensus confirmed the wide presence of youths from all ethnic backgrounds, chanting and waving banners that called for a united Malaysia. The spirit of protest reverberated overseas, with a solidarity demonstration held in Melbourne.

However, the momentum was difficult to sustain. Slowly, questions were raised about the end goal of the protests. For example, there was confusion on PR's demands. Beyond petitioning the Elections Commission, there were calls from PKR members for the opposition to boycott parliament altogether, although Tian Chua later clarified that it was just a suggestion and not a formal decision by the coalition.³

PADANG MERBOK

By June 2013, the jadedness was apparent. A rally organized for June 22nd 2013 at Padang Merbok gathered much publicity as Rafizi Ramli had clashed with DBKL for weeks on the right to use the space. Thirty thousand were reported to have attended the rally, though this was a far lower turnout than anticipated. Anwar Ibrahim reiterated his demand for the EC chief Abdul Aziz Mohd Yusuf to step down, but reports nonetheless documented protestors expressing frustration at the boring speeches. The haze was a significant obstacle for a more substantial turnout.

http://www.malaysiakini.com/news/229924

³ http://www.themalaysianinsider.com/malaysia/article/pkr-parliament-boycott-only-a-suggestion/

OCCUPY PADANG MERBOK; PROTESTORS ARRESTED

The lower-than-expected audience was not the only problem. Dozens of activists from a coalition of NGOs had decided to camp at Padang Merbok after the protest. Some 40 tents were erected as a demand for the chairman of the Elections Commision to step down. The campers were joined by over a hundred supporters.

The coalition included Solidariti Mahasiswa Malaysia (SMM), Asalkan Bukan Umno (ABU), Gabungan Profesional Menuntut Royalti, Hak Pendaratan Minyak dan Gas ke Kelantan (Royalti), Jeritan Rakyat Tertindas (Jerit), Ambang 13, AMUK and Pembebasan Bangsa dan Pertubuhan Angkatan Belia Bersama Ulama (PANGLIMA). Parti Sosialis Malaysia was the only political party which took part.⁴

The encampment did not last. At 4.30 a.m. a scuffle broke out between the campers and DBKL officers (accompanied by the police) when the latter forced them to remove their tents. This had occurred despite the fact that SAMM had personally and officially met with DBKL, and came to an agreement to remove their tents by 8 a.m.⁵

Thirty-three protestors were arrested and charged with illegal assembly. They include Annie Ooi (also known as "Auntie Bersih"), Adam Adli, Safwan Anang and Che Gu Bard. Rafizi Ramli and Anthony Loke were also charged under the Peaceful Assembly Act for organizing the rally.

ADAM ADLI INSPIRES SOLIDARITY

On May 23rd 2013, Adam Adli was charged under section 4(1)(b) of the Sedition Act 1948. The charge was due to remarks he had made about the May 13th riots which was followed by a call to change the government through street protests. If convicted, he faces a jail term of

⁴ http://www.thesundaily.my/news/750501

http://www.malaysiakini.com/news/233770

not less three years, or a fine of up to RM5,000 or both.6

What was most note worthy about this case was the overwhelming public support Adam Adli received. For five nights, crowds gathered for candlelight vigils at the Jinjang police station where he was detained while awaiting trial. There were reports that up to a thousand had showed up at one point, fostering an atmosphere of solidarity among Malaysians of different races.

So consistent and evident were the vigils that the police eventually intervened to disperse the crowd on May 22nd 2013. 18 people were arrested including four women and were all released after questioning.⁷

Vigils of much smaller scale even occurred in Penang, where up to 40 people attended.⁸

TPPA PROTESTS

The elections were not the only cause to take to the streets. Dissatisfaction towards the TPPA (the Trans-Pacific Partnership Agreement), which would see Malaysia submit to a free trade agreement with various countries on terms established by the USA, also generated much rancour.

Interestingly enough, this came from both sides of the political divide. Even ex-Prime Minister Mahathir Muhammad joined the chorus of critics against the policy, which included PERKASA. This sets the anti-TPPA protests apart from much of the protests that occurred throughout 2012–2013.

A protest took place in Sabah, where eleven activists demonstrated

⁶ http://www.themalaysianinsider.com/malaysia/article/adam-adli-charged-with-sedition/

⁷ http://www.themalaysianinsider.com/malaysia/article/adam-adli-charged-with-sedition/

http://anilnetto.com/democracy/education-and-students-rights/another-solidarityvigil-for-adam-adli/

against the agreement on July 20, 2013. It took place at the Sutera Harbour Resort in Kota Kinabalu where the 18th round of on-going discussions about the TPPA was held.⁹

Gabungan Menuntut Hak Rakyat Sabah (Gegar) chairman Harieyadi Karmin said the protest was peaceful. The protestors, upon orders from the police, had even withdrawn 50 metres back from their initial position, but they were eventually arrested.

Another protest occurred on August 23, organized by the Bantah TPPA coalition. After Friday prayers, demonstrators marched from the Tabung Haji mosque to the American embassy, where a memo of protest was handed over to Mr. Green, a representative of the US embassy. Participating organizations included SUARAM, the National Union of Bank Employees, Solidariti Anak Muda Malaysia and Pro-Mahasiswa.

A bigger protest was held on October 11, 2013, during the visit of the United States Secretary of State, John Kerry, to push Malaysia to accept the agreement. A march was held after Friday prayers, from the Asy-Syakirin mosque to nearby KLCC. NGOs from the previous protest were present, as well as opposition leaders like Batu MP Tian Chua and Sungai Siput MP Dr Michael Jeyakumar. The Malay Mail reported about 100 people were present.¹¹

TURUN

The year ended with another protest, this time under the banner of "TURUN". The protest, held at Dataran Merdeka, was a response to the

http://www.themalaysianinsider.com/malaysia/article/14-arrested-in-kota-kinabalufor-tppa-protest

http://www.freemalaysiatoday.com/category/nation/2013/08/23/demo-bantah-tppake-kedutaan-amerika/

http://www.themalaymailonline.com/malaysia/article/at-summit-kerrys-visit-draws-100-anti-tppa-protestors

rising cost of living: the Government Service Tax had been announced and subsidies were being consistently reduced. The rising cost of living too was palpable, hence the name of the protest, a call for a more affordable life in Malaysia.

Rafizi Ramli denied any official involvement in the protest from Pakatan Rakyat, though he supported the right for the protest to take place as a fundamental freedom. PAS Youth was at the forefront of TURUN, with newly elected head Suhaizan Kaiat very visible in the build-up.

Barisan Nasional was not happy with the idea. The protest was first branded as a plot to topple the government. The allegation was swiftly denied by the organizers, but it did not stop BN's media machinery from engaging in their usual fear-mongering tactics.¹² They claimed they had found posters related to the protest calling for the government to be overthrown. However, the posters did not name any of the organizing NGOs.¹³

It was from that allegation that the movement became identified with the word "Guling" (literally it translates to "roll" in Bahasa, but it can also be used to mean "topple"). State controlled, print and broadcast media went all out in demonizing the event on a daily basis from early December. In fact, during the event, the twitter feed of *Bernama*, the official state news agency, used in its tweets the hashtags #guling and #topple.¹⁴

Azan Safar, 24, de facto chair of TURUN, was arrested in the build-up to the protest, when the authorities detected a *Facebook* post insinuating

http://www.sinarharian.com.my/semasa/himpunan-31-disember-tidak-guling-kerajaan-1.234815

http://www.themalaysianinsider.com/malaysia/article/pakatan-not-behind-year-end-price-hike-rally

http://www.themalaymailonline.com/opinion/zurairi-ar/article/the-night-new-year-was-cancelled

that a riot would take place during the protest. He was investigated under Section 9(5) of the Peaceful Assembly Act and Section 124B of the Penal Code for organizing an activity detrimental to parliamentary democracy. He was released. He has not been charged, at the time of this publication.

The protest itself proceeded peacefully. An estimated 10,000 people gathered at the meeting points, and marched to Dataran Merdeka. There was a large presence of youths and Mahasiswas, from all races, in the crowd. So imposing was their presence that DBKL decided to cancel the countdown celebrations.

The following day, *Utusan Malaysia* portrayed the protestors as unruly and the protest itself as a disruption to the New Year Celebration, despite the fact that the rally occurred peacefully. The report did not interview any of the protestors for their perspectives. Compare this angle with *Sinar Harian's*, whose headline read: "Himpunan Turun Aman, Terkawal: Peserta Akur Arahan Pihak Berkuasa."

http://www.thestar.com.my/News/Nation/2013/12/25/New-Years-Eve-protest-group-leader-arrested.aspx/

http://www.utusan.com.my/utusan/Dalam_Negeri/20140101/dn_06/Sambutan-di-Dataran-Merdeka-tercemar



Tith the elections looming, the media – be it the BN-linked traditional media, online or party organs – became the battleground to win hearts and minds from all sides. There were highs and lows, reasons for cautious optimism and serious fears of the changes that might occur after the elections.

VIOLATIONS AGAINST THE MEDIA

VIOLENCE AGAINST JOURNALISTS

• Bersih 3

Then some protesters breached the barricades surrounding Dataran Merdeka, the police reacted with an all-out attack. Tear gas canisters were fired into crowds that included seniors and children, and several journalists were attacked and beaten. Expensive photographic, video and other equipment relevant to documenting events at the scene were destroyed and / or seized and never returned. What is more troubling is that the Home Minister regarded the seizures as their standard operating procedure, a claim refuted by the Inspector General of Police. ²

Injuries were rampant: Radzi Razak of *the Sun* was admitted to the hospital after an attack by at least seven policemen and had to have his jaw wired. Malay Mail photographer Arif Kartono was assaulted by six police personnel. Makkal Osai photographer P. Malayandy was assaulted by five policemen. Al-Jazeera correspondent Harry Fawcett alleged police violence when his crew was documenting arrests and ill-treatment of protesters; he and his colleagues were shoved and held, and their equipment was damaged. Channel News Asia video cameraperson Kenny Lew reported being punched by police and had his tripod seized.

Wong Onn Kin, a photographer with *Guang Ming Daily*, was punched in the back of the head by three policemen. Two police officers, Corporal Mohd Khairul Asri Mohd Sobri and Constable Shahrul Niza Abdul Jalil, were charged with using criminal violence against Wong. However, they were acquitted in November 2012 after Magistrate Nurulain Abdul Rahim found that the other witnesses could not positively

http://cijmalaysia.org/2012/05/02/joint-media-statement-media-groups-condemnarrest-harassment-violence-towards-journalists-during-bersih-rally/

http://www.freemalaysiatoday.com/category/nation/2012/04/30/hisham-wrong-about-sop-says-igp/

identify Wong's attackers.3

As investigations were conducted by SUHAKAM and Reporters Sans Frontiere, it was clear that the attacks against journalists were carried out despite the fact that they wore media identification tags.⁴ As of March 11, 2013, there has yet to be any offer or consideration of farreaching reforms by the government to provide better protection for media and journalists as called for by the UN Inter-Agency Action Plan on Safety of Journalists.⁵

Tensions towards GE13

On April 23, 2013, it was reported that Liang Hui Fang, a reporter with *Nanyang Siang Pau*, was attacked by BN party workers at an operations centre in Kuantan, Pahang. The police had not only refused to take her report, they also told her to delete the photographs she took of the attacks. What's worse, BN party workers tried to seize her camera despite her showing to them that she had not taken any photos of the operations centre.⁶

Two days later, *China Press* photojournalist Sin Kan Weng was punched by a man from a group of about 50 motorcyclists wearing 1Malaysia T-shirts. The group were disrupting a public talk organised by DAP in Bukit Gelugor, Penang, and as they tried to make their way into the area, they were confronted by a group of DAP supporters. It was in the heat of the moment that Sin was punched in the ear.⁷

http://www.malaysiakini.com/news/215575

⁴ http://en.rsf.org/malaisie-major-protest-prompts-attacks-on-05-05-2012, 42567.html

http://www.unesco.org/new/en/communication-and-information/resources/ news-and-in-focus-articles/all-news/news/un_approves_common_strategy_on_safety_ of_journalists/

http://www.theedgemalaysia.com/mobile/article.php?id=236953

http://my.news.yahoo.com/cameraman-gets-earful-1msia-bikers-scuffle-034342080. html

• Himpunan Hijau

There were other instances of attacks against journalists. On the Penang leg of the Himpunan Hijau rally on February 28, 2012, two journalists from *Kwong Wah Yit Poh*, Adam Chew and Lee Hong Chun, were attacked by pro-Lynas supporters. Both lodged police reports on the attack. The violence was condemned by the National Union of Journalists Malaysia.⁸

• Social media council?

In his keynote address at the Asian Media Information and Communication Centre at Universiti Teknologi Mara in July 2012, Rais Yatim proposed the idea of a social media council.

Citing the existence of a social media council in the UK, Rais added that the council would "think on and delve into issues on our community, security and legal obligations including giving education to school and university students", in addition to regulating social media usage and..."9 He believed this was important, seeing that there were currently 12 million social media users of all ages throughout Malaysia.

Little else was heard about the establishment of this council afterwards. Regardless, that did not stop the Malaysian Communications and Multimedia Commission (MCMC) from threatening to monitor and control the use of social media during the 13th general election. This, aside from being undemocratic in its desire to regulate the free exchange of information among citizens, also contravenes the prime minister's commitment to transparency in signing on to International-Malaysia's Election Integrity Pledge for a free and fair 13th general election.¹⁰

⁸ http://nujstar.org/?m=201202

⁹ http://thestar.com.my/news/story.asp?file=/2011/11/2/nation/20111102114749&sec =nation

http://www.malaysiakini.com/news/223071

• Statutory media council

The proposed statutory media council has been much cause for concern. While the idea surfaced back in the 1970s and a bill was floated in 2001, the latest government proposal was introduced to select editors and the National Union of Journalists by the Attorney General in May 2012.¹¹ A self-regulatory media council can help to uphold the standards of journalistic freedom and independence, but any initiative led by the Government, especially one with a poor track record of protecting civil liberties, instead of by the industry will function as another layer of control, especially when laws that curtail media independence remain.

The media council proposal also fuelled the decision by a group of media practitioners, former and retired journalists, to meet on World Press Freedom Day in 2012 to establish the Institute of Journalists Malaysia. The journalist-led body aims to advance the professionalism of journalists in Malaysia through developing standards, values and ethics, and improving skills through training and certification. In other words, it will function as an independent body to also defend media freedom and freedom of expression. ¹²

• The Star, Erykah Badu and an Allah tattoo

In February 2012, *the Star* got in trouble for publishing a photo of singer Erykah Badu in their entertainment section where she is seen apparently topless and sporting a tattoo of "Allah" in Arabic script on both shoulders. This photo soon attracted the ire of many Muslim groups who viewed it as an insult to Islam.

http://thestar.com.my/news/story.asp?file=/2012/5/13/nation/11282779 &sec=nation

http://uppercaise.wordpress.com/2012/05/04/journos-move-for-greater-professionalism/

This led to several consequences: First, three of its top editors were "hauled up" by the Home Ministry to explain the decision behind the photo. The Ministry ordered "*The Star* and all media organisations to take preventive, corrective and informative action to prevent the publication of content that may touch on the country's multi-racial and multi-religious sensitivities."¹³

Two Star editors, Lim Cheng Hoe and Daryl Goh, were suspended as a result.¹⁴ In addition, two editors were appointed to "assist and guide" *the Star* on editorial decisions regarding Islam to avoid another misunderstanding in the future.

In an official statement, *the Star* apologised for any hurt and offence the photo caused and stated that the decision to use the photo was not meant to offend anyone.¹⁵ It merely corresponded to news about Badu's upcoming concert.

The cabinet, following the strong suggestion of Information, Communications and Culture Minister, felt that it was best for the concert to be cancelled, on the basis that Badu violated the guidelines for proper conduct set by the Foreign Artiste Performance and Film Screening Central Application Agency (Puspal).¹⁶

Utusan harred

In May 2012, the Penang state assembly's rights and privileges committee barred *Utusan Malaysia* from reporting on the state

http://www.themalaysianinsider.com/malaysia/article/the-star-faces-sterner-action-over-erykah-badu-slip-up

http://www.themalaysianinsider.com/malaysia/article/the-star-suspends-two-editorsover-erykah-badu-row

http://thestar.com.my/news/story.asp?file=/2012/2/27/nation/20120227105242&sec =nation

http://thestar.com.my/news/story.asp?file=/2012/3/1/nation/20120301125536&secanation

legislative assembly.¹⁷ Penang Chief Minister Lim Guan Eng said the ban was an act of self-defence from the distortion of truth the paper regularly partakes in, in its service to the ruling party; Guan Eng implied that because of the ban, there will be less defamation suits for him to file against *Utusan Malaysia*. He also said that the paper was not barred from reporting on his daily functions and press briefings.¹⁸

• Yassin interrogated

The Malaysian government's desire to control the free flow of information among Malaysians is evident in the summoning of the singer and composer Yasin Sulaiman for his interview with *Radio Free Malaysia*, an underground radio station. Yasin was also questioned about matters that did not relate to the radio station at all, such as his pro-opposition song "Reformasi".¹⁹

THE HEAT

It was reported on December 20,2013, that the Home Ministry suspended the license of the weekly newspaper The Heat. The reason for the suspension was not officially announced, though speculations suggest that it was related to a report on Prime Minister Najib Razak and his wife, Rosmah Mansor, entitled "All Eyes on Big Spending Najib", which focused on their spending habits.

The Home Ministry denied that the Heat was suspended because of its story on Rosmah. Rather, it was because the Heat had gone against the scope of its printing permit. As a business magazine, it should not have been operating as a weekly newspaper.²⁰

Note that the Kelantan state government also made the same decision against *Utusan Malaysia* in July 2011. For more see:http://www.malaysiakini.com/news/226919

¹⁸ http://www.malaysiakini.com/news/196844

http://beta.malaysiakini.com/news/225572

http://www.freemalaysiatoday.com/category/nation/2013/12/23/the-heat-might-comeback-with-a-vengeance/

VIOLATIONS BY THE MEDIA

BERSIH 3 MEDIA BLACKOUT

Perhaps the most egregious of all was the near-blackout of coverage of the Bersih 3 rally in the mainstream media. Upon a close review of *Utusan Malaysia*, *New Straits Times*, *The Star* and *the Sun*, CIJ concluded that, all in all, Bersih 3 received significantly far less media attention than Bersih 2.0.

In comparing media coverage for both protests two weeks before the scheduled date, CIJ found some startling facts: *Utusan Malaysia* published 316 articles on Bersih 2.0 compared with only nine for Bersih 3. This represents a fall of 97%. The *New Straits Times* had a similarly drastic drop of 92%, with only eight articles published on Bersih 3, compared with 97 for Bersih 2.0. *The Star* had a 91% drop with only nine articles in 2011, compared with 104 in the same period in 2012. *the Sun* performed relatively better with a drop of 62%; it published 10 articles for Bersih 3 rally compared with 26 for Bersih 2.0.1

Coverage by *Utusan Malaysia* and the *New Straits Times* was largely negative. There was an increase in neutral articles published in *The Star*, with six out of the nine articles on Bersih recorded as neutral. Of the four media outlets, *the Sun* tops the list of most balanced coverage, with eight of the 10 articles recorded as neutral, one as positive, and one as negative.

All this is a clear sign of how the print media is still not free to report fairly and accurately in Malaysia. Print media's poor performance as a provider of accurate information is reflected in Malaysia's low ranking on Reporters Without Borders' 2013 Press Freedom Index, where we rank at 145th place, 23 places lower than the year before.

http://cijmalaysia.org/2012/04/26/cij-alarmed-at-bersih-3-0s-near-blackout-by-print-media/

FOREIGN AGENTS

BN's attempt to influence media and perception also went international when it was revealed that several of America's most well-known conservative columnists were paid to write positive oped commentary about the Malaysian government. Their pieces were published in *San Francisco Examiner*, *Washington Times*, the National Review and Huffington Post.²

Additionally, two online publications, *Malaysiamatters.com* and *Malaysiawatcher*, were set up as venues for their writings, though they soon halted operations. The writers associated with this project included Brad Jackson, Ben Domenech, Claire Berlinski, Rachel Ehrenfeld, Seth Mandel, Chuck DeVore, Rachel Motte, Christopher Badeaux, David Brown and Kevin Holtsberry.³

According to official documents from the United States Department of Justice, one of the pundits hired, Joshua Trevino, received US\$389,724.70 under contract with the Malaysian government to write critically against Anwar Ibrahim (despite having little background or familiarity with Malaysian politics).⁴

Trevino also particularly stands out for having previously lost his column in the Guardian for undisclosed ties with Malaysian businesses.⁵ Trevino denied any affiliation with the Malaysian government at first, though once that claim was publicly refuted with evidence, he added that he had never written with any specific orders from the Malaysian government, stressing that he had considerable amount of flexibility with the content that would go towards the articles he wrote.

For examples, see: http://www.sfexaminer.com/blogs/nep/search-moderate-muslims http://www.nationalreview.com/corner/260498/malaysian-pm-muslim-brotherhood-must-renounce-violence-or-be-left-out-seth-mandel

³ http://www.globaljournalist.org/freepresswatch/2013/03/malaysia/journalists-confess-to-accepting-malaysian-government-money/

⁴ http://www.fara.gov/docs/6152-Registration-Statement-20130124-1.pdf

⁵ http://www.salon.com/2013/03/01/u_s_medias_malaysian_government_shills/

Thus it is not surprising then that the *Malaysian Insider* reported that the Malaysian government has been using sophisticated spyware to collect information on Malaysians. Drawing from a report by the *New York Times*, the *Malaysian Insider* pointed to a study conducted by Citizen Lab based in the University of Toronto's Munk School of Global Affairs which shows that the Malaysian government has been using surveillance software FinSpy for "grabbing images off computer screens, recording video chats, turning on cameras and microphones, and logging keystrokes".6

The MCMC, however, vehemently denied this, claiming that the *Malaysian Insider* report was ill-researched. In response, the *Malaysian Insider* agreed to fully cooperate with the authorities to clarify misunderstandings where there may be any.

DISINFORMATION

In some cases, information was manipulated with the intention of discrediting the opposition. One notable case was national news agency *Bernama*'s distortion of a report from the Economist Intelligence Unit. The report stated that the increased competition between PR and BN meant that there would be no significant improvement to lessen the government's budget deficit. *Bernama*, however, saw it fit to think (erroneously) that that also meant that Pakatan Rakyat was irresponsible, that it was going to bankrupt the economy and that it was not delivering on its promises.⁷

Consider, for example, this line from the *Bernama* report as an example of overt partiality: "For international observers, the outcome of the upcoming polls is already clear, that the BN will be victorious, the EIU said. It also said the opposition Pakatan Rakyat has been making

⁶ http://www.themalaysianinsider.com/malaysia/article/Malaysia-uses-spyware-against-own-citizens-NYT-reports/

https://www.freemalaysiatoday.com/category/nation/2013/02/22/economists-bn-win-prediction-a-big-spin/

'costly promises'". Based on that, it concluded that, "On all these counts, Pakatan's populism has remained just hot air... compared [sic] this with BN's successful track record in fulfilling its promises, and you have a clear difference in approach".

RACE BAITING

PRE-ELECTIONS

It is now obvious that the interests of the ruling coalition are supported through the media. Decade after decade, *Berita Harian*, the Star, Utusan Malaysia and the New Straits Times have presented the news in such a way that the BN government is not only viewed favourably, but that their rivals in Pakatan are vilified.

The build-up to the elections has seen this trend intensify in other realms of media. Nowhere is this more egregious than in the public screenings of Tanda Putera, a film about the May 13 race riots. It is well established that the film was screened in various public universities and FELDA settlements in the months leading up to polling day on May 5, 2013.

Among other dubious and unsubstantiated claims, the film portrays former Parliamentary Opposition Leader Lim Kit Siang as the key antagonist of the tragedy, despite his repeated insistence on the contrary. Scenes that were clearly a historical were added for purely dramatic purposes, such as one where a group of Chinese individuals were urinating on the Selangor flag. What is much worse, the screenings were approved by the Prime Minister himself.¹

The issue of May 13 re-surfaced in the thick of the election campaign, when leaflets about Kit Siang's alleged involvement in the race riots were being distributed (this despite his repeated insistence the he was in Sabah when they occurred). On April 28, 2013, *Malaysiakini* reported that BN campaign workers had distributed leaflets at a night market in Skudai which claimed that Kit Siang and, evidently by implication, DAP were the masterminds of the tragedy.

According to the *Malaysiakini* report: "The leaflets also attached an interview of former Kuala Lumpur City Hall director-general Nordin

http://www.malaysiakini.com/news/221732

Abdul Razak published in Umno-owned *Mingguan Malaysia* in which he claimed he saw Kit Siang with anti-Malay demonstrators during the incident."²

POST-ELECTIONS

It got worse. The day after the elections, Malaysians were greeted with a headline which read "Apalagi Cina Mahu?" (What More do the Chinese Want?) in Utusan Malaysia.

The story claimed – with little supporting evidence – that Barisan Nasional's pyrrhic victory had to do with the fact that the overwhelming majority of Chinese voters had voted for Pakatan, thus tilting the balance severely to the other side. BN was left only to the "Malay core" to sustain the Barisan government.

After paragraphs of diatribes mentioning how DAP had become the strongest component in PR and that the Chinese community have begun to disrespect the Malaysian flag the article ended with a quote by Ali Rustam.³

While the Prime Minister himself was not quoted in the piece, he should not be absolved. For he had made a statement the night before, after the election results were announced, where he used the phrase "Chinese Tsunami" to explain his poor performance.

Aside from being racially offensive, the story was also misleading, as analysts had pointed to more credible reasons behind BN's victory. For one, voting trends show that BN had lost a great deal of support from urban electorates. This included urban middle-class Malays who tended to vote Pakatan. It should be stated that young voters too had overwhelmingly turned to Pakatan.

http://www.malaysiakini.com/news/228277

http://www.utusan.com.my/utusan/Pilihan_Raya/20130507/px_03/ Apa-lagi-orang-Cina-mahu

CHEERS AND JEERS

CHEERS AND JEERS

Cheer 1: Utusan found guilty of defamation

Tusan Malaysia suffered severe losses in several major defamation suits that were filed against it.

In June 2012, the Penang High Court ordered *Utusan Malaysia* to pay RM200,000 in damages to Lim Guan Eng when the paper falsely quoted him in a 2008 article as saying that the NEP would be dismantled in the event of a Pakatan takeover of Putrajaya.¹ On the contrary, Guan Eng stressed that his position called for an NEP that is free from corruption and cronyism.

In October 2012, Teresa Kok won an apology and RM50,000 from *Utusan Malaysia* columnist Chamil Wariya and the paper's publisher Utusan Melayu Sdn Bhd as the settlement for her defamation case against the newspaper. Chamil based a character on Kokin his piece of fiction entitled "Senator Josphine", with defamatory content aimed at Kok.²

In December 2012, *Utusan* was ordered to pay RM50,000, this time to DAP president Karpal Singh, when the Judicial Commissioner Justice Nik Hasmat Nik Mohamad ruled that an article about Karpal, published in 2008, was defamatory. The article by Zulkifkli Jalil, which had a sentence that read "DAP diingat jangan dibakar perasaan orang Melayu", was deemed by Justice Nik Hasmat as reckless journalism, as Zulkifly wrote it without verifying the content.³ Zulkifli, in response, claimed that it was merely an honest mistake and agreed to formally apologise and retract the statement.

http://thestar.com.my/news/story.asp?file=/2012/6/22/nation/20120622123629&sec =nation

http://thestar.com.my/news/story.asp?file=/2012/10/8/nation/20121008143150&sec =nation

http://thestar.com.my/news/story.asp?file=/2012/12/14/nation/20121214124738&se c=nation

Two defamation cases against *Utusan* are ongoing. The first is from PAS MP Mohammad Nizar Jamaluddin who, in seeking RM50 million in damages, claims that the paper falsely accused him of being a traitor to the Sultan of Johor.⁴ The second is from Nurul Izzah, over her remarks about apostasy and the freedom of religion, which she made at an interfaith forum on the secular state.⁵

Cheer 2: More alternative news sources

The Malaysian public can look forward to more quality journalism with the launching of three new publications: FZ.com, Focus Malaysia and Kinibiz.

FZ.com, an offshoot of Malaysia's leading financial daily, *The Edge*, which is owned by prominent businessperson Tong Kooi Ong. The online daily aims for "fair and credible reporting": "Credibility makes for sustainability. Our editorial team is guided by the principles of fair and balanced reporting. We want to present both sides of the story to readers and let them be the judge." Operating for free, it is targeting the emerging market of a younger and more critical Malaysian audience.

KiniBiz looks to be an interesting prospect as well, as it the business offshoot of *MalaysiaKini*. This connection explains the 12,500 unique visitors and 76,000 page views it garnered within the first 12 hours of its launch.

KiniBiz has been in the making for some years now,in response to popular demand for a more critical and independent take on the state of business and finance in Malaysia.⁷ It will be offered for free for the

http://www.malaysia-chronicle.com/index.php?option=com_k2&view=item&id=42979:niza r%E2%80%99s-defamation-order-against-utusan-set-aside&Itemid=2

http://thestar.com.my/news/story.asp?file=/2012/12/13/courts/12449799&sec=courts

http://www.adoimagazine.com/index.php/news/1-breaking-news/8507-the-edge-launches-fzcom-

http://www.digitalnewsasia.com/digital-economy/kinibiz-to-bring-malaysiakinisindependent-journalism-to-business-community

first three months until the site is moved behind a paywall.

Focus Malaysia, printed weekly, offers analysis of the world of Malaysian business and finance, and with an editorial team with 93 years' worth of experience between them, the publication is likely to offer a greater range of critical perspectives to the Malaysian public.⁸

Cheer 3: High Court grants Malaysiakini printing licence

On 1 October 2012, *Malaysiakini*'s request for a printing permit was finally approved, after it's initial request was rejected by the Home Ministry. The Kuala Lumpur High Court's Appellate and Special Powers Division recognised the right to a newspaper permit as a right under freedom of expression and thus a fundamental liberty in the Federal Constitution, and ruled in favour of *Malaysiakini*'s application. Presiding judge Abang Iskandar Abang Hashim characterised the ministry's decision as "improper and irrational" in addition to ordering the ministry to pay RM5,000 in costs.⁹

Cheer 4: Malaysiakini's free access for the elections

Just as they did for GE12, *Malaysiakini* suspended their subscription service during the elections period to offer free access to their news. Rightly, they said that this would provide key analyses and information to voters. This would also enable *Malaysiakini* to more easily overcome any anticipated cyber-attacks during the elections period.

Cheer 5: BFM's bravery

In an attempt to curb discourse, the MCMC approached BFM radio with a literal reading of their licence to stress that they are to only broadcast business- and finance-related content. This effectively

⁸ http://news.malaysia.msn.com/regional/new-business-weekly-paper-hits-town

http://www.malaysiakini.com/news/210454

meant that they are not to do any politics-related programming during the elections period. The MCMC also added that their licence would be at stake should they not comply with the directive.

BFM nonetheless went ahead with their elections programming, titled "Battle for Malaysia". They produced video interviews with key political commentators discussing sensitive topics such as Hudud and the widespread objections against the usage by Christians of Kalimah Allah. Additionally BFM ran an elections preview show on nominations day, as well as a seven-hour live programme on the elections results.

Cheer 6: Pakatan Rakyat newspaper ads appear in Sinar Harian

Given the little to non-existent platform that the Pakatan Rakyat parties have in the main stream media, it was heartening to see *Sinar Harian* offer them the space and opportunity to be heard by publishing their advertisements. A notable adpresented Lim Guan Eng next to a text that reads "Bukan anti Melayu, Bukan Anti Islam, Cuma Anti-Rasuah".

Jeer 1: Goodbye, Merdeka Review.

Malaysians said goodbye to *Merdeka Review* which ended both their Malay and Chinese online publications in August 2012 after seven years of operations.

They were known for frequent incisive and critical commentaries on the state of Malaysian politics, garnering a modest although regular following throughout the years.

However, financial difficulties severely limited their reach and consistency. They launched a campaign called "Selamatkan *Merdeka Review*" to gather donations, and while they received considerable support, it was not enough to keep the publication afloat, especially with increasing demands for wider coverage on pressing issues that

were rapidly unfolding after 2008.¹⁰

Jeer 2: Manifest deception

In July 2012, Rais Yatim considered the possibility of allowing political parties (other than BN) to air their election manifestos on national broadcaster Radio Televisyen Malaysia (RTM). The details of this proposal would be worked out with the Election Commission.¹¹

This was considered after cabinet ministers approved requests for equal airtime for elections manifestos by political parties – based on Article 10 of the Federal Constitution, the freedom of speech clause. The conditions pertaining to equal airtime were not stated and would only be specified after Parliament is dissolved.

All that sounded more promising than it turned out. The Information, Communications and Culture Minister offered a mere 10 minutes of pre-recorded air time for the opposition to explain their manifesto. ¹² The short amount of time and the all-too-reasonable concerns that the pre-recorded presentation may be edited to skew the Pakatan Rakyat Manifesto's original message, ultimately led Pakatan Rakyat to unanimously reject the ministry's offer.

Rais Yatim asserted that the 10 minutes would apply equally to BN and Pakatan Rakyat, although this ignored the fact that RTM, like the rest of the government-owned media, has given exclusive attention to BN's agenda over the past five decades.

Jeer 3: Bullying

On the evening of July 3, 2013 Pusat KOMAS, together with the KL & Selangor Chinese Assembly Hall Civil Right Committee (KLSCAH CRC),

http://www.merdekareview.com/bm/news_v2.php?n=13306

http://www.themalaysianinsider.com/malaysia/article/guidelines-for-rtm-to-air-election-manifestos-under-study

¹² http://www.malaysiakini.com/news/224845

organised a private screening of "No Fire Zone", a film about the Sri Lanka civil war directed by British director Callum Macrae. Half and hour into the screening about 30 officers from the Home Ministry, Police and immigration entered the room, halted the screening, and asked the organizers for more information about the film.

The officials relented and allowed the screening to be continue, though they asked the audience for their identity cards once the screening ended. They then ordered Anna Har, a member of KOMAS Board of Director, Arul Prakkash, KOMAS Executive Director, and Lena Hendry to go to the Dang Wangi police station.

Lena Hendry was later charged for screening the documentary without the Film Censorship Board's approval. Lena "filed an application to the High Court registrar here to strike out the charge on the grounds that it contradicted Articles 8 and 10 of the Federal Constitution." The case is pending trial.

Jeer 4: Where are the journalists?

It is interesting to note that despite the increasing threats to the freedom of expression, very few journalists are willing to organise or speak out to protest the violations to journalistic integrity. This is understandable given the real and perceived risks to their livelihood associated with speaking out. Much of the initiative to call for media reform has therefore fallen on civil society instead.

The future of Malaysian democracy depends greatly on the willingness of its key stakeholders to stand up and be heard, to voice their opposition against any draconian measures, to curb civil liberties. Thus until journalists do more in speaking truth to power, the struggle will be an uphill one.

http://www.thestar.com.my/News/Nation/2013/11/26/Activist-Charge-over-films-screening-unconstitutional.aspx

ADVERTISING AVALANCHE

s the elections got closer, we would learn the lengths the BN government was willing to go to to stay in power. The *Malaysian Insider* reported that BN spent RM73 million in March 2013 alone on advertising, according to data from consumer analysts Nielsen Media Research.¹ A report by Maybank Investment Bank complemented this information, they put the total amount spent by the Prime Minister's Office in February 2013 at RM36.1 million.

Problems mounted for BN asthe advertising produced was nothing short of fear mongering. MCA-owned Star particularly stood out here for their anti-PAS ads in which they tried to equate a vote for DAP as a vote for PAS, focusing on PAS' stance on the Hudud penal code.

The ad depicted a rocket flying into the sky with the PAS moon logo in its wake. The accompanying message: "The power behind DAP is PAS. First their flag. Tomorrow their fundamentalist principles?" It is clear after the elections that the results were not at all influenced by the ad, despite MCA's persistence and *the Star*'s wide reach.

http://www.themalaysianinsider.com/malaysia/article/spending-soars-as-bn-sets-out-to-conquer-ad-space

http://news.malaysia.msn.com/elections/ge13-fear-mongering-ads-against-pakatan-could-backfire

MANIPULATION OF RELIGION

alaysia being Malaysia, the period under review saw the use of religion to suppress the freedom of expression on various occasions.

FATWAS

The National Fatwa Council – purportedly after 99 meetings – released a statement declaring it unlawful for Muslims to join public protests on the basis that it would threaten national peace and security. By implication, this meant that any Muslim individual joining a public demonstration would be committing a sin.¹

In making this statement, the council did not draw a distinction between demonstrating and rioting, and made the assumption that either leads to the destruction of public property. No mention was made about any of Bersih's eight demands.

The media coverage the statement received, and the ensuing chatter among the public, generated the impression that the council had released a fatwa. This was not the case. Mashitah Ibrahim of the Prime Minister's Office declared that the Fatwa Council was merely advising the public in their capacity as the nation's foremost religious instructors.²

The response from the opposition was diplomatic. PAS acknowledged the authority of the council while being forthright in their disagreement with the council's conclusion. They stated that Bersih was planned and conducted with the best of intentions to reform the country's democratic procedure.³

http://www.utusan.com.my/utusan/info.asp?y=2012&dt=0506&pub=Utusan_Malaysia&sec=Dalam_Negeri&pg=dn_18.htm

http://mstar.com.my/cerita.asp?sec=mstar_berita&file=/2012/6/12/mstar_berita/ 20120612183636

³ http://mstar.com.my/cerita.asp?sec=mstar_berita&file=/2012/5/7/mstar_berita/ 20120507154243

PAS was clear, however, that the ensuing commotion at Bersih 3 was a result of police misconduct and deliberate instigation and for that reason the police were the ones who actually violated the National Fatwa Council's advice.⁴

Another popular religious opinion came from Fathul Bari, chairman of the increasingly influential UMNO-linked ILMU (Himpunan Ulama Muda Malaysia). He argued that, based on Ambiga's purported affiliation with the LGBTIQ cause, Muslims who participate in the Bersih rally would effectively be supporting an un-Islamic cause.

In his article, Fathul Bari cited the conclusions of other Ulamas such as Ismail Mina Ahmad of Pertubuhan Muafakat Sejahtera Masyarakat Malaysia (the Malaysian Society for Peace and Unity) and Nooh Gadut, Advisor for the Johor Islamic Affairs Council (MAIJ), to support his view.⁵

The frequent reference to religion in these discussions, however, had little impact. As stated earlier, the wave of public protests in the build-up to the 13th general election only grew as the year continued.

IRSHAD MANJI

Canadian author Irshad Manji's books were banned in February 2012.⁶ Officially, it was because they contravened the teachings of the Quran and Sunnah. But it is likely that the ban was connected to the uproar in the anticipation of her visit to Malaysia. The ban was sparked by, among other things, the outcry against her sexual orientation as an openly lesbian Muslim and ZI publication's Malay translation of her book "Allah, Liberty and Love".

http://www.themalaysianinsider.com/litee/malaysia/article/PAS-alleges-cops-violated-fatwa-in-bersih-crackdown/

http://www.utusan.com.my/utusan/info.asp?y=2012&dt=0427&pub=Utusan_Malaysia& =Muka_Hadapan&pg=mh_01.htm

⁶ http://thestar.com.my/news/story.asp?file=/2012/5/24/nation/20120524222905&sec =nation

A forum at the International Islamic University in Gombak was cancelled due topublic pressure, which also saw a direct order to BFM against releasing their video interview with her. Arts activist Faisal Mustaffa was arrested by the Selangor Department of Islamic Affairs (JAIS) for possessing Manji's book and prosecuted under Section 215 of the Syariah Criminal Procedure 2003.⁷

JAIS raided his residence when he was not at home, then called him for a statement twice, during which he was accompanied by a lawyer from the legal advocacy group Lawyers for Liberty. It was during his second visit that JAIS decided to arrest him. He was released on bail that same afternoon.

What was more unfortunate was the persecution of Borders store manager, Nik Raina Nik Abdul Aziz, for selling a translated version of Manji's "banned" books, despite the manager being arrested on the same day as the announcement of the ban.⁸

Things seem to be looking up for Borders. In March 2013, the High Court ruled in Borders' favour, deeming illegal the seizure of Irshad Manji's book by Federal Territories Department of Islamic Affairs (JAWI). Justice Zaleha Yusof allowed for Borders' declaration that JAWI's seizure was null and void, as it was done before the Home Ministry issued the prohibition, which was issued three weeks later.⁹

Justice Zaleha added that the charge against Nik Raina was also an infringement of Article 7 of the Federal Constitution, which states that no person shall be punished for an act, which was not punishable by law when it was done.[90] This called into question Home Minister

http://www.themalaysianinsider.com/litee/malaysia/article/activist-arrested-for-possession-of-irshad-manji-book/

http://www.themalaysianinsider.com/malaysia/article/seizure-of-irshad-manji-books-illegal-says-publisher

http://www.freemalaysiatoday.com/category/nation/2013/03/22/high-court-says-jawi-wrong-in-seizing-irshad-manjis-book/

Hishammuddin Hussein's statement that JAWI has the power to seize books in violation of Islamic law, even if they are not banned by the Home Ministry. 10

NURUL IZZAH AND THE FREEDOM OF RELIGION

Much uproar was directed against Nurul Izzah for the claim that apostasy for Muslims should be permitted. The statement was made during a forum on the Secular state at a church in Subang Jaya. It was recorded and its accessibility enabled the controversy to spread far and wide, making it as one of the most controversial topics in Malaysian politics in 2012.

In her defence, Nurul was reiterating what is already stated in the Quran, which reads "there should be no compulsion in matters of faith". However, with the timing being so close in the build-up to the elections, the context predisposed her claim to be read as an endorsement of apostasy.¹¹

Her quote is as follows:

"Yes, umm, but the idea itself, I think, goes back. And when you ask me, there is no compulsion in religion; even Dr (Ahmad) Farouk (Musa) quoted that verse in the Quran.

"How can you ask me or anyone, how can anyone really say, 'Sorry, this only apply [sic] to non-Malays.' It has to apply equally.

"In the Quran, there is no specific term for the Malays. This is how it should be done. So I am tied, of course, to the prevailing views but I would say that.

http://www.themalaysianinsider.com/malaysia/article/high-court-rules-jawi-wrong-in-raiding-borders

http://www.malaysia-chronicle.com/index.php?option=com_k2&view=item&id=43449:my-comments-on-religion-twisted-nurul-izzah&Itemid=2

"So what you want is of course in terms of quality. You believe so strongly in your faith, that even me, being schooled in Assunta with a huge cross in the hall and an active singing Catholic society will not deter you." ¹²

Given the dominant Malay-Muslim sensitivities in Malaysia, and as she said so herself "prevailing views", the statement touched a raw nerve about Muslim conversion which has been a recurring controversy in Malaysia. In the ensuing days, claims or at the very least suspicions about her being anti-Islam flooded mainstream Malay publications.

To state her position clearly, Nurul submitted a complaint about the slander and an explanation of the actual intention behind her statement to JAIS. [94] She also took further action by filing a defamation suit against *Utusan Malaysia* for their role in fanning the flames of slander against her; she also demanded an injunction against the daily from publishing similar articles. She did not specify any amount for compensation.¹³

LGBTIQ GUIDELINES FOR PARENTS

In September 2012, the ministry of education was the subject of much outrage and ridicule for being associated with a set of guidelines to help parents tackle the issue of lesbians, gays, bisexuals and transgenders (LGBT) among students, published by the Malaysian Teachers Foundation (Yayasan Guru Malaysia Berhad) and the Putrajaya Consultative Council of Parent-Teacher Associations.¹⁴

During the controversy, the ministry denied any connection with the guidelines, despite the fact that they was launched during a seminar

¹² http://www.malaysiakini.com/news/213783

http://www.themalaysianinsider.com/malaysia/article/nurul-izzah-sues-utusanfor-defamation-over-apostasy-row

http://thestar.com.my/news/story.asp?file=/2012/9/14/nation/12025905&sec=nation

called "Parenting in addressing the issue of LGBTs" that was officiated by Deputy Education Minister Mohd Puad Zarkashi. 15

According to the guidelines, a sign that a child might be gay include wearing tight-fitting ormuscle-revealing, sleeveless or V-collared shirts and colourful attire. Boys carrying slingbags and having many female friends are also signs of being gay. The guidelines concluded that such behaviour can be corrected through early intervention by parents and teachers.

News of the guidelines made it to the Huffington Post, among other international news outlets, for its sheer outrageousness. [98] This was in addition to the backlash the guidelines generated locally, as it was continuously ridiculed for being unrealistic and discriminatory.

ALVIVI

On July 11th 2013, as Ramadhan began, infamous sex bloggers Alvin Tan and Vivian Lee (better known as Alvivi), posted a photo on their *Facebook* page which read "Selamat Berbuka Puasa (dengan *Bakkutteh*... wangi, enak, menyelerakan)". Nevermind the fact that *Bakkutteh* is a pork dish, the greeting also contained the JAKIM halal logo.

Scorn and outrage soon flooded the net and in a matter of days Alvivi were caught up in a national controversy for insulting Muslims. They removed their *Facebook* page to calm things down, but to no avail. By then, the photo had been discussed all over national media.

They tried to change the topic, claiming that *Bakkutteh* only meant "meat bone tea" and that the firestorm was largely the work of UMNO.

They were charged under subsection 4(1) of the Sedition Act 1948,

http://thestar.com.my/news/story.asp?file=/2012/9/15/nation/20120915152525&sec =nation

which is punishable under subsection 4(1) of the same Act and, read together with Section 34 of the Code Penal. They face the possibility of a fine of up to RM5,000 or imprisonment for up to three years or both.

But that was not all. Alvivi found themselves accountable for things they had done prior to the greeting, such as displaying pornographic images on their blog. For this, they were charged under subsection 5(1) of the Film Censorship Act 2002, which is punishable under subsection 5(2) of the same Act, which carries a fine of between RM10,000 and RM50,000 or imprisonment of up to five years or both, if convicted.¹⁶

CHETZ

Ramadan took an interesting turn on July 30, 2013, when a video by Maznah Mohd Yusof, also known as "Chetz", went viral for allegedly insulting Islam. The video, which ran for one minute and 44 seconds shows her wearing a baju Melayu and bathing a dog, with the Azan (Muslim call to prayer) blaring in the background. People mistook this scene as her performing the Muslim ablutions on the animal.

In addition, it also showed her walking alongside three dogs while the customary Raya takbir could be heard in the background. Another scene showed her feeding raya cookies to her dog.

These videos were filmed to spread awareness of animal rights, and they all ended with the following message: "Raikanlah Aidilfitri bersama-sama, tanpa mengira spesis, warna, asalusul" (Celebrate Aidilfitri together regardless of species, colour, origin).

Chetz was arrested for sedition and remanded in Segamat, Johor, for two days. She was not charged and refused to apologize. She said that the videos encouraged the love of animals and were not an insult to

http://www.thestar.com.my/News/Nation/2013/07/18/Sex-Bloggers-Charged.aspx

Islam.17

The case garnered widespread attention. Anwar Ibrahim said that JAKIM had overreacted. Othman Mustapha, the director-general of JAKIM, said that what Chetz did in the video was blasphemous.¹⁸

FRIDAY SERMONS

Friday sermons, sanctioned by JAKIM, became a platform for partisan politics throughout the year, most notably after the elections.

On September 6th, in the build-up to the Kalimah Allah verdict, JAKIM called for a holy struggle ("perjuangansuci") in defence of the word "Allah."¹⁹ On October 18, the topic was how Human Rights was a façade to push for an LGBT agenda, singling out Seksualiti Merdeka and COMANGO as the main drivers of the agenda.²⁰ On November 1, the topic was the annual budget, and how Muslims must co-operate to make it a success. The sermon also defended the necessity of the GST as "a method to restructure the country's current tax system so that it is more effective, fair, efficient and transparent."²¹

Social media became the object of criticism two weeks later, when JAKIM called for increased policing of the internet. Social media, supposedly, was part of a strategy by "the enemies of Islam which have been successful in bringing down several Islamic countries in the

http://english.astroawani.com/news/show/i-wont-apologise-for-raya-video-with-dogs-chetz-yusof-19459

http://www.themalaysianinsider.com/malaysia/article/chetz-to-be-called-up-by-jakim-for-insulting-islam

http://www.heraldmalaysia.com/news/Stop-baseless-accusations-over-use-of-%E2%80%9CAllah%E2%80%9D-The-Christian-Federation-of-Malaysia-16866-28-1. html

http://www.themalaymailonline.com/malaysia/article/human-rights-a-facade-to-destroy-islam-savs-jakim-in-friday-sermon

http://www.freemalaysiatoday.com/category/nation/2013/11/01/friday-sermon-muslims-assured-2014-budget-is-blessed/

Middle East", citing the Arab Spring as an example.²² It is Malaysian Syiahs who have had to bear the brunt of the damage. On November 29th JAKIM went as far as to claim that sodomy was one of the required practices of Syiah Islam.²³

KALIMAH ALLAH

On October 14th 2013, the Court of Appeals ruled against the right of the Herald, a Catholic Publication, to use the word Allah. This ruling reversed a 2009 High Court decision in favour of the Catholic Church, which was upheld on the basis of religious freedom as stated in the constitution.

The ruling this time was interesting in that it was religious, despite the Court of Appeals being a civil court. Justice Datuk Seri Mohamed Apandi Ali justified the decision on the basis that the word 'Allah' "is not an integral part of the faith and practice of Christianity". This, needless to say, ran contrary to the Prime Minister's own position on the Allah issue, where he had previously assured Christians of their fundamental rights.

The Court of Appeal's decision, expectedly, was met with much protest from Christian communities throughout Malaysia. But what was notable was the reactions by non-Christians. Even the Sultan of Selangor interjected. Sultan Sharafuddin Idris Shah prohibited the use of the word "Allah" by non-Muslim in Selangor, a statement that was greeted with much enthusiasm and support from conservative groups such as ISMA.

²² http://www.themalaymailonline.com/malaysia/article/social-media-a-threat-to-islam-internet-controls-a-must-muslims-told-in-fri

http://www.themalaysianinsider.com/bahasa/article/khutbah-jumaat-syiahharuskan-perbuatan-liwat-kata-jakim

COMANGO

Bile and ire came bursting forth when news circulated that the Coalition of Malaysian NGOs (COMANGO) was going to United Nations Headquarters in Geneva to deliver the Universal Periodical Review on the state of Human Rights in Malaysia. COMANGO was accused of, among other things, promoting apostasy and LGBTQ lifestyles, and undermining Islam as the official religion through their support of Shia Muslims and the right for Catholics to refer to God as Allah – all supposedly with the backing of Western powers.

Many of the allegations came from conservative right wing groups such as Perkasa, JATI and ISMA.²⁴ Their views were heavily promoted in the government-controlled media.

ISMA in particular went further. During Friday prayers on November 8, they handed out seventy thousand leaflets at mosques around the country. Marina Mahathir, whose photo was on the leaflet, was accused (falsely) of being a part of COMANGO. This prompted Marina Mahathir to take action, andshe demanded that ISMA to retract their statement or face legal action.²⁵

ISMA made no such retraction and instead proceeded to call for a nationwide campaign against COMANGO's human rights demands called 'Sejuta Ummah Tolak COMANGO'. This entailed rallies and a petition forthe government to reject COMANGO's demands.²⁶

Even ABIM, who are otherwise usually unaffiliated with the Malay far right, joined the chorus of critics.²⁷ Their vice president Mohamad

http://www.freemalaysiatoday.com/category/nation/2013/11/16/jati-comongomembers-are-bunch-of-traitors/

²⁵ http://www.projekdialog.com/featured/respon-marina-mahathir-kepada-isma-islam-menegakkan-keadilan/

http://www.themalaymailonline.com/malaysia/article/sma-pledges-a-million-supporters-in-nationwide-anti-comango-crusade

²⁷ http://www.utusan.com.my/utusan/Dalam_Negeri/20131101/dn_29/Comango:-Muslim

Raimi Abdul Rahim, however, took the initiative to dialogue and engage with COMANGO.

Barisan Nasional went further. Tanjung Karang MP Datuk Seri Noh Omar proposed a motion in parliament to condemn the coalition, though it was eventually rejected by the Deputy Speaker.

Less severe criticism against COMANGO came from Anwar Ibrahim and PAS Youth.²⁸ Hadi Awang, speaking at PAS' 59th Muktamar was believed to have stated his opposition to COMANGO. While he did not call out the coalition by name, he urged that the government should not recognize any proposal that contradicts the teachings of Islam.²⁹

THE PERSECTION OF SHIAS

The persecution of Shias took a turn for the worse through the 2012–2013 period. It is led by the main figure heads in BN, calling for systemic, state-sanctioned measures to persecute Shias. For example, on December 5, 2013, during the UMNO general assembly, the Deputy Prime Minister of Malaysia, Tan Sri Muhyiddin Yassin, called for an amendment to the Malaysian Federal Constitution to render Sunni Islam the official religion of Malaysia. On December 6, 2013, Home Minister Datuk Seri Ahmad Zahid Hamidi announced that two Faisal Tehrani novels were to be banned for supposedly containing Shia Islamic elements, stating that three other books were to be evaluated for a ban as well. This explains the persistence of anti-Shia sentiments on various Friday prayer sermons throughout 2012 and 2013. For example On November 29, 2013, Sunni Muslims in Malaysia were called to stop the spread of Shia Islam as part of their "jihad", while

UPRo-persoal-pendirian-Majlis-Peguam

http://www.freemalaysiatoday.com/category/nation/2013/10/24/pas-bantah-tuntutan-comango-iktiraf-lgbt-sensitiviti-islam/&http://www.sinarharian.com.my/nasional/pr-ulangi-pendirian-bantah-tuntutan-comango-1.225130

²⁹ http://www.thestar.com.my/News/Nation/2013/11/22/Hadi-Awang-to-Govt-Dont-sign-agreements-against-Islamic-principles.aspx

emphasizing that Shias have no historical roots in Malaysia.

Since much of the focus in the mainstream media has fallen on false accusations against Mat Sabu's alleged Shiism, actual arrests of alleged followers of Shia Islam has largely gone undocumented in the mainstream media.

For example, on October 31st 2013 three men pleaded not guilty to the charge of possessing documents and books on Shia teachings. Abdul Manapabdul Hamid, aged 49, Idris Mat Desa, 49, Abu Bakr Ahmad, 45 were accused of possessing a banner with the name of twelve saints important within Shia Islam, 103 copies of the book, "Sunni-Shia Dialogue", a document entitled "Tears of Karbala", and various other offences.

Right before Raya, Nor Azah Abdul Halim, a homeopathician, was arrested upon accusations of being Shia. Twenty JAIP officers raided her clinic, seized her books and arrested her.

In addition to arrests, Shia Muslims are also subjected to institutional marginalization, as Shia teachings are outlawed throughout the country. By August 2013, 11 states had adopted a fatwa to ban Shia teachings. The three states that have not done so are Kelantan, Sarawak and Sabah. This has led to outright aggression. On September 28, 2013, a Shia community center in Selangor was raided whereby various properties including donation money for an orphanage were seized.

Anti-Shia sentiments continue to be echoed even by independent preachers with no link to the government, given the increased anti-Shia mood throughout the region. The basic rights of Shia Muslims is an issue that requires immediate and urgent attention from all human rights advocates.

SOME GOOD NEWS: BOOK BAN OVERTURNED

February 2013 saw one major victory against book banning. In January 2012, the Kuala Lumpur High Court overturned the Home Ministry's 2008 ban of a book published by the NGO Sisters in Islam (SIS). The book, *Muslim Women and the Challenge of Islamic Extremism*, contains 10 academic essays by international activists and intellectuals and is edited by Universiti Kebangsaan Malaysia sociologist Prof Norani Othman.

According to Justice Mohammad Ariff Md Yusof, the claim that the book would "disturb public order, confuse Muslim women or confuse those with shallow knowledge of Islam" is unreasonable.³⁰ He also ordered taxable costs to be paid to SIS' counsel K Shanmuga and Malik Imtiaz Sarwar.

³⁰ http://www.theedgemalaysia.com/business-news/158323-sisters-in-islams-book-banoverturned.html

ENEMIES OF THE STATE

2012 and 2013 saw state power – via institutions, the demands of certain people in power, or public pressure – being directly exercised to curb the exercise of free expression.

BEHIND THE SCENES AT JANJI DEMOKRASI

uhammad Ammar A Rahman, a 19-year-old college student in Cheras, was arrested following his public display of his buttocks to a photo of the Prime Minister Najib Razak and his wife Rosmah Mansor at a protest on Merdeka eve.

He personally apologised to Najib and for offending Malaysians, emphasising that he was not paid by anyone and that he had regretted the act and vowed not to repeat it.¹ However, he was not the only target of persecution: another girl, also 19, was compelled by public pressure to turn herself in to the police for allegedly stepping on the same images, despite there being scores of others who also did the same. She was escorted to the Dang Wangi police station in handcuffs.²

More worryingly, two 24-year-old youths were detained and investigated under the Sedition Act for waving a pre-Merdeka flag, known as the Sang Saka Melaya. As soon as photos of them went viral, so did allegations from popular pro-BN bloggers that they were calling for the Malaysian flag to be replaced. Both youths denied the allegation on their blogs.³

MIFFED MALAY MONARCHS

Allegations of insulting the monarchy occurred frequently in 2012.

¹ http://www.malaysiakini.com/news/208288

http://my.news.yahoo.com/merdeka-eve-incidents-teenager-turns-herself-081920396.html

³ http://www.malaysiakini.com/news/208260

• Ahmad Abdul Jalil

A notable case was that of Ahmad Abdul Jalil, who was arrested in November 2012 for posting an allegedly defamatory statement against the Sultan of Johor on *Facebook*. He was investigated under Section 4(1) of the Sedition Act 1948 and remanded under solitary confinement (family visits are prohibited) for seven days in the Johor Bahru police station. This was a clear violation of Section 28A of the Criminal Procedure Code which states that an arrested person shall be given the opportunity to communicate with his family members and to inform them on his whereabouts.⁴

Upon rejection of the police's remand application, Ahmad was then rearrested by plainclothes policemen outside the court room, this time for alleged offences under the Malaysian Communications and Multimedia Act (CMA) of 1998.⁵ He was then released on bail at the price of RM10,000.

Uncle Seekers

Syed Abdullah Syed Hussein Al-Attas, or better known as Uncle Seekers, also fell into a similar situation when he was alleged to have insulted the Johor Sultan in claims he made about the Sultan, based on classified information, in his blog uncleseekers.blogspot.com.⁶ He was charged under Section 8(1)(d) of the Official Secrets Act of 1972. This was in addition to 30 police reports that were filed, urging the police to investigate the claims he made in his blog.⁷

WWW1

PAS MP and former Menteri Besar of Perak Mohammad Nizar

⁴ http://www.malaysiakini.com/news/213941

⁵ http://www.SUARAM.net/?p=3931

⁶ http://www.malaysiakini.com/news/202599

http://www.malaysiakini.com/news/202418

Jamaluddin similarly landed in controversy when he tweeted a statement that raised the ire of Sultan Ibrahim. In particular, Nizar characterised the Sultan's bid of RM520,000 for a licence plate that merely read WWW1 as wasteful. The Sultan regarded this as an insult to him and the people of Johor, and demanded an explanation and apology from Nizar.⁸ The Sultan asserted that his family does not receive any money from the government.⁹

Nizar denied allegations that his tweet insulted the Sultan. He submitted a formal request to meet with the Sultan while stating that if he were given a chance to explain his statement there would in effect be no need for an apology although he eventually relented to pressure and tweeted an apology to anyone who felt offended by his statement.¹⁰

• Mocking the Malay Monarch

In April 2012, Parti Keadilan Rakyat (PKR) MPs Azmin Ali and Tian Chua were accused of ridiculing ("mempersendakan") Malay rulers at the crowning of Yang di-Pertuan Agong Tuanku Abdul Halim Mu'adzam Shah. In particular, they were alleged to have made jokes aboutthe Sultan to which they both were seen whispering and chuckling together.¹¹

Both men categorically denied the allegation stating that they were baseless and politically motivated. Chua called for a Royal Commission of Inquiry to investigate the claims that were made against them.¹²

⁸ http://www.malaysiakini.com/news/200958

⁹ http://www.malaysiakini.com/news/199430

http://www.malaysiakini.com/news/199430

¹¹ http://www.malaysiakini.com/news/195218

¹² http://www.malaysiakini.com/news/195247

THE GEORGE SOROS BOGEYMAN REVIVED

The power of the state can be seen in their overt selective harassment against human rights NGO SUARAM. This began when SUARAM launched a full-scale investigation into the federal government's alleged acceptance of kickbacks to the tune of several billion Ringgit over the purchase of two Scorpene submarines.

SUARAM managed to convince the French court to investigate Parisbased naval defence company DCNS over allegations that it had bribed senior Malaysian officials to expedite the RM6.7 billion sale of the submarines in 2009, in which RM574 million was earmarked for coordination and support services for Perimekar Sdn Bhd.¹³ SUARAM went so far as to summon Prime Minister Najib, Defence Minister Ahmad Zahid Hamidi and Najib's former political adviser, Abdul Razak Baginda, as potential witnesses to their case.

As a consequence of SUARAM's bold and challenging work, the government levelled accusations against the organisation for allegedly being complicit insubversive anti-government activities with the help of foreign funding. ¹⁴ Co-ordinated by Minister of Domestic Trade, Co-operatives and Consumerism Ismail Sabri Yaakob, the harassment saw the Companies Commission of Malaysia not only investigate and audit SUARAM, but also search SUARAM's office, without a warrant, for purportedly suspicious activities. Additionally SUARAM was also made to meet with the Social Security Organisation, the MCMC, the Central Bank (Bank Negara), Registrar of Societies (RoS), police and the Home Ministry to explain their activities, all to which SUARAM complied. ¹⁵

The baseless threats of foreign funding was used to target other

http://www.themalaysianinsider.com/malaysia/article/SUARAM-to-putrajaya-end-harassment-probe-scorpene-scandal

http://www.themalaysianinsider.com/malaysia/article/ngos-stand-with-SUARAM-asks-government-to-stop-harassment

¹⁵ http://www.malaysiakini.com/letters/209603

organisations. In one instance, Bersih 2.0, *Malaysiakini*, CIJ, *LoyarBurok*, SUARAM, Lawyers for Liberty, SeaCEM and the Merdeka Centre were among 11 organisations attacked by the *New Straits Times* on September 21, 2012,for being agents in a foreign plot to overthrow the government.¹⁶

The report itself, however, was false. Written by *NST* Putrajaya bureau chief Farrah NazKarim, it provided no facts. Rather, it merely pointed to second-hand information while suggesting links between pro-democracy activists and the recent downfall of regimes in the Middle East. Relying on anonymous sources, the article smeared the Open Society Institute, National Endowment for Democracy and the International Republican Institute as well.

The afore mentioned NGOs therefore decided to file suits against the *New Straits Times* and Farrah NazKarim. *NST* relented and agreed to publish an apology on November 15, 2013. They conceded that their claims were baseless and falseand that the report should not have been published.¹⁷

NICK XENOPHON

In February 2013, the world was shocked to hear the news that independent Australian senator Nick Xenophon was refused entry into Malaysia. He was held at the KL International Airport overnight before being deported back to Australia the following morning.

The Malaysian immigration director-general, Alias Ahmad, citing Section 8(3) of the Immigration Act, justified this action on the basis that Xenophon had tarnished the country's image, namely when he labelled the Malaysian government's handling of Bersih 3

http://www.nst.com.my/top-news/plot-to-destabilise-govt-1.146549

http://beta.malaysiakini.com/news/246676

authoritarian.¹⁸ Alias added that Xenophon was not detained in a cell and was also free to make phone calls.

In response, Xenophon said he was visiting Malaysia as part of an official delegation approved by Australia's Special Minister of State Gary Gray to review its electoral system. ¹⁹ National Senator John Williams and Liberal MP Mal Washer were also to join him.

CARTOON THREATS

The Election Commission joined the many government institutions that exercised their powers to curtail freedom of expression; it deemed political cartoons illegal in the upcoming elections, pledging to take down all buntings and visuals that made fun of politicians.²⁰

Cartoons made headlines onanother occasion in 2012, notably in cartoonist Zulkifli Anwar Ulhaque's case where by a Malaysian civil court had found his arrest and detention as lawful under the Sedition Act and Printing Presses and Publications Act. Throughout his career, Zulkifli (better known as Zunar) has used cartoons as a way to communicate the corruption and human rights abuses in Malaysia.

While the court ruled that the confiscation of Zunar's books and artwork was unlawful, Human Rights Watch nonetheless regarded the arrest and detention as a setback to freedom of expression in Malaysia.²¹

http://www.themalaysianinsider.com/malaysia/article/xenophon-expelled-for-tarnishing-malaysias-image-says-immigration-chief

http://www.themalaysianinsider.com/malaysia/article/xenophon-says-malaysiatrip-official

http://www.freemalaysiatoday.com/category/nation/2012/06/06/ec-ban-wont-stop-me-says-zunar/

²¹ http://www.hrw.org/asia/malaysia

WHISTLE BLOWING

PKR's Rafizi Ramli was arrested over alleged violations of the Banking and Financial Institutions Act (BAFIA). Charged under Section 97(1) of the BAFIA, Rafizi was accused of disclosing four customer account profiles detailing the balance summary for the NFCorp, the National Meat and Livestock Sdn Bhd, Agroscience and Industries Sdn Bhd and NFCorp chairman Mohamad Salleh Ismail, to two individuals identified as Yusuf Abdul Alim and Erle Martin Carvalho.²²

If found guilty, Rafizi could be fined a maximum of RM3 million and jailed for up to three years, which jeopardized Rafizi's candidacy in the 13th general election. "Former Public Bank clerk Johari Mohamad was also charged on 1 August 2012 with abetting Rafizi in disclosing the account profiles for the same four customers, under Section 112(1)(a) of the BAFIA, read together with Section 91(1) of the same law that deals with confidential banking information."²³

The timing and manner of his arrest suggested that the charge could be a reaction to his success in uncovering the NFC (National Feedlot Corporation) scandal, a high-profile corruption case which severely damaged UMNO's image.

The scandal, involving some RM250 million in loans meant for cattle farming, saw NFC's directors using them to finance properties amounting to RM45 million in Kazakhstan and Singapore. At least RM12 million was siphoned to their own companies in the island state.²⁴

Thus it was not surprising that Rafizi accused NFC of "hunting down" whistle blowers in a scramble to control the damage, in light

²² http://www.themalaysianinsider.com/malaysia/article/targeted-under-bafia-rafiziturns-scope-on-its-misuse

²³ http://www.themalaysianinsider.com/malaysia/article/criminal-charges-negate-bafiashield-rafizi-trial-told

²⁴ http://www.themalaysianinsider.com/malaysia/article/rafizi-detained-over-alleged-bafia-breach

of the exposure. So clear was the evidence that Shahrizat Abdul Jalil, a minister whose family was awarded the project in 2006, lefther Cabinet post as the Minister of Women, Family and Community Development in early April 2012 over the scandal.

A BUTT DANCE AND THEN SOME

Intimidation occurred, this time more directly, in the vicinity of Ambiga's home whereby a group of 15 men, claiming to be retired army veterans, staged what can best be termed as a butt demonstration.²⁵

The demonstration took the form of the 15 men bending over with their behinds pointed in the direction of Ambiga's home. All this took place without interruption, despite six policemen being nearby, clearly aware of what was taking place, since they claimed that there was nothing wrong with protesting in front of her house for as long as it did not trespass on private property. The protesters chanted "hidup BN, hidup polis!" (long live BN, long live police!) and dared Ambiga to sue them.

While deploring the act as sexist, Ambiga nonetheless welcomed the butt dancers into her home for drinks.²⁶

This followed another demonstration that was held in front ofher house, which took the form of free distribution of burgers, organised by an NGO called Malaysia Small and Medium Entrepreneurs Alliance (Ikhlas). This was to show their dissatisfaction at the loss in business due to Bersih 3.0 they claimed amounted to RM200,000.

²⁵ http://www.freemalaysiatoday.com/category/nation/2012/05/15/vulgar-aerobics-protestoutside-ambigas-house/

http://www.malaysiakini.com/news/198190

SOSMA

All these issues raise important questions about how the Security Offences (Special Measures) Act (SOSMA) will be used. It is often referred toas a replacement for the Internal Security Act, as it carries with it the same legal and moral implications. For one, it can be used on the pretext of ensuring public order and security. Under SOSMA, a person may be detained for a 28-day period on police authority, before any decision to prosecute is made. It also permits the police to authorise communication intercepts and allowing prosecutors to bring up evidence without disclosing sources.²⁷

Thus far, it has only been used on three Malaysians – former ISA detainees Yazid Sufaat, Halimah Hussein (Yazid's wife's religious teacher) and Mohd Hilmi Hasim – with the charge of inciting or promoting the commission of terrorist acts. Other instances were related to the Lahad Datu conflict, against 104 Filipinos with suspected links to Jamalul Kiram III, one of the claimants to the throne of the Sultanate of Sulu.

While these do not bear direct connections to freedom of expression, they signal a worrying precedent for abuse or selective application of that freedom. Given Barisan Nasional's tendency of outrightly violating basic civil liberties, it will not be surprising to see SOSMA invoked to curb certain exercises of free expression on the basis that it could potentially destabilise public order.

http://www.malaysianbar.org.my/legal/general_news/the_heat_is_on_sosma.html

INTERNET FREEDOM

The period under review also saw heated contestations to curb the free exchange of information online, especially as online news websites and social media became the domain for alternative sources of information.

SECTION 114A

Section 114A is the second of two amendments made to the Evidence Act 1950 gazetted in July 2012. Section 114A deals with allegedly illicit or harmful content on the Internet.

In short, the amendment enables law enforcement officials to hold someone accountable for publishing seditious, defamatory, or libellous content online. The problem is that the list of those who can be held accountable is too broad and open to abuse.

Section 114A holds the following people accountable for publishing content online: (1) those who own, administrate, or edit websites open to public contributors, such as online forums or blogs; (2) those who provide web hosting services or Internet access; and (3) those who own the computer or mobile device used to publish content online.

Thus if such content is traced back to a person's username, electronic device, or WiFi network, Section 114A presumes you are the publisher. It renders Internet intermediaries (parties that provide online community forums, blogging and hosting services) liable for content that is published through their services. A person whose account or computer is hacked is liable for any content published by hackers or cyber-criminals in their name.

While Section 114A does not curb the exchange of information, it nonetheless disproportionately burdens average Internet users who are wrongfully accused of publishing seditious or defamatory content.

CIJ, believing that this provision goes against the UN Human Rights

Council's first Resolution on Internet Free Speech, launched the "Stop 114A Internet Blackout Day" campaign.¹ With the goal of educating the Malaysian public regarding the dangers of this bill, CIJ called for participants of the campaign to display a pop-up window on their website on August 14, 2012 for 24 hours in a show of protest.

News sites *Free Malaysia Today, Malaysiakini, Digital News Asia, The Nut Graph, BFM, Merdeka Review,* and party organ news sites *Harakah Daily* and *Keadilan Daily* all participated by installing the pop-up. Other sites include *lelong.com.my, entrepreneurs.my, cari.com.my* and *LoyarBurok* followed suit.

The campaign generated support from civil society: SUARAM, Women's Aid Organisation, Aliran, Kajian Politik untuk Perubahan (KPRU), Research for Social Advancement, Relevant Facts, Sparkling Analysis (REFSA), Sinar Project, SEACeM, Tindak Malaysia, Islamic Renaissance Front (IRF), Lawyers for Liberty, Perak Women for Women, Empower, Women's Centre For Change, All Women's Action Society (AWAM) and SIS all displayedthe pop-up on their sites. This was followed by support from prominent bloggers Marina Mahathir, Juana Jaafar, Hishamuddin Rais (Tukar Tiub), Anil Netto and Sarawak Bloggers.

Additionally, the DAP and the Bar Council vowed to go offline for 24 hours in a show of support for the campaign. So impactful was the campaign that Najib even tweeted, "I have asked Cabinet to discuss Section 114A of the Evidence Act 1950. Whatever we do we must put people first." However, this fell short of any serious attempts to engage with the people. Until this day, there has yet to be a review of this very unpopular and undemocratic law.

For more, see http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G12/147/10/PDF/G1214710. pdf?OpenElement. This resolution affirms that the same rights that people have offline must also be protected online.

ONLINE ATTACKS

When the government isn't directly involved in restricting access to information, it can count on elements sympathetic to it to attack the online facilities of certain political parties and publications that it believes to be working against the government's objectives.

The *Malaysian Insider*, *Harakah Daily* and *Malaysiakini* all suffered regular DDOS (distributed denial of service) attacks since 2008. This happens largely during crucial events. The *Malaysian Insider*'s servers went down for six hours at the same time as *Harakah Daily* in February 2012.² The source and motives of the attacks were unable to be identified.

Malaysiakini's attack appeared more politically motivated, as it occurred on the eve of the Bersih 3 rally. That would not be surprising, as similar attacks occurred in April and July 2011, during the Sarawak elections and Bersih 2.0 respectively.³

In March 2013, DAP's website suffered three DDOS attacks in one week.⁴ Additionally, the *Malaysian Insider*, *Harakah Daily* and *Malaysiakini* all suffered frequent online attacks in the lead-up to the elections. The *Malaysian Insider*'s servers went down for six hours at the same time as *Harakah Daily*'s, as a result of DDOS attacks in February 2012.⁵

In the lead-up to GE13, in April 2013, access to *Malaysiakini* through several Malaysian Internet service providers (ISPs) was "restricted" since the popular news site offered temporary free access for their

http://www.themalaysianinsider.com/malaysia/article/the-malaysian-insider-was-offline-due-to-a-ddos-attack

³ http://www.malaysiakini.com/news/196305

⁴ http://www.malaysiakini.com/news/223963

⁵ http://www.themalaysianinsider.com/malaysia/article/the-malaysian-insider-was-offline-due-to-a-ddos-attack

elections coverage upon the kick-off of the official campaign period.⁶ *Malaysiakini* readers experienced extremely slow connections and irregular access as a result of a practice known as throttling. *Malaysiakini* believes that this could be due to two factors: either the ISPs have been ordered to limit ease of access to the website or it was done without the ISP's knowledge.

Malaysiakini lodged a complaint with the MCMC about the matter, adding that ISPs should stay out of politics and ensure that there are no rogue elements among their staff that would be sabotaging their businesses for partisan purposes. Matters were made worse on the following day when Malaysiakini reported that their Twitter account was also hacked by a group known as Sarkas Siber. By May 3, 2013, news site Digital News Asia reported that the same consistent pattern of throttling against opposition Facebook pages as well as their YouTube channels could be clearly identified.

In April 2013, *Radio Free Malaysia*, *Radio Free Sarawak* and the *Sarawak Report* were all hit with DDOS attacks at the same time. They received a combined total of 130 million hits in three-and-a-half hours. *Radio Free Malaysia* had endured similar attacks earlier, on March 25, 2013, a day after it was launched, when it aired an interview with Opposition Leader Anwar Ibrahim.

⁶ http://www.malaysiakini.com/news/228203

http://www.malaysiakini.com/news/228305

⁸ http://www.digitalnewsasia.com/digital-economy/ge13-evidence-of-websites-political-content-being-throttled

http://www.hrw.org/news/2013/05/01/malaysia-violence-cyber-attacks-threatenelections

ACCESS TO INFORMATION

here was much anticipation to the Freedom of Information Enactment in Penang and Selangor. Often referred to as the Sunshine Act, it allows the public to have access to government-related information.

THE PENANG FREEDOM OF INFORMATION ENACTMENT

The Penang Freedom of Information Bill was passed by the state legislative assembly in November 2011 and gazetted in February 2012, making Penang the second state in the countryto pass the bill (Selangor was the first).

However, many have expressed concerns about the substance of the law. It had not been implemented even after a year, and attempts to get certain information and updateson the bill, most notably by SUARAM, were reported to have been futile.

Grievances were expressed about the 19 Hill Slope development project. A request for relevant documents by Gerakan local government bureau Teh Leong Meng was not met with a response.

THE SELANGOR FREEDOM OF INFORMATION ENACTMENT

On January 1, 2013, Selangor enforced its Freedom of Information Enactment. Tabled in July 2010 and passed on April 11, 2011, the act would apply to all government documents, as well as information related to state-owned companies such as the Selangor State Development Corporation (PKNS) and statutory bodies such as the Selangor Housing and Property Board.

Outside the state paper *Selangor Times*, very little media coverage was given towards this development, despite the fact that the act grants citizens access to all state-related documents, including information on state and local councils' budget and spending, tenders awarded as well as land transactions.¹

http://www.hrw.org/news/2013/05/01/malaysia-violence-cyber-attacks-threaten-elections

LAHAD DATU

when approximately 235 armed men, representing the Royal Security Forces of the Sultanate of Sulu and North Borneo staked their claim to the district. The media, as expected, was caught in the heat and urgency of it all.

The invasion at first was brushed aside by Home Minister Hishammuddin as a small threat, although after nearly two months of inaction, skirmishes broke out. Two Malaysian policemen were killed, prompting the Malaysian government to launch Malaysia's biggest military operation since the Emergency.

It is interesting to note that as issue unfolded, little information about the developments in Lahad Datu was available from local Malaysian media. Most of the breaking updates came from international media, in particular, Filipino media.

Concerns about how information was circulated was most evident in how three Al-Jazeera journalists alongside three Sabah Progressive Party youths were detained by the General Operations Force while on a boat travelling to Kampung Tanduo where the Sulu gunmen had been stationed for 11 days. They were Jamela Alindongan, a Filipina journalist with Al-Jazeera's English Network in Kuala Lumpur, senior Asia correspondent Steve Chao and cameraperson Mark Giddens.

The journalists, in their six-hour detention, were accused of spying and working for the Royal Sulu Sultanate Army. Jamela, who is from Southern Philippines, was accused numerous times of spying.² Their interrogators were not wearing uniforms and refused to state their names and ranks when asked.

Meanwhile, the government continues to curb open discourse on the

http://www.malaysiakini.com/news/222394

http://www.malaysiakini.com/news/221892

issue: Pulai MP Nur Jazlan Mohamed warned Malaysian social media users not to make any negative comments regarding the military operation on the basis that they are not fully aware of the situation.³

Former premier Dr Mahathir Mohamad felt it necessary to add that what the Royal Sulu Sultanate Army was doing violated the core tenets of Islam, validating the stern, aggressive and swift action against them.⁴

The demonization of the Sulu militants did not end there. Putrajaya began to refer to them as terrorists early on during the operation and instructed local media to follow suit. Defence Minister Ahmad Zahid decided against the more cautious label of militant intruders on the basis that the Royal Sulu Sultanate Army "behaved like terrorists".⁵

The government's control over the flow of information tightened further when they prohibited Filipino journalists to enter Sabah to cover the conflict. According to Ahmad Zahid, this was to prevent "misreporting". He added that the Filipino government would do the same to members of the Malaysian media if there was an invasion in Filipino territory.⁶

It wasn't only media personnel who felt the brunt of the government's policies. PKR vice president Tian Chua was charged under Section 4(1)(b) of Sedition Act 1948 for claiming that UMNO was responsible for engineering the invasion of Lahad Datu. In particular, he was accused of saying the following: a) The shootings in Lahad Datu are believed to be a conspiracy planned by the UMNO government to shift attention and scare the people. B) The incident has created a lot

http://www.sinarharian.com.my/nasional/lahad-datu-media-sosial-jangan-buat-spekulasi-kata-nur-jazlan-1.136424

http://www.sinarharian.com.my/nasional/ceroboh-sabah-tindakan-pengikut-sultan-sulu-canggah-islam-kata-mahathir-1.136495

⁵ http://www.malaysiakini.com/news/223483

http://www.malaysia-today.net/mtcolumns/newscommentaries/55054-entry-denied-to-avoid-misreporting-says-zahid

of questions and doubts on the intentions of the UMNO government. C) The intrusion in Lahad Datu is just a sandiwara (drama) by the government to divert people from the troubled situation in Sabah. D) There is a conspiracy by UMNO to shift the focus of Sabahans from the issue of ICs being given out to foreigners.⁷

Chua could face a maximum of three years in jail or a maximum fine of RM5,000 or both, if found guilty. Chua was represented by N Surendran, who attempted to secure bail on a personal bond without surety on the basis that the charge has no merit at all since the government is planning to repeal the Sedition Act. However, it was struck out by the judge.

The Lahad Datu conflict continued to be exploited to further vilify the Malaysian opposition. In a blog post by Raja Petra Kamaruddin, Anwar Ibrahim, along with Chua and R Sivarasa were accused of seeking help from the Moro National Liberation Front (MNLF) founder Nur Misuarito influence Sabah Muslims to vote for Pakatan Rakyat in GE13.

Sympathisers of the Sulu operation seemed to have their own media strategy, most notably in their utilisation of Wikipedia. The entry for Sabah said that the state was part of the Sultanate of Sulu.⁸ The conspicuous edit read: "Sabah is illegitimately considered one of the 13 member states of Malaysia, and is said to be its eastern most state but in fact, it is part of the Sultanate of Sulu. It is located on the northern portion of the island of Borneo."

http://www.malaysiakini.com/news/223829

⁸ http://thestar.com.my/news/story.asp?file=/2013/3/5/nation/12791994&sec=nation

CONCLUSION: CHALLENGES AND POTENTIALS

nsurprisingly, following the examples of Section 114A, the clampdowns against students and journalists, Bersih 3 and the proposed social media council, the reforms BN has promised in order to usher Malaysia into a world-class democracy is far from a probability.

The MCMC has only served as an online police to restrict the exchange of media communication. The state is still exercising its reach to control and limit the freedom of expression, including information and assembly, for Malaysians, especially amidst anxieties of losing more power after 55 years in power.

Overall, BN is either ignorant or utterly unserious about the important role a free media plays in a thriving democracy. Nowhere is their idea of media reform better encapsulated than in the 10 minutes of airtime on RTM offered to Pakatan Rakyat to present their election manifestos.

Even the right for journalists to post votes ahead of time (in the event of being stationed at different locations across the country during the elections) was framed by the authorities as part of media reform, rather than in terms of the democratic rights of journalists as citizens.

The conservative turn after the elections also confirms that UMNO's long-standing attachment to top-down politics, where government is trumpeted to always know best, will only persist. It is evident that Najib too has opted to appease the senior, hard-line factions of UMNO, despite his claim to be a prime minister of transformation and moderation.

FALSE REFORMS

Several things become apparent here. First, it reveals the limits and contradictions of the Prime Minister's significance to his own party. Indeed, it is becoming more and more difficult to think that Najib is even in control. Consider that the Prime Minister's initial remark about allowing Bersih 3 to happen was ignored by the Home Ministry that at the last minute prohibited the gathering to take place, in

addition to calling for a harsh crackdown against innocent protesters and journalists. Consider his U-Turn on the Allah issue, never mind the more blatant embrace of conservative Muslim rhetoric at the expense of his 1Malaysia promises.

Thus it is not surprising that whatever reforms touted by the current government have either fallen severely short of international standards, are outrightly repressive, or both.

Take another example: the Peaceful Assembly Act, which was introduced under the guise of widening the space for public gatherings, turned out to be severely problematic. It claimed to have overturned Section 27 of the Police Act, rendering police permits prior to gatherings unnecessary. However, the same Act prohibits any assembly that are deemed protests. Much worse, it is up to the Officer-in-Charge of the Police District to decide what counts as a protest and what wouldn't. The same bait-and-switch strategy, declaring reforms while giving the opposite, can be seen in other instances, notably in Section 114A and the replacing of the ISA with SOSMA.

As a result of the above shortcomings, the prevailing perception and conclusion among concerned citizens and civil society activists is that the current government is simply disingenuous when it comes to reforming civil liberties and improving Malaysia's freedom of expression.

The culture of impunity and disregard for basic rights has been too ingrained into the BN system and ethos for any one man to change, or claim to. It is no wonder that the trust deficit, between the people and the information presented to them by the BN government, will only widen. Because the flourishing of a free, independent and critical Fourth Estate is so important in ensuring a functioning democracy, BN's inability to play by the rules only signals their slow but eventual unravelling in the face of a more informed Malaysian citizenry.

Pakatan Rakyat can be said to have fared much better than BN, though there is still reason for caution. Being a young coalition of political parties of varying ideologies show that discrepancies in ideals of free expression are very likely. The barring of *Utusan Malaysia* from covering the state assembly proceedings in Penang and Kelantan raises the question of what precedent it might set.

RELIGION WILL CONTINUE TO BE AN ISSUE

Moreover, PR's silence as Syiahs are routinely persecuted on a daily basis is deplorable. Their strategy has been to deny any connection to Syiahs, rather than to defend their religious freedoms, be it on the basis of civil rights, or the Malaysian government's commitment to international treaties of intra-muslim solidarity. Only PSM has called for an end to all persecution and demonization of Shias in Malaysia.

Additionally, the differing positions among the PR member parties on the right of non-Muslims to refer to Allah as God in their media also demonstrates unresolved differences within the coalition when it comes to the civil liberties of minority religions.

This is an important point to note, as the developments throughout the period shows, that religious differences will continue to be a sore point in Malaysia, which makes these issues easily manipulated for political gain. UMNO has made it clear that it will regain its relevance precisely through evoking religious sentiments. It appears all the more troubling alongside other facts: A UMCEDEL poll conducted in December that 77% of its Malay respondents disagree that Christians should use the word Allah. Previously, a Merdeka Centre poll found that seven out of ten Muslim youths believe that the Quran should replace the constitution. Conservative religious sentiments is good mileage because they are prevalent on the ground.

THE PREVALENCE OF SOCIAL MEDIA SUGGESTS HOPE

Political parties aside, it cannot be denied that the utilization of social media has enhanced awareness of basic civil liberties, enabled the expansion of local discourse to include and encouraged political participation by overseas Malaysians. This is evident in the rapidly growing *Jom Balik Undi* campaign, and the Global Bersih movement that utilised *tweets* and *Facebook* shares and posts to their maximum capacity to contribute to a most robust general election.

Also, what such trends demonstrate, in totality, is that a party or figurehead is not necessary to motivate or expand discourse. They show that the Malaysian people have taken it upon themselves to seize the initiative to use social media to speak of the freedoms and rights that are entitled to them as citizens and are already guaranteed by the constitution. The growth of new media is therefore creating a wider space for political discourse in general, which reflects the rising awareness of ordinary Malaysian citizens.

It goes without saying that this makes it all the more difficult for BN to sustain its message and manage the flow of information, namely because the rise of new media is exposing problems in the news and analyses provided by the mainstream media. The media is no longer able to control political discourse as it used to. Indeed, the BN regime is facing what is very likely the most emboldened and critically informed electorate in its history.

PROGRESSIVE CIVIL SOCIETY MUST KEEP MOMENTUM

It remains the case then that civil society organisations have been at the forefront of pressing for wider reforms in free expression. In the cases of Bersih, the student groups and the on-going campaigns against Lynas in 2012, the demands took the form of outrightly utilising the public sphere to express their demands. This is how key issues for political reform, which otherwise would not have entered public discourse, were eventually taken up by the mainstream media, where BN, despite their insistence on their ways, is left with little choice but to confront them. Civil society organisations continue to push the limits of freedom of expression in Malaysia and this explains their growing appeal and influence as an emerging third force.

The case of Wong Tack is indicative of this growing awareness, as he rose to prominence through the Lynas cause, mainly as an active and vocal citizen. This is a different trajectory than in cases such as Bersih, for example, where the issue was catapulted into the limelight in part as a result of deliberate negative publicity from the mainstream media. *Himpunan Hijau*, on the contrary, is evidence of the potential for social action to be spurred from the ground up, through grassroots initiatives and social media, to counter the mainstream media blackout, especially in the English and Malay media.

MAHASISWAS PAVING THE WAY

Another example we saw in 2012 is the campaign to abolish PTPTN debt, which was also mobilised from the ground up by university students. What started out as a modest campaign among a small coalition of student NGOs became a real policy option by the Pakatan Rakyat coalition. It was even debated on national television as a result.

Indeed, if there is greater expansion of civil liberties, the reason will lie in the increased courage of local mahasiswas, particularly in how they continue to claim their right to public space and free expression.

TURUN, in this sense, is note worthy. It was not steered by a committee of largely upper-middle-class professionals and academics in the way Bersih 2.0 was. Rather, TURUN was shaped out of initiatives by student groups, utilizing the rhetoric and tone more familiar to Malaysian youths. So promising was this approach that Persatuan Mahasiswa Universiti Malaya (PMUM) officially released a statement calling for UM students to participate in the rally as an expression of their right as citizens. This was despite an official circular warning UM students from attending TURUN since it was a banned event. In view of the UPSI clash and the Listen, Listen, Listen controversy, that clearly indicates a emboldening consciousness of politics among our Mahasiswas.

http://www.themalaysianinsider.com/bahasa/article/pelajar-um-pula-tampilajak-pelajar-turun-malam-ini

GE13 came and left Malaysians with more dissatisfaction towards the system. In this, the desire for more freedom of expression and media reform will only increase. With distrust towards BN already apparent, Malaysians have attained a critical mass to push and further mobilise for greater civil liberties. It is no longer so easy for the authorities to simply isolate a few select individuals or organisations, let alone hide their routine abuses of civil liberties. The ease of access to social media and other means of exchanging information have placed the authorities in the unchartered waters of having to be accountable for their actions and answer to the public.

A LONG ROAD AHEAD

The situation is not all smooth, however. In light of allegations regarding electoral fraud, we have seen more and more unsubstantiated claims circulating among Malaysian netizens. The racism against suspected foreigners amidst speculations about electoral fraud and phantom voters reminded us of the limits of anti-BN self-righteousness. Speaking truth to power is not the same as saying anything we want in frustration. Democracy requires critical discourse towards inclusion. That is the task.

Needless to say, the mainstream media, being dictated a great deal of political content by the leadership, is increasingly more and more stubborn at the face of change. They will have to one day update their ways to abide by the highest standards of open and objective reporting, or risk irrelevance.

They face more robust and dynamic competitors in alternative online media every year, and Malaysians cannot be fooled all the time.

CHRONOLOGY

2012

January

- 22 A protest for student rights at UPSI in the early morning leads to violent clashes between police and students.
- 2 A blockade erected by Temiar protesters against a state sanctioned development and logging on their heritage land, leads to the arrest of 13 activists, including their lawyer.

February

- 7 The Star inadvertently publishes a photo of Erykah Badu deemed offensive to Muslims. They published a retraction on the same day but by then it was too late to halt the floodgates of controversy from opening. Two editors are fired and other editors agreed to attend training on sensitivity towards Muslims, in addition to having to explain the editorial decision behind the photo to the Home Ministry.
- 28 *Himpunan Hijau* against the Lynas rare earth refinery plant in Gebeng takes place in Kuantan to much success.
 - DDOS attacks occur against *Harakah Daily* and the *Malaysian Insider*, effectively halting the operations of both publications for six hours. It is likely that they were related as they occurred at the same time.

March

18 – Thousands celebrate International Women's Day at Padang Astaka in PJ under the banner of Wanita Suara Perubahan.

April

- 11 Azmin Ali and Tian Chua are allegedly seen ridiculing Malay monarchs at the crowning of Yang di-Pertuan Agong Tuanku Abdul Halim' Mu'adzam Shah.
- 12 A coalition of student activist groups launch the "Mansuhkan

- PTPTN" march in KL, attracting close to 500 participants. The students set up an encampment at Dataran Merdeka alongside the Occupy Dataran community.
- 27 Malaysiakini.com suffers DDOS attack on the eve of Bersih.
 - Fathul Bari declares Bersih 3.0 haram in an op-ed in *Utusan Malaysia* on the basis that it is connected to the LGBT cause.
- 28 Bersih 3.0 takes place and with it a highly charged clash between protesters and police at the barricade near Dataran Merdeka. Many journalists fall victim to police brutality in the process.

May

- 6 The National Fatwa Council releases an edict declaring it haram to join public assemblies.
- 10 *Utusan* banned from reporting on the Penang state legislative assembly by the Penang state assembly's rights and privileges committee.
 - Hunger Strike by remaining ISA detainees in Kemunting begins.
 This sparksa wave of hunger strikes among other ISA detainees.
- 15 A group of purported army veterans stage a butt dance protest in front of Ambiga Sreevenasan's residence.
- 24 The Home Ministry bans Irshad Manji's book *Allah, Liberty and Love* on the basis that it contravenes the Quran and Hadith.
- 30 The Elections Commissions bans political cartoons for the elections campaigning period.
 - Johor police begins to probe into Datuk Seri Nizar Jamaluddin's tweet claiming that the RM520,000 spent by Sultan Ibrahim ibni Almarhum Sultan Iskandar could've been better spent on feeding the poor.

June

- 6 Information, Communications and Culture minister Rais Yatim declares that the opposition parties will be granted some air time to present the content of their manifestos to the public.
- 22 The Penang High Court orders *Utusan Malaysia* to pay Lim Guan Eng RM200,000 in damages caused by defamation.
- 4 Activists from the Stop Lynas campaign pass a police barricade to stage a sit in against the Lynas plant.

July

- 3 The Companies Commission of Malaysia begins their investigation into Suaram which lasts over 8 months. In that time, SUARAM is also made to answer to the Social Security Organisation, the Multimedia Commission (MCMC), the Central Bank (Bank Negara), Registrar of Societies (RoS), PDRM and the Home Ministry.
- 11 Rais Yatim suggests the need for a social media council.
 - Uncle Seekers arrested for allegedly releasing to the public official documents relating to the royal family of Johor.
- 31 A Malaysian civil court finds Zunar's arrest and detention as lawful under the Sedition Act and Printing Presses and Public Act.

August

- 2 Merdeka Review goes offline
- 30 Thousands gather at Dataran Merdeka for *Janji Demokrasi* to demand free and fair elections. It was at this time that the controversieserupted over the Sang Saka Melaya as well as two teenagers caught stepping on and flashing the photos of the Prime Minister and his wife.

September

- Rafizi charged with the Banking and Financial Institution Act of 1989 for allegedly violating protocol about classified information in his exposure of the National Feedlot Corporation Scandal.
- 12 The notorious guideline with links to the Ministry of Education on how to determine if a child is LGBTQ is published. Among other things, the guideline states that a child is gay if he or she wears tight V-neck t-shirts.

October

- 9 High Court Judge Datuk Dr Hamid Sultan Abu Backer orders columnist Datuk Chamil Wariya and Utusan Melayu Sdn Bhd to apologize to Seputeh MP Teresa Kok for defamation.
- 21 Hundreds gather in Cameron Highlands for Himpunan Rakyat Cameron, a protest against the intensifying degradation of the environment there.

November

- 3 Nurul Izzah Anwar lands in hot water for making a statement that was twisted to indicate that she supports apostasy for Malays.
- 4 Ahmad Abdul Jalil accused of insulting the Sultan of Johor.

December

14 – *Utusan* ordered to pay DAP National Chairman Karpal Singh RM50,000 in defamation damages.

2013

January

12 – An estimated100,000 Malaysians gather in Stadium Negara for Himpunan Kebangkitan Rakyat.

February

- 11 235 militants representing Royal Security Forces of the Sultanate of Sulu and North Borneo arrive at Lahad Datu by boat to stake the Sultanate of Sulu's claim on the territory.
- 16 Nick Xenophon detained at LCCT.

March

14 – The ban on *Muslim women and the challenge of Islamic extremism*, a book published by Sisters in Islam, was overturned.

April

22 – Deputy Prime Minister Muhyiddin Yassin warns Malaysia about the spread of the LGBTQ and freedom of religion movements.

May

8 - "Suara Rakyat, Suara Keramat", a demonstration in protest of Barisan Nasional's victory, is held in Stadium Kelana Jaya, where 120,000 attended. Protests of similar themes occur in Perak and Penang, though of lesser sizes.

June

22 – A Black 505 rally is held in the thick haze at Padang Merbok, where a few hundred people representing various NGOs camped, demanding for the chair of the EC to resign. A clampdown ensues and dozens of protestors are arrested.

July

3 - A screening of No Fire Zone, a documentary about the Sri Lankan Civil War, is interrupted by thirty officers representing the Home Ministry, immigration department and police force. Lena Hendry, member of Pusat KOMAS and organizer of the screening, is arrested.

- 11 Infamous sexblog couple Alvivi publish an offensive Ramadhan greeting, which generated anger and protest among Muslims. They were eventually charged with sedition.
- 30 Nationwide attention falls on Chetz Yusof for a video that was misinterpreted as an offense to Islam.

August

23 – A protest against TPPA was held at Masjid Tabung Haji, where a memorandum was passed to a representative of the American Embassy.

September

- 6 Friday sermons nationwide call for a holy war in defense of the word Allah from Christian usage.
- 28 A JAIS raid is conducted at the Shia community centre in Gombak. Property and money were seized.

October

13 – Court of Appeals rules against the Herald's ability to use the word Allah.

November

29 – During a sermon, JAKIM states falsely that Syiah Islam require its adherents to perform sodomy.

December

- 20 The Home Ministry suspends the license of the weekly newspaper, the Heat.
- 31 10,000 Malaysians gather at Dataran Merdeka for the TURUN rally against the rising cost of living.