

CSOs Stand in Solidarity with Individuals being Silenced or Censored for Dissent

19 June 2020

We, the undersigned civil society organisations (CSO), strongly condemn the continued use of repressive laws as tools of suppression by the new Malaysian government to silence dissent and opposing views.

We note that since the change of government at the federal level in March this year, the State has been increasingly using Section 233 of the Communications and Multimedia Act (CMA) and laws such as the Sedition Act 1948, the Peaceful Assembly Act 2012 and Sections 504 and 505 of the Penal Code to silence freedom of expression, speech and assembly. We find such attempts to be similar to strategic lawsuits against public participation tactics where legal action is brought against human rights defenders with the intention to censor, intimidate and silence critics until they abandon their criticism. This is an especially dangerous form of retaliation from the government because of its potential to create a wider chilling effect on the media, civil society and activists, but disguised as a legitimate lawsuit.

We have documented the following cases where members of the media, human rights defenders and activists, as well as opposition political members, were brought in for questioning and/or charged and arrested for exercising their right to expression by raising critical questions or participating in peaceful assemblies through a broad range of laws and State apparatus. This already extensive list is non-exhaustive as there are other individuals who are also being investigated and charged under these laws since the formation of the new federal government less than four months ago. Read together, it can be seen as a deliberate and concerted series of actions intended to silence dissent and difference in opinions.

Media			
Individual's name and designation	Alleged offence or wrongdoing	Investigations carried out under which law	Status of investigation
Malaysiakini and its Editor-in-Chief Steven Gan	On 15 June, the attorney-general (AG) filed an ex-parte application to initiate	Section 114(A) of the Evidence Act cited for contempt proceedings by the AG's Chambers	On 17 June, the Federal Court allowed for contempt proceedings to

	<p>contempt of court proceedings against Malaysiakini and Steven Gan over comments by its readers on a 9 June article titled "CJ orders all courts to be fully operational from 1 July". Five comments allegedly indicated that the judiciary committed wrongdoings, is involved in corruption, does not uphold justice and compromised the judiciary's integrity. The AG claims Malaysiakini had erred in facilitating the publication of these comments, which were "unwarranted" and "demeaning" attacks on the judiciary.</p> <p>Bukit Aman has initiated a separate investigation on the same matter.</p>	<p>Communications and Multimedia Act 1998 and the Penal Code is being used by the police to investigate Malaysiakini</p>	<p>proceed over Malaysiakini's readers' comments on the judiciary. Case management was set for 25 June and the next hearing will be on 2 July.</p> <p>On 16 June, officers from the Bukit Aman federal police headquarters recorded Steven's statement.</p>
<p>Patrick Teoh, Radio DJ</p>	<p>On 9 May, Patrick was investigated for allegedly insulting Johor Crown Prince Tunku Ismail Sultan Ibrahim on Facebook. He allegedly posted an obscene sentence after sharing a video of Tunku Ismail. Two police reports were allegedly lodged against him.</p>	<p>Section 233(1)(a) of the Communications and Multimedia Act 1998</p>	<p>On 15 June, Patrick was charged at the Johor Bahru Sessions Court for allegedly insulting Tunku Ismail on social media.</p>
<p>Tashny Sukumaran,</p>	<p>On 6 May, Tashny was summoned to Bukit Aman for</p>	<p>Section 504 of the Penal Code and Section 233 of the</p>	<p>No updates. Investigations are believed to be ongoing</p>

South China Morning Post News Correspondent	questioning over an article she wrote on the May Day raids on migrants in Kuala Lumpur by Immigration Department officials.	Communications and Multimedia Act 1998	as Tashny's phone is still with the police.
Lai Yuet Ming @ Dian Abdullah , Blogger	On 21 and 23 March, Dian made two blog posts: "Thanks to Agong we have the most dangerous man" and "PUKI MAK PRIME MINISTER OF MALAYSIA".	Section 233(1)(a) of the Communications and Multimedia Act 1998 and Section 505(b) of the Penal Code	On 9 June, Dian was charged at the Kuala Lumpur Sessions Court for sharing offensive and menacing content and for making statements that could cause public mischief. She posted bail of RM4,000 for both charges.
Human rights defenders/activists			
Individual's name and designation	Alleged offence or wrongdoing	Investigations carried out under which law	Status of investigation
Siti Kasim , Activist-Lawyer	On 16 June, Siti announced on Facebook that she was being probed by police over allegations that she called for tahfiz schools to be banned. Siti previously allegedly criticised PAS for calling the production and sale of alcoholic beverages to be suspended until the issue of drink-driving is resolved. 113 police reports had been lodged against her over this.	Section 505(b) of the Penal Code, Section 4(1) of Sedition Act and Section 233 of the Communications and Multimedia Act 1998	On 17 June, Siti was questioned by the police over her posting. On 18 June, Siti had her statement recorded by the Malaysian Communications and Multimedia Commission.
Three individuals in relation to the International Women's Day March 2020	On 15 June, three women human rights defenders were questioned by the Dang Wangi police with regards to the 8 March rally held in	Section 9(5) of the Peaceful Assembly Act	

	<p>Kuala Lumpur. The organising committee of the march insisted that both the police and City Hall were notified of the event within the period stipulated in the Act, failure to do so being an offence under the section the trio are being investigated for.</p>		
<p>Cynthia Gabriel, Founder of Center to Combat Corruption & Cronyism (C4)</p>	<p>On 5 June, C4 tweeted that their founder, Cynthia, had been called in for police questioning about a letter calling for an investigation into allegations that the government was trading favours for political support.</p>	<p>Section 4 of the Sedition Act and Section 233 of the Communications and Multimedia Act 1998</p>	<p>On 10 June, Cynthia was questioned at the PJ Seksyen 8 police district headquarters.</p>
<p>M Saraswathy, L Danaletchumy, V Santhiran, P Jothi and C Subramaniam @ Raja</p>	<p>On 2 June, five protestors and unionists were arrested for participating in a peaceful assembly in front of the Raja Permaisuri Bainun Hospital in Ipoh, Perak, where they were demanding for improved working conditions of hospital cleaners there.</p>	<p>Regulation 7(1) of the Prevention and Control of Infectious Diseases Act 1988 and Sections 186 and 269 of the Criminal Procedure Code</p>	<p>On 4 June, the five pleaded not guilty to their charges. They were each granted bail of RM1,000. Next mention of the case is on 9 July.</p>
<p>R. Sri Sanjeevan, Malaysian Crime Watch Task Force (MyWatch) Chairman</p>	<p>On 4 June, Sanjeevan said he was summoned to court for allegedly making offensive remarks with an intent to hurt others (the police) on his personal Twitter account and the MyWatch Twitter profile.</p>	<p>Section 233(1)(a) of the Communications and Multimedia Act 1998</p>	<p>On 5 June, Sanjeevan was charged at the Kuala Lumpur Sessions Court with circulating remarks against the police. He pleaded not guilty. Bail was fixed at RM10,000</p>

<p>Center to Combat Corruption & Cronyism C4</p>	<p>On 12 May, Health Minister Dr Adham Baba sought an apology from C4 and RM30 million in damages after C4 published a press release, with the title "Health Minister Adham Baba Must Come Clean on MOF's RM30 Million Procurement Scandal", which the minister claimed was defamatory and damaged his reputation.</p>		<p>Legal letter sent to C4. C4 has responded by saying they stand by their claims.</p>
<p>Fadiyah Nadwa Fikri, Activist-Lawyer</p>	<p>On 4 March, Fadiyah was questioned at Bukit Aman over a rally in Dataran Merdeka a few days earlier following the political crisis. Fadiyah had tweeted about the rally and invited people to join in, saying "Turun ke Jalan, Demokrasi Mati" (Go to the Streets, Democracy is Dead) rally". Fadiyah's was the first freedom of expression-related investigation following the change of government.</p>	<p>Section 4(1)(a) of the Sedition Act as well as Section 233 of the Communication and Multimedia Act</p>	<p>No further action to date.</p>
<p>Marina Mahathir, Ambiga Sreenevasan and 14 other activists</p>	<p>Investigated over a rally held in front of Sogo shopping mall on 1 March, held to express disapproval of Muhyiddin Yassin's appointment as the prime minister.</p>		<p>On 4 March, all of them were questioned at the Dang Wangi district police headquarters.</p>
<p>Opposition party members</p>			

Individual's name and designation	Alleged offence or wrongdoing	Investigations carried out under which law	Status of investigation
<p>Syed Saddiq Syed Abdul Rahman,</p> <p>Member of Parliament for Muar</p>	<p>On 18 June, Syed Saddiq announced that he was being investigated for sedition and sharing offensive and menacing content in relation to an interview he held with Al Jazeera in March. In his 6 March interview with Al Jazeera's Mehdi Hassan, Syed Saddiq allegedly spoke of his disappointment with Prime Minister Muhyiddin Yassin for betraying the party's founding principles by working with "kleptocrats". He had said that Muhyiddin "opened the door" of the government to kleptocrats.</p>	<p>Section 4(1) of the Sedition Act and Section 233 of the Communications and Multimedia Act 1998</p>	<p>Syed Saddiq was questioned at Bukit Aman on 18 June.</p>
<p>Hannah Yeoh,</p> <p>Member of Parliament for Segambut and Former Women, Community and Family Development Deputy Minister</p>	<p>On 18 June, the police said they were investigating the owners of the "Hannah Yeoh" Facebook page for allegedly publishing a seditious and inflammatory remark: "Considering that the deputy minister of women and family development is from PAS, so marriage with minor (to permit sex with children) will spread after this. This is the disease of uncivilised Muslims in this country".</p>	<p>Section 4(1) of Sedition Act 1948, Section 505(c) of the Penal Code, and Section 233 of the Communications and Multimedia Act 1998</p>	<p>Statement to be recorded on 23 June.</p>

	<p>On the same day, Hannah Yeoh said the quote was a fake quote attributed to herself. She said she shared the quote on her Facebook in a poster but only to debunk its affiliation with her. Reports say the quote was originally distributed by a Hulu Selangor Umno-run blog.</p>		
<p>Hannah Yeoh, Member of Parliament for Segambut and Former Women, Community and Family Development Deputy Minister</p>	<p>On 16 June, Hannah said she had been summoned by Bukit Aman for questioning over a tweet she made in March about the fate of the National Strategic Plan to Address the Causes of Underage Marriage under her successor Siti Zailah Mohd Yusoff.</p>	<p>Section 505 of the Penal Code and Section 233 of the Communications and Multimedia Act 1998</p>	<p>Statement to be recorded on 23 June.</p>
<p>R. Sivarasa Member of Parliament for Sungai Buloh</p>	<p>On 8 June, Sivarasa tweeted that he had been ordered to present himself for questioning over his comments to the media in November 2019 where he claimed the deep state was involved in the Security Offences (Special Measures) Act 2012 arrests supposedly involving the Liberation Tigers of Tamil Eelam (LTTE).</p>		<p>On 10 June, Sivarasa was questioned at the Sungai Buloh district police headquarters.</p>
<p>Dr. Xavier Jayakumar, Member of Parliament for Kuala Langat</p>	<p>On 20 May, police said Xavier would be called in for questioning following his alleged statement in a video</p>	<p>Section 4(1) of the Sedition Act and Section 233 of the Communications and Multimedia Act 1998</p>	

	clip where he is heard saying that the recent May 18 Dewan Rakyat sitting would be "worthless" and "rubbish". 33 police reports were lodged.		
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Freedom of speech, expression, assembly and association is clearly enshrined under international human rights law, including the Universal Declaration of Human Rights, and in Article 10 of the Malaysian Federal Constitution. These norms and freedoms underpin the fundamental right to seek, to receive and exchange ideas, opinions and information that would enable the public to form their own opinions and allow for dissenting or alternative positions, specifically on issues of public interests. They are critical in the functioning of a working and healthy democracy, which includes strengthening the rule of law, combating corruption in all spheres of society and the promotion of good governance.

Limits and restrictions on any forms of freedom of expression in law must be clear and narrowly defined, and serve a well-defined public interest function. These restrictions must meet the harm test to determine legitimacy, necessity and proportionality. Here, a range of actors are targeted for raising critical questions, or for simply raising visibility on potential human rights violations and abuse. This is grossly disproportionate to any legitimate aim of protecting public order. Any government that is too quick to put the weight of the State apparatus against dissenting voices and opinions is one that raises alarm bells for a functioning democratic system. Critical voices are at the heart of transparency and accountability to check and balance State power.

Preventing misinformation and disinformation is not a reason to restrict access to information both online and offline, and cannot justify the use of laws to silence critics. Heads of State and public officials should tolerate more, not less, criticism than ordinary citizens. The government cannot be exempted from the consequences of their actions and there should be no impunity for those that limit freedom of opinion and expression through threats, harassment and violence.

Following this slightly more than 100 days of intensified silencing and suppression of dissenting voices, we call on the government, and its other State apparatus, to:

- 1) End and refrain from the continued use of these intimidating measures and repressive laws to threaten and silence those exercising their fundamental human rights and speaking on behalf of the public and those marginalised in these very trying times and halt all ongoing investigations;
- 2) Withdraw all charges against human rights defenders, media and opposition members who are being investigated or charged under the above-mentioned repressive laws;
- 3) Enact a right to information law and repeal or amend repressive laws such as the Printing Presses and Publications Act (PPPA), the Official Secrets Act (OSA), the Sedition Act and Section 233 of the CMA, so that these laws are not utilised arbitrarily to stifle all manner of speech, and;
- 4) Create an enabling environment that promotes critical thinking, healthy debates, transparency and accountability from the government as well as measures focused on building the people's trust in the government - not further undermining the people's human rights.

End this culture of bullying and suppression now!

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Endorsed by the following CSOs:

1. **Agora Society Malaysia**
2. **Amnesty International Malaysia**
3. **Association of Women Lawyers**
4. **Beyond Borders Malaysia**
5. **Centre for Orang Asli Concerns (COAC)**
6. **Center to Combat Corruption & Cronyism (C4 Center)**
7. **Empower Malaysia**
8. **Engage**
9. **Freedom Film Network (FFN)**
10. **Gerakan Media Merdeka (Geramm)**
11. **Gerakan Pembebasan Akademik (GPA)**
12. **Hindu Agamam Ani Malaysia**
13. **Islamic Renaissance Front (IRF)**

14. Jaringan Rakyat Tertindas (JERIT)
15. Justice for Sisters
16. Kuala Lumpur and Selangor Chinese Assembly Hall (KLSCAH) Youth Section
17. Kuala Lumpur and Selangor Chinese Assembly Hall (KLSCAH) Women Division
18. KRYSS Network
19. MAJU Foundation
20. North-South Initiative (NSI)
21. Our Journey
22. PEN Malaysia
23. Pergerakan Tenaga Akademik Malaysia (GERAK)
24. Persatuan Aliran Kesedaran Negara (Aliran)
25. Persatuan Sahabat Wanita Selangor (PSWS)
26. Pusat KOMAS
27. Sabah Women's Action Resource Group (SAWO)
28. Saya Anak Bangsa Malaysia (SABM)
29. Sinar Project
30. Sisters in Islam (SIS)
31. Society for the Promotion of Human Rights (PROHAM)
32. Suara Rakyat Malaysia (Suaram)
33. Student Unity Front UKM
34. Tenaganita
35. The Coalition for Clean and Fair Elections (Bersih 2.0)
36. To Earth With Love
37. University of Malaya Association of New Youth (Umany)
38. UTM-MJIIT Voices
39. Women's Aid Organisation (WAO)

For media inquiries, contact Vinodh Pillai at media_comms@cijmalaysia.net