



PRESS STATEMENT

31 January 2024

CIJ's Response to The Charges Made Against "Mentega Terbang" and its Filmmakers

Centre of Independent Journalism (CIJ) is deeply concerned by the censorship environment which stunts Malaysia's creative economy as well as the recent legal actions against the producer Tan Meng Kheng and director Khairi Anwar Jailani of the film "Mentega Terbang."

However, the leave granted by the High Court today in order to proceed with the judicial review to challenge the government ban on said film brings hope that some of our concerns may be allayed.

The decision to ban the film and to charge Tan Meng Kheng and Khairi Anwar Jailani under Section 298 of the Penal Code raises significant questions about the state of artistic freedom and free expression in Malaysia. Artistic expression, including filmmaking, plays a crucial role in fostering a vibrant and diverse society that can participate in healthy discourse on various topics as films - both watching and making them - are an integral part of expressing one's identity. Imposing legal sanctions on creative individuals not only stifles their voices but also inhibits the democratic spirit of a nation as it impedes their ability to speak on societal concerns and one's own lived experiences. The government has forced artists in Malaysia to live in a culture of fear. While we acknowledge the importance of respecting religious sensitivities, it is essential to strike a balance between protecting these sensitivities and safeguarding the fundamental right to freedom of expression.

The imposition of a gag order and the broader issue of film censorship based on religious grounds is also dismaying. The gag order further showcases the government's arbitrary powers to suppress the freedom of expression of individuals to freely voice their concerns and views even when it affects their livelihoods. A robust democracy allows for the exploration of different narratives and ideas as well as the opportunity to justify one's views on any matter, even if they challenge the status quo.

Moreover, in the recent Universal Periodic Review, Malaysia has committed to upholding fundamental human rights principles, and in this context, it is very much in their best interest to look at the use of blasphemy laws in the country. In [General Comment 34](#) on Article 19 of the International Covenant on Civil and Political Rights (ICCPR), the UN Human Rights Committee stated clearly that blasphemy laws are incompatible with the right to freedom of expression except in specific circumstances. Moreover, CIJ questions whether the 3-part test of legality, necessity and proportionality were applied to this case in its enforcement of the law as espoused by international legal standards. We are perturbed by the government's lack of respect for the legal threshold recognized worldwide as well as the usage of a law that is clearly archaic as mentioned above.

We call on the Malaysian government to reconsider its stance on the charges against Tan Meng Kheng and Khairi Anwar Jailani. Further, consideration should be given to lifting the ban against the film in order to set a positive precedent for the future of preserving artistic freedom, whereby the public is allowed to make informed decisions on what they wish to view, and for creative practitioners to share their work and express their artistic vision without fear of legal and societal backlash.

We believe that a balanced approach is needed to uphold both the right to freedom of expression and the need to address legitimate concerns about religious sensitivities. We encourage a transparent, inclusive and critical dialogue between the government, cultural stakeholders, and religious communities to find common ground that respects both creative freedom and religious values. This should come from a place that seeks to understand each other while also collectively solving issues using logical discourse. Silencing or cancelling artistic freedom will only continue to breed a culture of fear. It is only through accepting a democratic spirit in its entirety in all avenues of society can we foster a nation where everyone can achieve constructive freedom of expression.

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Wathshlah G. Naidu

CIJ Executive Director

For further inquiries, please contact Lim Jih-Ming at comms@cijmalaysia.net.

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