



Repeal the Sedition Act, halt investigations

The Centre for Independent Journalism is concerned about the use of the Sedition Act to arrest blogger Wan Muhammad Azri Wan Deris, who uses various aliases online. Linked to the previous regime, Wan Muhammad Azri has previously been successfully sued by former Leader of the Opposition Anwar Ibrahim, with his award being paid by a branch of the United Malay National Organisation (UMNO).

Wan Muhammad Azri is being investigated for an allegedly seditious video, which appears to touch on racial sentiment. The situation in Malaysia at the moment is tense, and there is a need for extra vigilance to ensure that peace is maintained. It is at times like these that the importance of dissociating police action from political action becomes paramount. It is thus with concern that CIJ notes that despite the announced moratorium on the Sedition Act, it has been used to detain Wan Muhammad Azri. We believe that Cabinet's suspension of the moratorium is a step backwards, giving the impression that there is a continuing need for this colonial piece of legislation.

There is an urgent need to remove the politics from the prosecution of people accused of inciting violence or of hate speech, which can be prosecuted under Section 298A of the Penal Code. Given that the Cabinet had declared a moratorium on prosecution, and that the Government has committed to repeal of the Sedition Act, this investigation is particularly worrying.

CIJ urges the repeal of the Sedition Act, and the passage of a Media Freedom Act, which would clearly set out the limits of freedom of speech through the use of clear exemptions to the right, what it means to do harm to those exemptions and when those exemptions themselves might not apply due to a larger public interest. Thus, for instance, in an instance of heightened tension, a video that is likely to spark unrest or violence could be prosecuted as 'hate speech' or incitement to violence, because at the time when the video was published, it was likely to jeopardise public safety.



In contrast, the broad definitions of the Sedition Act encompass many everyday acts, words and publications. While the Penal Code is an improvement over the Sedition Act, as it has a tighter definition of what constitutes a crime, it is vitally important to clearly delineate how Article 10 of the Constitution, which guarantees freedom of expression, can be made a reality.

Freedom of speech and expression cannot be underestimated in the prevention of widespread racial violence. To ensure the ongoing stability and peace of our nation, we need to inculcate a culture of debate and discussion, starting immediately.

Issued by Sonia Randhawa, Director.

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