

Media Monitoring Report

APRIL 2020



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THE CENTRE FOR INDEPENDENT
JOURNALISM MALAYSIA

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CENTRE FOR
**INDEPENDENT
JOURNALISM**
Advocating media freedom and access to information

Background

This is a monthly report by the Centre of Independent Journalism (CIJ) that identified and monitored instances of “fake news”, freedom of expression and speech concerns, arrests and investigations in Malaysia.

The monitoring sample comprised 11 online news portals: The Star Online, News Straits Times, Malaysiakini, Free Malaysia Today, Malay Mail Online, Sinar Harian, Berita Harian, Malaysian Gazette, Borneo Post, New Sarawak Tribune and Daily Express Sabah. There were originally 12 sources of news cited for the purpose of this report. However, due to the lack of news reports from Harakah Daily, a PAS mouthpiece, the monitoring sample was reduced to 11.

Monitoring work was done once daily every day of the week, excluding weekends. Monitoring of TV and radio stations were not feasible due to budgetary constraints and lack of human resources.

Due to recent political developments as well as the ongoing COVID-19 pandemic, which have seen the return of UMNO to federal power and a Movement Control Order (MCO) implemented nationwide, this report includes relevant analysis on these topics as well.

MCO-related abuse of powers and investigations

April saw the brunt of the MCO arrests taking place, the enforcement of which officially began on 18 March. At least 17,000 people were arrested in April for flouting the MCO. Media reports placed the total figure of arrests from 18 March at 4,189 as of 2 April. Shockingly, this figure increased five-fold by the end of the month; there were 21,106 arrests in total by 28 April.

The nature of the violations ranged from trying to evade arrests, berating enforcement officials, being out and about after the cut-off time of 8pm, being part of social gatherings, attending a funeral and meeting relatives or friends to seek job opportunities or cash assistance. Those arrested included minors and foreigners. At least one person was charged with concealing his travel history during a COVID-19 screening.

Instances of alleged abuse of power from the police were reported in April. On 1 April, a video went viral showing a policeman in Sabah beating five teenagers for allegedly violating the MCO in Kunak. The officer's actions were unwarranted, according to the Sabah police chief, with action to be taken against the officer, as well as an internal probe. The policeman had reportedly instructed the five to go home instead of loitering. However, upon returning to the same area later, the group was still there, and he beat them.



A screengrab of the video showing a man in a police vest hitting one of the five people found loitering during the MCO in Kunak, Sabah, on 1 April 2020. Picture credit: [Free Malaysia Today](#).

It was reported on 12 April that a police inspector had been arrested over allegations that he had raped two Mongolian women in a hotel in Petaling Jaya, Selangor, after they were allegedly detained by said officer over claims that they did not possess valid travel documents when he stopped them at a roadblock on the night of 10 April. The women were rescued, while the inspector was remanded to facilitate investigations for alleged rape. On 29 April, the inspector, Hazrul Hizham Ghazali, claimed trial in court to a charge of trafficking for sex and was granted a RM20,000 bail. He pleaded not guilty. He has since been suspended from the force.



Hazrul Hizham Ghazali at the Klang Sessions Court on 29 April 2020. Picture credit: [Free Malaysia Today](#).

In the course of our monitoring, it was noted that while some of the detainees who were brought to court had legal representation, many others were not represented. A few had claimed ignorance over the MCO. Initially, a large number of jail sentences were ordered by the judges. Subsequently, in a few instances, community service sentences were provided in lieu of jail time or a fine, to be carried out upon the end of the MCO.

Inconsistencies in sentencing were also noted; on 21 April, B. Lisa Christina, pleaded guilty to flouting the MCO when she was returning home from the shops and three Indonesians who were loitering at a staircase area caught up with her and asked her what she was doing.

She was caught by enforcement officials soon after that and sentenced to 30 days in jail. On 29 April, her sentence was commuted to a RM1,000 fine after the High Court allowed her revision application.



B. Lisa Christina speaks to reporters during a press conference in Kuala Lumpur on 7 May 2020. Picture credit: [Malay Mail Online](#)

Several high-ranking officials and politicians too investigated for allegedly flouting the MCO, including Terengganu Menteri Besar Dr. Ahmad Samsuri Mokhtar. However, it was later reported that the menteri besar and a former state menteri besar escaped charges for breaching the MCO after the Attorney General's Chambers instructed no further action (NFA) into the case. No reason was given for the NFA decision, according to media reports.



Terengganu Menteri Besar Dr. Ahmad Samsuri and several volunteers at the home of former state menteri besar Ahmad Said, said to be on 17 April 2020, in Terengganu. They were reportedly discussing several matters on aid distribution. Picture credit: Facebook

Other politicians were not so lucky. On 28 April, [Deputy Health Minister I Dr. Noor Azmi Ghazali](#) and [Perak executive council member Razman Zakaria](#) were fined RM1,000 each for violating the MCO. They were charged after photos of them enjoying a meal at an Islamic religious school in Lenggong, Perak on April 18 went viral on social media. Photos of them enjoying the meal were uploaded onto Noor Azmi's Facebook page but deleted soon after once netizens started calling the leaders out.



Deputy Health Minister I Dr. Noor Azmi Ghazali (in red tie) and Perak executive council member Razman Zakaria (left) partaking in a meal in a Lenggong tahfiz school on 18 April. Picture credit: Dr Noor Azmi's Facebook

Klang MP [Charles Santiago](#) is being probed for an alleged MCO breach on 26 April when he was distributing aid to some 200-300 people gathered at a public hall in his constituency. Police investigations reportedly showed that neither People's Volunteer Corps (Rela) nor Civil Defence Force personnel were at the location to supervise the activities being conducted, there was no social distancing of a metre and the distribution process was also disorganised.

Batu MP [P. Prabakaran](#) was also called in on 20 April for questioning, for allegedly flouting the MCO. An aide to the PKR lawmaker said he was detained at the Selayang wholesale market that same day after he went to check on the surrounding areas, which fall under his parliamentary constituency, to assess the welfare of the people there. He later claimed that he was kicked out of a closed-door Welfare Department meeting by Deputy Federal Territories Minister Edmund Santhara Kumara after asking when the agency would start handing out assistance and food to those in areas under an enhanced movement control order (EMCO) in the vicinity.

Economic Affairs Minister [Mustapa Mohamed](#) came under fire from netizens after he visited his constituents in Jeli, Kelantan, on 11 April, during a time when movement was restricted. His communications team had also retweeted his tweet. However, the tweet was deleted, but not before screenshots of the meet went viral on Twitter. No information is available publically if any action was taken against the minister.



In a since-deleted tweet, Economic Affairs Minister and Jeli MP Mustapa Mohamed writes about traveling to Jeli in Kelantan to visit his constituents, on 11 April 2020. Picture credit: Twitter, edited by [SAYS](#).

A similar trend was observed with another government MP. Deputy Rural Development Minister [Abdul Rahman Mohamad](#) came under fire for allegedly violating the MCO, after photographs surfaced showing a gathering on 13 April at his house where a cake was presented to him. He clarified that it was not a birthday party and that they were simply volunteers who wanted to celebrate his birthday before he left for Putrajaya that day. It is unclear if any action was taken against the Lipis MP.



Deputy Rural Development Minister Abdul Rahman Mohamad cutting a birthday cake at his residence on 13 April 2020. Picture credit: [World of Buzz](#)

CIJ also documented several instances of politicians in Malaysia allegedly flouting the MCO that were not picked up by the media. As with some cases, there is no public information about whether investigations or arrests were made for their actions.

Housing and Local Government Minister and Ampang MP [Zuraida Kamaruddin](#) attended an event at the Ampang government health clinic on April 7 where automatic hand sanitizer dispensers were distributed. She did not use gloves or a face mask, based on pictures of her at the event that she posted.



Selangor Menteri Besar Amirudin Shari inspected food aid slated for distribution for students at the Sultan Salahuddin Abdul Aziz Shah building in Shah Alam on April 8. Federal Territories Minister Annuar Musa visited the homeless in Kuala Lumpur at their temporary shelters on April 5. While Annuar Musa has a face mask on and gloves, he does not seem to be observing the one metre social distancing rules. Amirudin, on the other hand, was not pictured wearing a face mask or practicing social distancing.

Misinformation /disinformation (“fake news”)

In April, the Information Department shared an [infographic](#) that seemed to impose what appears to be the government’s definitions of “fake news” and its negative impacts. The tweet, posted on 10 April, lists the following information, among others, as “fake news”: information that brings down the dignity and image of an individual, the reputation of an organisation and the country; instills hate towards the ruling government and leaders and relates to the infrastructure of critical information about the country.

Following this, several CSOs, including CIJ, [criticized the order](#) and warned that it directly undermines free speech, besides questioning why only online news websites were singled out by the minister.



Information Department tweet on 10 April 2020 defining what “fake news” entails and its consequences. Picture credit: [Information Department](#)

As of 30 April, 249 investigation papers relating to COVID-19 "fake news" nationwide have been opened by the police and the Malaysian Communications and Multimedia Commission (MCMC). 169 cases are under investigation, 26 have been prosecuted, while 15 individuals pleaded guilty.

243 pieces of COVID-19 "fake news" have also been refused by the ministry's quick response team, which was formed to help curb the spread of "fake news" related to the pandemic. These include: a denial that the Health director-general had issued a statement on 15 important things which every Malaysian must do because the COVID-19 threat is purportedly not going to end, and the Department of Islamic Development Malaysia (JAKIM) rubbishing having been involved in granting any recognition or approval with regard to Majlis Ulama Rohingya. Daily updates were provided by the quick response team, which was shared on social media and to the media. Bernama would regularly carry the denials.

Former deputy minister Fuziah Salleh was charged on April 30 for allegedly making a statement on her Facebook page that could cause public fear, under Section 505(b) of the Penal Code. The Kuantan MP pleaded not guilty and was released on RM3,000 bail. A video was uploaded on Fuziah's Facebook page earlier this month claiming there was a flood of Malaysians at the Bangunan Sultan Iskandar Customs, Immigration and Quarantine Complex in Johor Bahru, Johor. This was denied by the Johor Immigration Department. The Facebook post was also taken down.



The contentious Facebook post in question uploaded by Fuziah Salleh's Facebook page. Picture credit: Hanya Di Kelate

Use of repressive laws

A number of arrests were made under the Communications and Multimedia Act (CMA) in April.

On April 7, online trader Nurhaizad Azhar was fined RM6,000 in default of three months' jail for insulting the King through a Facebook posting. Nurhaizad pleaded guilty to a charge of improper use of network facilities to knowingly initiate the transmission of offensive communications with the intent to annoy another person, under Section 233(1) (a) of the CMA. He paid the fine. He was unrepresented.

On April 8, e-hailing driver Sufazrin Amin Ismail pleaded not guilty to eight charges of posting offensive comments against Yang di-Pertuan Agong Sultan Abdullah Sultan Ahmad Shah on Twitter, also under Section 233(1) of the CMA. He has been let out on RM16,000 in bail, with a later date set for next mention so he can appoint a lawyer.

On April 19, it was reported that a male salesman and female college student, both aged 20, were detained for allegedly mocking Islam in a viral video where the male salesman is seen making fun of Muslim prayers.

The man reportedly admitted to being the person who was seen "praying" in the video, while his friend admitted to recording the video using her mobile phone before posting it on her Instagram account. She later deleted it once it went viral. The video recording was made on October 28 last year. The duo were remanded for four days until April 22 to facilitate investigations under Section 4(1) of the Sedition Act 1948, Section 14 of the Minor Offences Act 1955, Section 298 of the Penal Code and Section 233 of the CMA.

On a positive note, the courts suspended a three-month jail term and a RM10,000 fine imposed on a shop assistant who pleaded guilty to insulting the police on social media in relation to the COVID-19 outbreak. On March 31, Nurshahira Mohd Mizuar was sentenced to three months' jail and fined RM10,000 or two months' jail for making and initiating offensive communications on Facebook with intent to victimise others, charged under Section 233 (1)(a) of the CMA.

On April 9, a judge allowed her application for a stay of her sentence because there was merit in her case. She posted bail of RM5,000 and has to report to the Pendang police station once every fortnight pending disposal of her appeal. She was previously unrepresented when she pleaded guilty.



Nurshahira Mohd Mizuar (in white) and family members and her lawyers at the Alor Setar court complex on 9 April 2020 after the High Court ruling. Picture credit: Free Malaysia Today

Surveillance and privacy

On 20 April, Malaysia launched a contact tracing app in a bid to curb the spread of COVID-19. "Gerak Malaysia" tracks movements for authorities to know the location of users' home when passing through a roadblock and for hospitals and clinics to track if users passed through a red zone. This followed the emergence of large crowds at police stations nationwide who wanted to apply for interstate travel, raising concerns of COVID-19 risk infection. Apps and contact tracing technologies introduced by the Malaysian federal government and state governments thus far include Gerak Malaysia, My Trace, SElangkah (QR-code scanning app by Selangor) and a QR-coded wristband by Sarawak.

There is no information available publicly if a thorough study was carried out before introducing these contact tracing apps. It is also unclear if the implemented technology is accompanied by privacy and data protection frameworks, including how data is handled and consent from users. For example, there is not much information provided on the type of data to be collected on the MyTrace app, where the data will be stored, how they will be secured against abuse and misuse, how people can lodge complaints or have records corrected if abuse or errors happen and when these measures will end.

Besides that, the government has yet to show that such privacy-invading measures are effective, science-based, necessary and proportionate. The government seems to be continuing the old ways of implementing policies with wide-ranging impact without due consideration, and then realising soon after that they are actually not effective and, in fact, creating more harm than good.

Effective 23 March, the government has been using drones for monitoring and enforcement purposes during the MCO i.e. making announcements and alerts to the public to comply with directives to curb the spread of COVID-19 in the three main languages, as well as monitor the movement of the people. The main areas where drones have been deployed are the COVID-19 hotspots and enhanced movement control order (EMCO) areas including Simpang Renggam in Kluang, Johor, Sungai Lui in Hulu Langat, Selangor and around Masjid India in Kuala Lumpur.

The exact number of drones being used were not initially disclosed – a rough estimate at the beginning of the MCO was “more than 10”. However, on 7 April, the Civil Aviation Authority of Malaysia gave the police's Air Operation Drone Unit the authority to operate 92 drones during phase 2 of the MCO, in collaboration with the Malaysian Armed Forces and three private drone companies. It was also reported that the number of existing drones was maintained during the third phase of the MCO, indicating that there were still 92 drones being used. It is unclear how many drones are being used at present, if they are still used, and when the police will stop using the drones for MCO monitoring and enforcement purposes.

Hate speech and cyber threats against human rights defenders and minorities

On 21 April, Tengku Emma Zuriana Tengku Azmi, the European Rohingya Council's ambassador to Malaysia, had her letter regarding her concern over the pushback of a Rohingya boat to sea published in the media. She then received mobbed attacks and intimidation online, especially on Facebook, with some even calling for rape. One Facebook post that attacked her was shared more than 18,000 times since 23 April 2020. When the attacks were reported to Facebook by Tengku Emma, no action was taken initially; the attacks did not amount to a breach of Facebook's Community Standards. With her information being circulated, accompanied by calls of aggression and violence, Tengku Emma was forced to deactivate her Facebook account. She subsequently lodged a police report in fear for her own safety and that of her family. There is, to date, no clear protection measures from either the police or Facebook regarding her reports.

On 24 April, Zafar Ahmad Abdul Ghani, who heads the Myanmar Ethnic Rohingya Human Rights Organisation Malaysia (Merhrom), denied demanding citizenship for his countrymen or making disparaging remarks about the Malays. He was referring to a posting which was falsely attributed to him, which triggered death threats and hate speech against the Rohingya community.

Threats against the media

This year, Malaysia ranked 101th on the World Press Freedom Index by Reporters Without Borders (RSF); Malaysia went up 22 spots following last year's ranking of 123rd place, which was also an exponential spike since 2013. The latest change in position was attributed by RSF to the change in government in 2018, following which journalists and media outlets that had been banned were able to be accessed once again in Malaysia. RSF also observed a more relaxed general environment for journalists, a decline in self-censorship and more balanced reports in the print media. Nonetheless, it was also noted that while there was greater media freedom during Pakatan Harapan's administration, the government did not fulfil its election pledge to repeal or amend repressive laws affecting freedom of expression and speech.

With the change in government in March 2020, through means that were questionably undemocratic, it remains to be seen how the current government will fare in next year's ranking. For instance, last month it was reported that Senior Minister Ismail Sabri Yaakob threatened online media that carried "misleading" and inaccurate news on government statements. He said that lately there were a lot of news reports which were not accurate and verified, especially those involving official government statements.

According to him, the government took a serious view of the matter because inaccurate news could cause confusion and anxiety among the public. At least one reporter, Melissa Goh from Channel News Asia, came under fire on Twitter after Ismail singled out one of her stories in which she quoted the minister, and claimed she misquoted him.

We have also observed a worrying trend of major downsizing of the media as a result of or exacerbated by COVID-19. The Edge Financial Daily printed its last issue on 21 April, citing the pandemic as the reason it is unable to survive. Oriental Daily is only printing on weekdays from 1 May onwards now and Sin Chew Daily stopped printing its night edition copies from 1 April onwards. All three were impactful papers within their own target audiences.

It was also announced that publisher BluInc Media Sdn Bhd, well known for its magazines such as Cleo, Jelita, Marie Claire and HerWorld, ceased operations due to challenges arising from the digital disruption and COVID-19.