STATUS OF FREEDOM OF EXPRESSION ONLINE

COUNTRY REPORT: **MALAYSIA**

empower
for change

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1. Introduction to the APC-IMPACT Project

The APC-IMPACT (India, Malaysia, Pakistan Advocacy for Change through Technology) Project aims to address restrictions on the internet by promoting and protecting internet rights.

A joint initiative of the Association for Progressive Communications (APC) and its members and partners – Digital Empowerment Foundation (India), Persatuan Kesedaran Komuniti Selangor (EMPOWER) (Malaysia) and Bytes for All (Pakistan) – the project works specifically to advance freedom of expression, freedom of information, freedom of assembly and association as enabler of human rights and democratisation.

Through awareness-raising and capacity-building, APC-IMPACT engages human rights defenders – activists, national rights institutes, media rights advocates, judiciary, legal sector, women's groups – and civil society in general, and provides them with knowledge, tools and networks so that violations can be monitored, reported and addressed.

The ultimate impact of this project will be on the ordinary citizens of India, Malaysia and Pakistan who will be able to associate freely, express their views and concerns on the internet, and improve their lives through access to information on the internet.

About this report

This report on the State of Internet Freedoms in Malaysia forms part of the baseline research conducted by the APC-IMPACT project , which aims to address restrictions on the internet by promoting and protecting internet rights. This report was written in May-June 2015, and at the time of its publication various policy changes are on the horizon, thus, this report should be seen as a situational analysis till 15 May 2015.

This report aims to assess the state of specific internet rights online, including freedom of expression, by applying the APC-La Rue

Framework,[1] a checklist of indicators developed by APC based on the work and recommendations of Frank La Rue, the former United Nations Special Rapporteur on Freedom of Opinion and Expression. La Rue set out a broad framework for assessing freedom of expression on the internet in his 2011 annual report to the UN Human Rights Council.[2] APC developed the "APC-La Rue Framework for Assessing Freedom of Expression and Related Rights on the Internet" based on this report, and on the Human Rights Committee's General Comment 34[3] on Article 19 of the International Covenant on Civil and Political Rights (ICCPR).

This report uses a customised version of the APC-La Rue Framework to assess Malaysia's record on arbitrary blocking or filtering of content, criminalising of legitimate expression, imposition of Internet intermediary liability, the implications of disconnecting users from the internet, cyber-attacks, privacy and data protection, and internet access. However, this report will not address indicators on access as per the framework – rather, it seeks to frame access in terms of freedom of information.

For the Malaysian research, the APC IMPACT team monitored cases through media reports, covering the period 1 January 2014 to 31 March 2015. A complete list of cases is included in Annex 2. The purpose of this research is to provide a comprehensive analysis on country-specific information that exists, as to how the internet can hamper and facilitate enjoyment of human rights. The research will provide the basis to develop advocacy strategies to improve internet governance and to bring about reform on laws and policies to protect human rights, on- and off-line.

1 See Annex 1. and APC-LA Rue Framework for Assessing Freedom of Expression And Related Rights on the internet https://www.apc.org/en/node/16359/

2 La Rue, F. (2011). Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. A/HRC/17/27 www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf

3 Human Rights Committee. General Comment 34 (2011). www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf

2. Legal and policy environment in Malaysia on internet rights

As part of Malaysia's 2020 Vision, there was a strong focus on internet communications and technology (ICT) in the national development agenda. ICT was conceived as a primary vehicle to propel the nation into fully developed status. There was heavy investment in terms of policy, infrastructure and budgetary allocations placed into the development of Malaysia as a model country in ICT for development. However, the neo-liberal economic framework that drives ICT development has also resulted in an internet space that is supposed to be free from State intervention in the form of censorship. This is significant given the strictly regulated space for communication and expression in other forms of media and communication channels.

In 2000, there were 3.7 million internet users in Malaysia but by 2014, an estimated 67% of the total population of 30 million had access to the Internet

The Eighth Malaysia Plan (2001-2005) placed ICT as playing "a strategic role in accelerating the economic growth process by increasing the efficiency and productivity of all sectors in the economy." There was also the promise to bridge the digital divide, to reach out "within and across sectors" as well as the establishment of a "conducive institutional, regulatory and legislative environment to support the development of ICT and its related activities." [4]

As a result ICT grew in leaps and bounds.

In 2000, there were 3.7 million internet users in Malaysia but by 2014, an estimated 67% of the total population of 30 million had access to the

4 Economic Planning Unit. (2001). Eighth Malaysia Plan (2001-2005), p.14-15. www.epu.gov.my/en/eighth-malaysia-plan-2001-2005

There were 13.5 million Facebook users in Malaysia by 31 December 2012

Internet.[5] There were 13.5 million Facebook users in Malaysia by 31 December 2012.

The establishment of a Ministry of Communications and Multimedia also demonstrates that the government is aware of ICT as being much more than just an issue of infrastructure, but an issue that has profound implications in terms of political power and nation-building. In 2005 the National Public Policy Workshop (NPPW) proposed a strategy to increase the uptake of information and communications technology (ICT) and the internet. Among the outcomes of the NPPW was the High Speed Broadband initiative launched in 2010.

Multimedia Super Corridor (MSC), a Special Economic Zone, was established in 1996 specifically for ICT and ICT-facilitated businesses that develop or use multimedia technologies to produce and enhance their products and services.

Two laws were enacted to give effect to the new regulatory model: the Communications and Multimedia Act 1998 which set out a new regulatory licensing framework for the industry and the Malaysian Communications and Multimedia Commission Act (1998) which created a new regulatory body, the Malaysian Communications and Multimedia Commission (MCMC). The Communications and Multimedia Act (1998) was enacted on 1 April 1999 and resulted in the repeal of the Telecommunications Act (1950) and the Broadcasting Act (1988).

Alongside the MCMC, the Communications and Multimedia Content Forum (CMCF) was set up as a self-regulatory body to "set out guidelines and procedures for good practice and standards of content disseminated for public consumption by service providers in the communications and multimedia industry" that have subscribed to the voluntary Content

5 Internet World Stats. (Undated). Internet Usage in Asia. www.internetworldstats.com/stats3.htm#asia

Code.[6]

With its creation, the MCMC set forth 10 national policy objectives, which were to:

1. Establish Malaysia as a major global centre and hub for communications and multimedia information and content services;
2. Promote a civil society where information-based services will provide the basis of continuing enhancements to quality of work and life;
3. Grow and nurture local information resources and cultural representation that facilitate the national identity and global diversity;
4. Regulate for the long-term benefit of the end user;
5. Promote a high level of consumer confidence in service delivery from the industry;
6. Ensure an equitable provision of affordable services over ubiquitous national infrastructure;
7. Create a robust applications environment for end users;
8. Facilitate the efficient allocation of resources such as skilled labour, capital, knowledge and national assets;
9. Promote the development of capabilities and skills within Malaysia's convergence industries; and
10. Ensure information security and network reliability and integrity.

The 10 national policy objectives are the regulatory basis of MCMC's

6 The Communications and Multimedia Content Forum. (Undated). www.cmcf.my/overview

regulatory framework which includes economic regulation, technical regulation, consumer protection and social regulation. On 1 November 2001, MCMC also took over the regulatory functions of the Postal Services Act 1991 and the Digital Signature Act 1997.

However, since 2008 there was an increase in State interventions to regulate the free flow of information and expression on the internet, as will be demonstrated in the cases monitored for the purpose of this report. Measures which have generally relied on existing peripheral laws such as the Sedition Act, Official Secrets Act, the then-repealed Internal Security Act are shifting towards more ICT-specific mechanisms and laws, such as the Communications and Multimedia Act, amendments to the Penal Code as well as amendments to the Evidence Act to allow State surveillance in attempts to combat terrorism and introduce internet filtering.

There have been critiques made as to the manner in which surveillance is being carried out by the MCMC.

- In 2006, blogger Jeff Ooi was summoned to give a statement to the police on an alleged blasphemous remark posted by a reader on his weblog "Screenshots"[7]
- In 2009, Malaysiakini, an online news portal was closed down. MCMC claimed that it was investigating Malaysiakini over the posting of two allegedly offensive video clips of the cow-head protest in Shah Alam and a press conference regarding the protest by Home Minister Hishammuddin Hussein[8]
- In 2009 MCMC pulled the plug on Malaysia Today, a blog known for its critical stand[9]
- In 2010 again Malaysiakini was investigated for two of its report

7 SUARAM. (2006). Human Rights Report 2006, p76.

8 Bernama. (2009, 1 October). Internet media control: MCMC denies abuse of power.

9 Ibid.

regarding an on-going Umno general assembly meeting[10]

- The detention of a pro-Pakatan Rakyat (People's Coalition) blogger Yusuf Al Siddique (aka Milo Suam) under the Official Secrets Act
- Detention of a pro-Barisan Nasional (BN) blogger, Papagomo due to posting racial remarks on his blog
- In 2013 general elections, King Jason was detained for accusing BN of buying votes[11]

More amendments are going to be introduced in 2015 by the Communications and Multimedia Ministry after it has conducted a study on cyber offences

The Centre for Independent Journalism (CIJ), an organisation working on freedom of the media and expression, was concerned over the online radio jamming targeting Radio Free Sarawak and Radio Free Malaysia. These websites were attacked by distributed denial of service (DDOS) attacks (Koh, 2013).[12]

More amendments are going to be introduced in 2015 by the Communications and Multimedia Ministry after it has conducted a study on cyber offences. It is proposing to table amendments to the Communications and Multimedia Act 1988, and Parliament to take into account the rampancy of cyber offences. If the amendments go through, it will mean increase penalties for offences particularly relating to social media in the pretext that it will curb cyber crime and diffuse social antagonism.

10 Malaysiakini. (2010, 22 October). MCMC targets Malaysiakini again www.malaysiakini.com/news/146121

11 Malaysiakini. (2013, 7 May). Pro-UMNO blogger Papagomo arrested. www.malaysiakini.com/news/229434/

12 Koh, Jun Lin (2013, 3 May). Media under pressure as need to control info rises. Malaysiakini. www.malaysiakini.com/news/228922/

3. Who's Who in the Legal and Policy Environment

State Institutions	
Ministry of Home Affairs ("Home Ministry")	The ministry in charge of domestic affairs, including Royal Malaysian Police, the Registrar of Societies (under which most non-governmental organisations are registered), and the Film Screening Board. The Home Minister has absolute discretion in granting or revoking any publication licences under the Printing Presses and Publications Act 1984.
Ministry of Communication and Multimedia	Formerly known as the Ministry of Information, Communication and Culture, this ministry oversees the development and monitoring of communication facilities and services. It is also responsible for promoting and ensuring compliance with the Data Protection Act 2010.

Commissions and Subsidiary Bodies	
Malaysian Communications and Multimedia Commission (MCMC)	Malaysian Communications and Multimedia Commission (MCMC) regulates the communications and multimedia industry, as well as implementing and promoting the Government's national policy objectives for the communications and multimedia sector. Its primary functions are: • Advise the Minister of Communications and Multimedia on all matters concerning the national policy objectives for communications and multimedia activities; • Implement and enforce the provisions of the communications and multimedia law; • Regulate all matters relating to communications and multimedia activities not provided for in the communications and multimedia law; • Consider and recommend reforms to the communications and multimedia law; • Supervise and monitor communications and multimedia activities; • Encourage and promote the development of the communications and multimedia industry; • Encourage and promote self-regulation in the communications and multimedia industry; • Promote and maintain the integrity of all persons licenced or otherwise authorised under the communications and multimedia industry;

	• Render assistance in any form to, and to promote cooperation and coordination amongst, persons engaged in communications and multimedia activities; • Carry out any function under any written law as may be prescribed by the Minister by notification published in the Gazette. [13]
Communications and Multimedia Content Forum of Malaysia (CMCF)	The CMCF is a self-regulatory body established under a clause in the Communications and Multimedia Act 1998. Its role is to govern electronic content and address content-related issues, based on a voluntary Content Code. It is made up of six "Ordinary" member categories: Advertisers, Audiotext Hosting Service Providers, Broadcasters, Civic Groups, Content Creators/Distributors and Internet Access Service Providers.[14]

13 Official Portal of the Ministry of Communication and Multimedia. (Undated). www.kkmm.gov.my/index.php?option=com_content&view=article&id=292&Itemid=135&lang=en

14 CMFC Factsheet. (Undated). www.cmcf.my/fact-sheet

Human Rights Commission of Malaysia (SUHAKAM)	SUHAKAM, Malaysia's national human rights institution, was established by Parliament under the Human Rights Commission of Malaysia Act 1999. SUHAKAM's role as set out in Section 4(1) are to: • Promote awareness of and provide education relating to human rights; • Advise and assist Government in formulating legislation and procedures and recommend the necessary measures to be taken; • Recommend to the Government with regard to subscription or accession of treaties and other international instruments in the field of human rights; • Inquire into complaints regarding infringements of human rights. SUHAKAM produces an annual human rights report. The commission is empowered to hold inquiries into allegations of human rights violations and to act on complaints of the same, but has no power to prosecute offenders or compel individuals to appear as witnesses in its inquiries.

Non-Governmental Bodies	
The Malaysian Bar Human Rights Committee	The Malaysian Bar is a professional body that regulates the profession of lawyers in Peninsular Malaysia (the states of Sabah and Sarawak have separate bodies). Its Human Rights Committee monitors and responds to human rights issues in Malaysia; and carries out activities such as public and media advocacy, and observing public demonstrations.
Civil Society Organisations	The proliferation of civil society organisations and human rights work in Malaysia was due in part to the availability of Internet access. Online spaces for organising were, until recently, relatively free from State crackdowns. Significant civil society organisations include the Centre for Independent Journalism (CIJ), Suara Rakyat Malaysia (SUARAM), Sisters in Islam (SIS), and the Coalition for Clean and Fair Elections (BERSIH 2.0).

4. The Research

A. General protection of freedom of expression

i. National constitution and laws on internet-based freedom of expression

Article 10 of the Federal Constitution provides general protection of freedom of speech and expression. Section 3(3) of the Communications and Multimedia Act 1998 provides that "[n]othing in this Act shall be construed as permitting the censorship of the Internet."

However, clauses 10(2), 10(3) and 10(4) of the Constitution provide grounds for restrictions by the Parliament. Section 211 on "Prohibition on Provision of Offensive Content" of the Communications and Multimedia Act 1998 and Section 233 on "Improper Use of Network Facilities or Network Service, etc." may also be interpreted as restrictions. These provisions provide that a person commits an offence if he or she posts any content deemed obscene, indecent, false, menacing or offensive in character with the intention to annoy, abuse, threaten or harass another person. In addition, other pieces of legislation further restrict the right to freedom of expression.

Section 298 of the Penal Code makes it an offence to utter words, etc., with deliberate intent to wound the religious feelings of any person, whereas section 298A (1)(a) makes it an offence to cause disharmony, disunity, or feelings of enmity, hatred or ill-will, or prejudicing, etc., the maintenance of harmony or unity, on grounds of religion. In both sections, the definitions of the offence are broad and vague. These laws are also inconsistent with international standards of freedom of expression.

The Sedition Act 1948 makes it an offence for anyone to do any act which has a seditious tendency; utter any seditious words; print, publish, sell, offer for sale, distribute or reproduce any seditious publication; or import any seditious publication. Section 3 of the Sedition Act 1948 provides for a broad and vague definition of "seditious tendency" and the intention of the accused and the truth of his or her statement are irrelevant. This law was used extensively by the authorities during the monitoring period, covering a

wide range of alleged offences.

In April 2015, the government rushed through amendments to the Sedition Act, passed in Parliament after only a day of debate. The Sedition Act now explicitly includes electronic media and the scope of distribution of electronic media ranges from one or more persons ("section of public"). A person can also be prohibited from accessing any electronic devices. An amendment to section 10(5) requires that a person in possession of an electronic publication deemed to be seditious must remove it wholly or partly. In addition, under a new Section 10A (prohibiting electronic publications), anonymous electronic posts can be blocked by the MCMC.

It must be emphasised that these laws are not used in isolation from each other – in more than one case, multiple laws are cited. In addition, there are a number of similar provisions across different pieces of legislation. Where the authorities cannot investigate or charge a person under the Sedition Act, for example, Section 298A (1)(a) of the Penal Code may suffice. Other laws used include the Official Secrets Act 1972.

- ***Cases Monitored** (status at the time of writing)*

We recorded 44 cases under this category during the monitoring period (January 2014 to March 2015). In 18 cases, the Sedition Act was cited – by far the most-cited piece of legislation, and largely for offences related to religion. This is despite the fact that at the time the offences were committed, the Sedition Act was not yet amended to include incitement against religion as a ground for sedition. In seven cases, the Communications and Multimedia Act was cited. The Penal Code was cited in six cases. The Educational Institutions (Discipline) Act 1976 was cited once.

Interestingly, we recorded one case where Section 29 on public indecency in the Syariah Criminal Offences (Federal Territories) Act 1997 was cited as the basis for investigating an incident where photos of three Muslim girls being hugged on stage by Korean pop singers were circulated. There were initial accusations that the girls were molested – however, rather than treating the incident as a possible case of sexual harassment, the Islamic authorities threatened to obtain warrants of arrest against the girls if they did not come forward.

It appears that moral policing now applies to online spaces – which, when read with the tendency to use the Sedition Act for offences related to religion, seems to be part of a worrying trend of restricting the freedom of expression using religion as justification. Aside from religion, forms of speech or expression on issues around race and royalty also came under intense scrutiny.

In 13 cases, no particular laws were cited or reported as a basis for action or investigation. In one of the cases, a teacher was instructed to close down her Facebook account by the Special Officer to the Education Ministry's Director General.

HIGHLIGHTED CASE

When : 12 Jan 2015

Whom : Eric Paulsen, lawyer

What : Arrested on 12 Jan 2015 and charged under Section 4(1)(c) Sedition Act 1948 on 5 Feb 2015

Why : Accusing the Malaysian Islamic Development Department (JAKIM) of spreading extremism through Friday sermons on his Twitter account twitter.com/ericpaulsen101 on 10 Jan 2015: "Jakim is promoting extremism every Friday. Government needs to address that if serious about extremism in Malaysia".

Status : Sessions Court Judge Abdul Rashid allowed bail at RM2,000 (approximately EUR478) in one surety and set mention on 27 Apr 2015.

Source : "Lawyer arrested over tweet accusing Jakim of extremism, group says", Malay Mail Online, 12 Jan 2015, www.themalaymailonline.com/malaysia/article/lawyer-arrested-over-tweet-accusing-jakim-of-extremism-group-says ***"Lawyer Eric Paulsen charged with sedition"***, The Star, 5 Feb 2015, www.thestar.com.my/News/Nation/2015/02/05/eric-paulsen-charged/

See Annex 2 for the complete collection of cases monitored.

ii. Multi-stakeholder initiatives to protect human rights online

The Communications and Multimedia Content Forum (CMCF), which developed a Content Code for voluntary self-regulation, does provide space for civil society representation under "Civic Groups Category." This position is currently filled by a representative from the National Council of Women's Organisations (NCWO). However, the CMCF's authority is restricted to those subscribing to the Content Code, generally from the private sector.

The government of Malaysia does not generally carry out multi-stakeholder consultations prior to proposing or amending laws. There are rare exceptions, such as the Law Reform (Marriage and Divorce) Act 1976. It did not consult the general public and a broad spectrum of civil society organisations prior to the passing of laws such as the Security Offences (Special Measures) Act 2012, the Prevention of Terrorism Act, and the 2015 amendments to the Sedition Act. The text of the proposed amendments to the Sedition Act, for example, was not available on the Parliament of Malaysia's website even on the day of its tabling and debate in Parliament.

B. Restrictions on online content

i. Arbitrary blocking or filtering

Under a new Section 10A of the amended Sedition Act, anonymous electronic posts deemed to be seditious can be blocked by the MCMC. This provision has yet to be tested in practice.

As noted in the previous section, Section 211 on "Prohibition on Provision of Offensive Content" of the Communications and Multimedia Act 1998 and Section 233 on "Improper Use of Network Facilities or Network Service, etc." provide that a person commits an offence if he

or she posts any content that is either obscene, indecent, false, menacing or offensive in character with the intention to annoy, abuse, threaten or harass another person.

In October 2014, Communications and Multimedia Minister Datuk Seri Ahmad Shabery Cheek announced that over 1,400 websites have been blocked by the MCMC following complaints by internet users in Malaysia

While these provisions are in themselves not unduly restrictive, as noted above they are vague and overbroad, and concerns arose over their application. Case law appears to support a broad-ranging application of section 233: the High Court in the case of PP v Rutinin Suhaimin [2013] 2 CLJ 427 held that the victim of the offence under section 233 does not need to actually feel annoyed or abused. The prosecution has to prove that the offender has the intention to annoy or abuse and it is sufficient to merely show that the communication has the tendency to cause annoyance or abuse to any person.

Nonwithstanding the intent of the CMA 1998, the environment in which it is applied shows a clear trend of the authorities favouring restrictions on online content. In November 2014, the Home Ministry announced that it is collaborating with the Malaysian Communications and Multimedia Commission (MCMC) to set up a firewall on websites, including YouTube to censure content which does not adhere to guidelines set by the Film Censorship Board aimed at protecting Malaysians from being influenced by negative elements in films which promote values that are not in tandem with social and religious norms. [15]

15 The Malay Mail Online. (2014, 24 Nov). Putrajaya mulls censoring YouTube, websites for unapproved content. www.themalaymailonline.com/malaysia/article/putrajaya-mulls-censoring-youtube-websites-for-unapproved-content; and Digital News Asia,. (2014, 25 Nov). A firewall around YouTube, a fence around Digital Malaysia. www.digitalnewsasia.com/insights/a-firewall-around-youtube-a-fence-around-digital-malaysia

In April 2013, users of a number of Malaysian ISPs could not access websites with content critical of the government

In October 2014, Communications and Multimedia Minister Datuk Seri Ahmad Shabery Cheek announced that over 1,400 websites have been blocked by the MCMC following complaints by internet users in Malaysia.[16]

The previous year, however, MCMC Monitoring and Enforcement Division head Zulkarnain Mohd Yasin announced that 2,753 websites were blocked by the commission during the period of January to October 2013. Sites blocked included 2,611 phishing sites, sites with pornographic content (103), sites with contents violating the Communications and Multimedia Act 1998 (10); however 15 websites were also blocked for infringing the Syariah Criminal Offences Enactment, Official Secrets Act (2), Penal Code (2), Sedition Act (1) and other unidentified legislation (9).[17]

We are unable to ascertain whether site owners received explanations as to why their sites were blocked or filtered. We are also unable to find freely and publicly-available lists of sites blocked by the MCMC, apart from news reports on specific sites e.g. filesharing sites.

There are accusations that the Malaysian government has secretly blocked a number of sites for political reasons, or carried out actions amounting to a block. In April 2013, users of a number of Malaysian ISPs could not access websites with content critical of the government. This includes Malaysiakini, an independent news portal. A number of YouTube videos with political content were also blocked. This was verified by Access, an international human rights organisation working on digital rights.[18]

16 The Star. (2014, 14 Oct). Over 1,400 websites blocked by MCMC, says Shabery. www.thestar.com.my/News/Nation/2014/10/14/MCMC-shaberry-Websites-blocked/

17 FZ.com. (2013, 6 November). MCMC blocks 2,753 websites in Jan-Oct this year. www.fz.com/content/mcmc-blocks-2753-websites-jan-oct-year

18 Access. (2013, 2 May). Tracking network interference around political content in Malaysia. https://www.accessnow.org/blog/2013/05/02/tracking-network-interference-malaysia

We note that a few days before the General Election in May 2013, a citizen election observation initiative claimed that their site was blocked by major Internet Service Providers (ISPs), and the presence of a blocking filter was confirmed.[19]

ii. Criminalising legitimate expression

The Defamation Act 1957 provides for civil law remedies for individual parties. However, the Penal Code also contains provisions for criminal defamation (sections 499-502), which are generally used by State institutions including the Police.

The use of the Defamation Act is a double-edged sword – on one hand, it is one of the few avenues through which activists and other individuals can draw accountability from state-controlled media and social media practitioners alleged to be acting on behalf of political parties. However, the Act as well as the Penal Code provisions have been used to silence activists and the media. There is a significant frequency in the use of defamation to prosecute the media, including journalists, editors, columnists, and media owners.

The broad and vague definitions contained in the Sedition Act as well as sections 298 and 298A of the Penal Code have been noted in previous sections. As well, they appear to preclude the condition of the intention and likelihood of inciting violence in restricting freedom of expression, as well as the condition of a direct and immediate connection between the expression (e.g. words uttered) and the likelihood or occurrence of such violence.

The Prevention of Terrorism Act, passed in 2015, enables Malaysian authorities to detain terror suspects for up to two years without trial, without

19 BERSIH 2.0. (2013, 3 May). PEMANTAU 'Blindfolded' by Major Internet Service Providers. www.bersih.org/pemantau-blindfolded-by-major-internet-service-providers/

the possibility of a judicial review of the detentions. Under the Act, a "listed terrorist organisation" means "any specified entity declared under sections 66B and 66C of the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001." This could potentially criminalise legitimate expression by human rights defenders accused of belonging to a "terrorist organisation".

Unfortunately, protections for journalists facing attacks and intimidation do not appear to be a priority. There are no specific laws with regards to the protection of journalists, however provisions on criminal intimidation and similar offences should be adequate to investigate perpetrators. In one of the cases where a journalist faced intimidation for her work, the perpetrator was the Police.

In this environment, it would be expected that journalists and bloggers would self-censor. As the Printing Presses and Publications Act do not apply to online media, the relative freedom of the Internet has seen the flourishing of independent news portals online which carry more content critical of government laws and policies. However, given the use of other laws such as the Sedition Act, there is still immense pressure on journalists or writers who publish online.

Laws are unevenly applied across the board. In a number of cases, there were no clear actions undertaken by the state. However, significantly, most came to the attention of the media due to police reports lodged by ethno-nationalist organisations and other groups, indicating that the criminalisation of legitimate expression by the State needs to be seen in the context of an environment that has become increasingly hostile to the right of freedom of expression in matters concerning religion, and regards "insult" as adequate cause for State censorship rather than demonstrable harm such direct and immediate threats to bodily integrity.

In November 2014, the MCMC announced its intention to discuss restricting content related to terrorism with Google and Facebook.[20] This

20 The Star. (2014, 27 Nov 2014). MCMC wants sit-down with Google, Facebook to discuss restricting terror content. www.thestar.com.my/News/

follows its earlier announcement in June 2014 that the commission would block militant sites[21] and its call in October 2014 for the public to lodge police reports on any social media accounts that "spread militancy or terrorism."[22] However, there were no follow-up announcements on any subsequent actions or results as of time of writing.

- ***Cases Monitored*** *(status at the time of writing)*

We recorded 8 cases of defamation during the monitoring: one under criminal defamation and the rest under civil defamation. There were three cases of intimidation against the media, two by individual perpetrators. In one of these cases, a female presenter received rape threats as well as death threats.

There were 18 cases recorded where members of ethno-nationalist and other organisations lodged police reports against online users and content. In a majority of these cases, religious insult was cited as a basis for their actions. In one case, a police report was made against an online news article and a blog post for using misogynistic and sexually degrading language in reference to two women politicians, citing section 233 of the Communications and Multimedia Act. In most of the 18 cases, follow-up actions by the authorities are unclear.

Nation/2014/11/27/MCMC-want-to-meet-facebook-google/

21 The Star. (2014, 29 June). MCMC ready to combat militant threat on social media. www.thestar.com.my/News/Nation/2014/06/29/MCMC-social-websites-militant-activities/

22 The Sun Daily. (2014, 14 October). Lodge police report on social sites spreading militancy - MCMC. www.thesundaily.my/news/1199044

HIGHLIGHTED CASE

When : 4 Sep 2014

Whom : Susan Loone, Penang-based assistant editor of the online news portal Malaysiakini

What : Arrested and investigated under the Sedition Act 1948, section 4(1)(c). Mobile phone confiscated as part of police investigation. Ten police reports lodged by Perkasa and 13 other NGOs identifying themselves as 'The Coalition of Penang Malay Representatives' alleging that Malaysiakini and Susan Loone had defamed the police.

Why : Writing an allegedly seditious article titled 'Exco man grilled for four hours, treated like a criminal', based on a telephone interview with Penang executive councillor Phee Boon Poh when he was in police custody on 1 Sep 2014. Phee was arrested in connection with his role in Penang's Voluntary Patrol Unit (PPS) which had been set up by the state government.

Status : Released on bail of RM2,000 (approximately EUR478) on one surety and required to report back to police district headquarters on 3 Oct 2014. Susan was informed by Inspector Mohd Rezan Yusoop @ Ariffin on 3 Oct that investigation papers on the sedition case have yet to be concluded and he was uncertain of when they would be completed. Her Blackberry mobile phone was returned and she was informed that no further action would be taken for the moment.

Source : ***"Mkini journo arrested for sedition, quizzed for 9 hours"***, Malaysiakini, 4 Sep 2014, http://www.malaysiakini.com/news/273607

"No action against Mkini journalist, for now", Malaysiakini, 3 Oct 2014, http://www.malaysiakini.com/news/276532

See Annex 2 for the complete collection of cases monitored.

iii. Imposition of internet intermediary liability

As noted in the previous section, the MCMC has sought discussions with Google and Facebook to impose restrictions on content related to terrorism. It has also, in 2014, sought to direct a social networking site to remove content deemed to be objectionable.[23] As of time of writing, there have been no updates on the outcome of MCMC's actions.

Section 114A of the Evidence Act 1950, an amendment introduced in 2012, provides that a "person whose name, photograph or pseudonym appears on any publication depicting himself as the owner, host, administrator, editor or sub-editor, or who in any manner facilitates to publish or re-publish the publication is presumed to have published or re-published the contents of the publication unless the contrary is proved." This makes Internet intermediaries liable for content published through their services, and are presumed to be guilty until proven innocent.

iv. Cyber Attacks

There are long-standing accusations that government-sponsored DDOS and spam attacks by "cybertroopers" were carried out against websites with content critical of or embarrassing to the government, as well as Opposition-related websites and social media accounts. We have noted above evidence of blocks or internet filtering.

23 The Malay Mail Online. (2014, 2 Oct). MCMC tells Facebook to remove 'distasteful' sex blogger's page. www.themalaymailonline.com/malaysia/article/mcmc-tells-facebook-to-remove-distasteful-sex-bloggers-page

- ***Cases Monitored*** ***(****status at the time of writing****)***

In two cases, Opposition politicians alleged that their social media accounts were targeted for expressing their opinions on a number of current issues.

HIGHLIGHTED CASE

When : 13 Dec 2014

Whom : Lim Kit Siang, DAP Member of Parliament (Gelang Patah)

What : Alleged that UMNO [24] "cybertroopers" launched a series of spam attacks on his Twitter account on 3, 6, 7 and 12 Dec 2014. On 3 Dec, Kit Siang received 49 similar tweet attacks in five minutes delivered in three waves, with 17 tweets, followed by four tweets the next four minutes and 28 tweets the next minute after. On 6 and 7 Dec, attacks were aimed at condemning Kit Siang for wanting action against Dr Mashitah Ibrahim. In the latest attack on 12 Dec, his account was hit with 30 spam tweets.

Why : Appeared to be following questions raised regarding the Royal Commission of Inquiry (RCI) report on illegal immigrants in Sabah, hate speech of former Deputy Minister in the Prime Minister's department Dr Mashitah Ibrahim about Quran burning page by page ritual by the Chinese community in Kedah.

Status : Kit Siang is prepared to work with the Malaysian Communications and Multimedia Commission (MCMC) and furnish with details of some 100 people and robotic multiple accounts claimed to be responsible for the Twitter 'carpet bombings'.

24 United Malays National Organisation (UMNO) is the dominant party within the current ruling coalition, Barisan Nasional (BN) or the National Front.

Source : ***"Umno cybertroopers spamming my Twitter account, says Kit Siang"***, The Malaysian Insider, 13 Dec 2014, http://www.themalaysianinsider.com/malaysia/article/umno-cybertroopers-spamming-my-twitter-account-says-kit-siang

See Annex 2 for the complete collection of cases monitored.

v. Protection of the right to privacy and data protection

Malaysia has fairly robust data protection legislation in the Data Protection Act 2010. A data user (i.e. "a person who either alone or jointly or in common with other persons processes any personal data or has control over or authorizes the processing of any personal data") may process the data for a particular purpose for example resume sent for a job interview. The data user is obliged to delete the data permanently if the data has served its purpose; otherwise the data user shall be liable to a fine or to imprisonment or to both by virtue of section 5(2) of the same Act. However, it appears that there is no time frame for data retention. The Act provides that the data must be disposed of as soon as practicable if it is no longer necessary for the purpose of its retention.

The Data Protection Act however only applies to the private sector, not the government. This exemption has serious implications for individual privacy and safeguards over the use of their personal information, given the volume of data processed and stored by the State. It is mandatory for Malaysians to apply for and carry identification cards, which contain information on – among other things – their dates of birth, ethnicity, and religion.

There are concerns over government surveillance as a threat to the right to privacy. In 2013, the Citizen Lab discovered a FinFisher (surveillance software) server in Malaysia and "a Malaysian election-

related document" that contains a piece of surveillance software that spies on infected computers. These in themselves do not implicate any particular individual or institution, however Citizen Lab noted that the FinFisher spyware toolkit is "explicitly only sold to governments."[25]

During the research period, we were unable to ascertain the extent of the use of surveillance software by the State in Malaysia. However, just before this report was scheduled to be published, hackers exfiltrated data from software maker Hacking Team and released it online. Documents from the Hacking Team revealed that the Malaysian government purchased spyware to monitor and spy on internet users.[26]

We note that the Police have been fairly open about the fact that it assigns police personnel to monitor social media usage, with a direct impact on the exercise of the right to freedom expression. In August 2014, the Deputy Inspector-General of Police Tan Sri Mohd Bakri Mohd Zinin announced that police have set up a special task force to "monitor sensitive statements on social media."[27] Of late, Inspector General of Police, Khalid Abu Bakar, gained notoriety by issuing direct warnings to Internet users over Twitter, and directing the Police to conduct investigations through the same medium.[28]

25 Citizen Lab. (Undated). Short Background: Citizen Lab Research on FinFisher Presence in Malaysia. https://citizenlab.org/wp-content/uploads/2013/05/shortbg-malaysia1.pdf

26 Digital News Asia. (2015, 16 July). What Malaysia bought from spyware maker Hacking Team. https://www.digitalnewsasia.com/insights/what-malaysia-bought-from-spyware-maker-hacking-team

27 The Star. (2014, 11 August). Police set up special team to monitor sensitive statements on social media. www.thestar.com.my/News/Nation/2014/08/11/Police-special-team-social-media/

28 British Broadcasting Corporation. (2015, 6 April). What is Malaysia's top cop doing on Twitter? www.bbc.co.uk/monitoring/what-is-malaysias-top-cop-doing-on-twitter

vi. Disconnecting users from the internet

Under the newly-introduced amendments to the Sedition Act, an amendment to Section 10 (prohibition of seditious publications) allows for a Sessions Court to issue an order prohibiting a person from accessing any electronic device. We have grave concerns over the broad and vague language used in this amendment, as "electronic device" can be interpreted to include everything from mobile phones to radios. In effect, individuals can be barred from accessing the Internet as a penalty.

C. Access to Information

As noted under the section on the legal and policy environment of Malaysia, ICT infrastructure and industry are enmeshed in the government of Malaysia's development agenda. As of 2014, Malaysia's internet penetration rates stand at 67.1 percent[29] and mobile device use is growing by leaps and bounds. Government agencies are increasingly moving their services online for ease of use, such as the Inland Revenue Department's tax-filing system.

However, the proliferation of online public services, encouraged by government directives, has not gone hand in hand with more transparent governance. Access to information to do with State policy, laws, spending, and decision-making processes remains difficult or impossible.

Legislation restricts rather than promotes freedom of information (FOI). Under Section 2A of the Official Secrets Act 1972, a Minister may, from time to time, by order published in the Gazette, add to, delete from,

29 Borneo Post. (2014, 15 September). Malaysia's broadband penetration rate stands at 67.1 per cent - Najib. www.theborneopost.com/2014/09/15/malaysias-broadband-penetration-rate-stands-at-67-1-per-cent-najib/

or amend any of the provisions of the Schedule that specifies which documents are to be classified as an official secret. Individuals exposing documentation of wrongdoings classified as an "official secret" can be prosecuted, even in matters of clear and legitimate public interest.

Case law reinforces the State's unchecked right to declare any document secret. In the case of Menteri Tenaga, Air dan Komunikasi & Anor v. MTUC & Ors [2012] 9 CLJ 858, the Court of Appeal held that the powers and the duties to declassify the documents under the Official Secrets Act 1972 were to the relevant parties (i.e., Government ministers and officers) and not the courts. Therefore the court should not usurp the power of the Minister conferred or public officer charged with the responsibility of such declassification.

In the case of Lim Kit Siang v PP [1980] 1 MLJ 293, the Federal Court considered the late Mr. Karpal Singh's arguments that the Official Secrets Act 1972 sought to make everything secret, even matters that should not be secret. The catch-all nature of section 8 on wrongful communication of an official secret meant that some information would be caught by the Act which should not be withheld from the public as such disclosure ensures good and proper government.

The High Court in the same case [1979] 2 MLJ 37 discussed what would constitute secret but as the Act did not define "secret", held that "secret official information within the meaning of section 8 of the Act is really the Government information the confidentiality and secrecy of which depends upon the manner in which the Government treats that information." The Court in essence leaves it up to the government to determine what is secret and therefore what the government keeps from the public on the ground of secrecy is not subject to judicial scrutiny.

The Whistleblower Protection Act 2010 was supposed to provide more legal protections for individuals disclosing improper conduct both in the public and private sectors. However, section 6(1) provides that the disclosure must not be "specifically prohibited by any written law." An individual wishing to disclose evidence of wrongdoing that has been classified under the Official Secrets Act cannot seek protection as a whistleblower.

Furthermore, section 203A of the Penal Code – an amendment introduced in 2013 – created new criminal offences of "disclosing information." Section 203A(1) provides for punishment for "whoever discloses any information or matter which has been obtained by him in the performance of his duties or the exercise of his functions under any written law", a broad category which can include government employees and third-party contractors. These new offences render the Whistleblower Protection Act virtually unenforceable.

The states of Selangor and Penang have passed Freedom of Information enactments in 2011. This came after sustained campaigns by civil society to strengthen the right to freedom of information, including a proposed draft FOI bill drawn up by FOI advocates in consultation with a wide range of people and organisations. Upon the announcement of the impending FOI enactment in Selangor, civil society was invited by the Selangor state government to provide input into the draft legislation.[30]

However, the impact of the enactments on improving transparency and public access to information has yet to be assessed. In 2013, Penang Chief Minister Lim Guan Eng announced that section 203A of the Penal Code "effectively sabotages the Freedom of Information (FOI) enactments passed by Penang and Selangor."[31] There are also provisions in the enactments exempting information classified under the Official Secrets Act 1972.

30 The Nut Graph. (2010, 20 July). What's missing in Selangor's FOI law www.thenutgraph.com/whats-missing-in-selangors-foi-law/

31 The Nut Graph. (2010, 20 July). What's missing in Selangor's FOI law www.thenutgraph.com/whats-missing-in-selangors-foi-law/

5. Recommendations

For the Government to:

a. Repeal repressive laws and amend legislation to strengthen protection for the right to freedom of expression

The Sedition Act 1948 must be repealed immediately. Provisions in the Penal Code and other laws that impose limits to freedom of expression must be amended so that limitations are predicated on demonstrable, direct and immediate threats to persons, groups, and national security, not vague or entirely subjective definitions such as "insult", "ill-will" and "disharmony."

Human rights education should be integrated into school curriculums to further strengthen respect for and protection of the right to freedom of expression.

b. Encourage dispute resolutions through private remedies

Rather than criminal prosecutions or civil suits, an independent, multi-stakeholder body can be created to mediate disputes on online content.

c. Enact freedom of information legislation and provide freely-accessible key documents online

Freedom of information legislation must be premised on the idea that information belongs to the people, not governments. Key documents on issues of public interest such as government tenders and amendments to laws must be made available online in a timely manner. Proposed amendments to laws and draft bills should be made public a few months before they are tabled and debated in Parliament. Documents such as Environmental Impact Assessment reports and electoral boundary maps should be freely available online.

For the Parliament to:

d. Set up committees for open and public consultation on laws

Draft bills must go through a process of public consultation in their inception. The Parliamentary committees should be proactive in engaging the public and CSOs for input into draft laws.

For the Malaysian Communications and Multimedia Commission to:

e. Engage and work with human rights experts on freedom of expression issues

The MCMC should institutionalise a working relationship with SUHAKAM and CSOs to build their competency on protecting human rights online.

f. Conduct consultations with civil society groups on amendments to the Communications and Multimedia Act

The MCMC should consult with a wide range of civil society groups on any amendments to the Communications and Multimedia Act before they are tabled in Parliament.

For SUHAKAM and civil society organisations to:

g. Build capacity on the protection of human rights online

SUHAKAM and CSOs should build their own capacity and that of the public on the right to freedom of expression and information online. Long-term engagement with the public and other bodies such as the

MCMC are crucial to strengthening rights in all spaces, both online and offline.

Nonwithstanding protections under the Federal Constitution and the Communications and Multimedia Act, repressive legislation and political and social norms restrict the right to freedom of expression online in practice. Repealing laws would be a first step, but there needs to be a concerted effort by the State to inculcate a culture of open debate among its leaders, institutions, and society in general.

Annex 1

The APC-La Rue Framework

A. General protection of freedom of expression

- National constitution or laws protect internet-based freedom of expression.
- State participates in multi-stakeholder initiatives to protect human rights online.

B. Restrictions on online content

Arbitrary blocking or filtering

- There are no generic bans on content
- Sites are not prohibited solely because of political or government criticism
- State blocks or filters websites based on lawful criteria
- State provides lists of blocked and filtered websites
- Blocked or filtered websites have explanation on why they are blocked or filtered
- Content blocking occurs only when ordered by competent judicial authority or independent body
- Where blocked or filtered content is child pornography, blocking or filtering online content is connected with offline national law enforcement strategies focused on those responsible for production and distribution of content

Criminalising legitimate expression

- Defamation is not a criminal offence
- Journalists and bloggers are protected against abuse or intimidation
- Journalists and bloggers are not regularly prosecuted, jailed or fined for libel
- Journalists, bloggers and internet users do not engage in self-censorship
- National security or counter-terrorism laws restrict expression only where:

    a) the expression is intended to incite imminent violence;

    b) it is likely to incite such violence; and

    c) there is a direct and immediate connection between the expression and the likelihood or occurrence of such violence.

Imposition of internet intermediary liability

- State does not delegate censorship to private entities
- Internet intermediaries are not liable for refusing to take action that infringes human rights
- State's requests to internet intermediaries to prevent access to content or to disclose private information are:

    a. strictly limited to purposes such as the administration of criminal justice; and

    b. by order of a court or independent body

- There are effective remedies for individuals affected by private corporations' actions, including the possibility of appeal through the procedures provided by the intermediary and competent

judicial authority

- State discloses details of content removal requests and accessibility of websites

Disconnecting users from the internet

- Internet access is maintained at all times, including during political unrest
- Disconnecting users is not used as a penalty, including under intellectual property law

Cyber attacks

- State does not carry out cyber attacks
- State takes appropriate and effective measures to investigate actions by third parties, holds responsible persons to account, and adopts measures to prevent recurrence

Protection of the right to privacy and data protection

- There are adequate data and privacy protection laws and these apply to the internet
- The right to anonymity is protected
- State does not regularly track the online activities of human rights defenders, activists, and opposition members
- Encryption technologies are legally permitted
- State does not adopt real name registration policies
- Limitations on privacy rights are exceptional (such as for administration of justice or crime prevention) and there are safeguards to prevent abuse

C. Access [32]

- State has a national plan of action for internet access
- Concrete and effective policy is developed with public and private sector to make the internet available, accessible and affordable to all
- Development programmes and assistance policies facilitate universal internet access
- State supports production of local multicultural and multilingual content
- State supports initiatives for meaningful access by marginalised groups
- Digital literacy programmes exist, and are easily accessible, including primary school education and training to use the internet safely and securely

32 Not addressed in the Malaysian country report.

Annex 2

Complete List of Cases Monitored in the Media

General protection of freedom of expression

National constitution or laws protect internet-based freedom of expression

When	: 22 Jan 2014
Whom	: Individuals who had circulated online pictures of a two year-old girl found dead and believed to have been murdered at a vacant house in Dungun on 21 Jan 2014.
What	: Would be investigated under Communications and Multimedia Act and Child Act.
Why	: For irresponsibly circulating the pictures.
Status	: No further action reported.
Source	: "Terengganu police to track down those circulating child's picture", The Sun Daily, 22 Jan 2014, www.thesundaily.my/news/937654

When	: 29 Jan 2014
Whom	: Man Namblast, 35, secondary school teacher and Mohamed Hidayat, 35, special education teacher
What	: Investigated and charged under Section 4(1) of the Sedition Act 1948. Police worked with the Malaysian Communications and Multimedia Commission (MCMC) to track them down.

Why : Posting insulting and seditious comments against Hindus and Thaipusam procession on their Facebook two weeks earlier.

Status : Man Namblast was remanded for four days for investigations under Section 4(1) of the Sedition Act 1948. Mohamed Hidayat was charged under the same act and Sessions Court judge Ahmad Fairuz Mohd Puzi allowed bail at RM3,000 and fixed 21 July for case mention.

Source : "Cops on the hunt for Facebook users who posted comments on Thaipusam", The Sun Daily, 29 Jan 2014, www.thesundaily.my/news/943638
"Facebook user 'Man Namblast' remanded for four days," The Sun Daily, 12 Feb 2014, www.thesundaily.my/news/955628
"Teacher charged with sedition for Facebook post about Thaipusam", The Sun Daily, 19 June 2014, www.thesundaily.my/news/1086863

When : 12 Feb 2014

Whom : A woman, 27 years old

What : Arrested at her house in Kajang at 1am and investigated by police for sedition following a report lodged by Sultan Sharafuddin's aide-de-camp who is a police assistant superintendent (ASP).

Why : Allegedly posted seditious comments against the Sultan of Selangor Sultan Sharafuddin Idris Shah in relation to the use of the word "Allah" on her Facebook page. Excerpts of the alleged seditious comments were uploaded by a pro-government weblog and the contents drew the attention of the Selangor royalty the week before.

Status : Released on bail in the evening.

Source : "Cops quiz woman for allegedly insulting Selangor Sultan", The Sun Daily, 12 Feb 2014, www.thesundaily.my/news/955947

When : 7 Apr 2014

Whom : Businessman, aged 28

What : Arrested and remanded for 3 days under the Communication and Multimedia Act 1998, section 233 (1) and the Penal Code, section 505 on statements causing public mischief. House was inspected and a mobile phone, computer set and a thumb-drive among others were seized.

Why : Making false claim over twitter that the Prime Minister Najib Razak and his wife Rosmah Mansor were killed in an air crash on their return flight from Perth. And also posting on Facebook a doctored photograph of the prime minister's wife, Rosmah Mansor, with her face superimposed on a mutilated body, claiming she had been killed in an air crash.

Status : No further reports

Source : "Businessman held for doctored picture of Rosmah", 6 Apr 2014, www.thesundaily.my/news/1008813

When : 21 Apr 2014 (case instituted before 2014)

Whom : Alvin Tan Jye Yee, 26 and Vivian Lee May Ling, 25

What : Jointly charged under Section 298A (1)(a) of the Penal Code for ridiculing Muslims during Ramadhan. Also jointly charged under the Incitement Act 1948 for publishing inciting content.

Why : Uploading a picture on their Facebook of them eating "bak kut the" (a pork soup dish) with the caption "Selamat Berbuka Pusa" with "bak kut teh" on July 11 and 12 2013.

Status : Court of Appeal three-man bench led by Datuk

Wira Mohtarudin Baki ruled that Section 298A(1)(a) of the Penal Code could not be enforced on the couple as it was not applicable to non-Muslims. High Court Judge Kamardin Hashim had dismissed the couple's application that Section 298A of the Act was inconsistent and contradictory to the Federal Constitution and could not be enforced against them.

Source : "Court strikes out 'ridicule' charge, says not applicable to non-Muslims", The Sun Daily, 21 Apr 2014, www.thesundaily.my/news/1023358

When : 6 May 2014

Whom : Teresa Kok, DAP vice-chairperson, Seputeh member of Parliament

What : Charged under the Sedition Act 1948, section 4(1)(b) which provides for a jail term of up to three years, or a fine of RM5,000, or both.

Why : Publishing an 11-minute Chinese New Year video titled "Teresa Kok 'Onederful' Malaysia CNY 2014". The YouTube video, uploaded on 27 Jan 2014, was a satire with Teresa Kok playing a feng shui host interviewing three panellists regarding their feng shui predictions. The video poked fun at the government, including its handling of the Malaysian education system. Police reports were lodged, alleging that the video made fun of the Lahad Datu intrusion in Sabah (where foreign fighters entered Malaysian territories) and that Kok was fanning racial hatred.

Status : Police recorded Kok's statement on 13 Feb 2014. They had also interviewed the actors in the video on 11 Feb 2014. Kok was charged with sedition in the Sessions Court on 6 May 2014. Kok is applying to transfer the case to the High Court.

A controversial cash bounty was offered by an NGO to anyone who slaps Teresa Kok. Home Minister Ahmad Zahid Hamidi said that the cash reward offered to slap Teresa was 'not a threat'.

Source : "Teresa Kok charged with sedition", The Star Online, 6 May 2014, www.thestar.com.my/News/Nation/2014/05/06/Court-Teresa-Kok-Sedition/

"Three video clip actors give statements today", The Sun Daily, 11 Feb 2014, www.thesundaily.my/news/954556

"Two identified for threats against Teresa Kok", The Sun Daily, 12 Feb 2014, www.thesundaily.my/news/955676

"No sinister motives in video, says Teresa Kok", The Sun Daily, 14 Jul 2014, www.thesundaily.my/news/954582

When : 7 May 2014

Whom : Mohd Fathihie bin Gadius, Bachelor of Science (Honours) Biology student of University Teknologi MARA in Sabah

What : Charged with violating Educational Institutions (Discipline) Act 1976 for "making a public statement via social media website Facebook which can encourage acts which breach the code of conduct, cause disruption (and) defiance"

Why : Facebook postings in Oct, Nov, Dec 2013 and Jan 2014 against the goods and services tax (GST)

Status : No further action reported

Source : "Student faces action over anti-GST Facebook post", Malaysiakini, 7 May 2014, www.malaysiakini.com/news/262131

When : 3 June 2014

Whom : A teacher who has served for 16 years in Melaka.

What : Instruction to close down her Facebook conveyed by the Special Officer to the Education Ministry Director General. And that she will be "watched".

Why : Facebook postings deemed anti-government, including a 1980 news clipping quoting the first PM Tunku Abdul Rahman calling for the abolition of Umno.

Status : Summoned to Education Ministry in Putrajaya. Subsequently, received a letter of transfer to another school which is 27 km away from her residence (her current school was only 2 km away).

Source : "Teacher on ministry's radar over Facebook posts", Malaysiakini, 3 June 2014, www.malaysiakini.com/news/264573
"Teacher with 'anti-govt' posts transferred", Malaysiakini, 25 Jul 2014, www.malaysiakini.com/news/269872

When : 5 June 2014 (case instituted before 2014)

Whom : Effi Nazrel Saharudin, 35, portal technology reporter

What : Two charges for insulting the Yang di-Pertuan Agong under the Malaysian Communications and Multimedia Commission Act 1988, section 233(1)(a) which carries a maximum RM50,000 fine or one year's jail, or both, upon conviction.

Why : Tweets about the Yang di-Pertuan Agong's function and how the people were paying for his allowance. The tweets were posted on his account '10befiend' on 1 Jun 2013.

Status : Kuala Lumpur Sessions Court Judge Zulqarnain Hassan found Effi guilty on 15 Aug 2014 and imposed a fine of RM5,000 for each count, totalling RM10,000.

Source : "Twitter user fined RM10,000 for 'offensive tweets' of Agong", The Malay Mail Online, 14 Aug 2014, www.themalaymailonline.com/malaysia/article/twitter-user-fined-rm10000-for-offensive-tweets-of-agong

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When : 13 July 2014

Whom : A man, 37, blogger

What : Arrested and investigated by the police following 20 police reports made by individuals and Umno Youth members in the state including Jerlun UMNO Youth Wing on 12 Jul 2014.

Why : Posting on Facebook account "Padi Jantn" on 11 July 2014 stating that he would kill Kedah Chief Minister Mukhriz Mahathir and Kedah Sultan principal private secretary Syed Unan Mashri Syed Abdullah if he is supplied with ammunition, bullets and pistol.

Status : Released on police bail after remand ended on 20 Jul 2014.

Source : "Man who made death threat against Mukhriz arrested", The Star, 13 Jul 2014, www.thestar.com.my/News/Nation/2014/07/13/Arrest-death-threats-against-Mukhriz/
"'Death threat' blogger released on bail", New Straits Times, 21 Jul 2014, www.nst.com.my/node/15736

When : 21 Jul 2014

Whom : Afzanizam Hashim, member of Solidariti Anak Muda

Malaysia (SAMM) from Penang

What : Investigated by the police following police reports made by five non-governmental organisations (NGOs) namely 1Malaysia Malay Army Veterans Association (PVTM), Martabat Jalinan Muhibbah Malaysia (MJMM), Ikatan Rakyat Insan Muslim Malaysia (IRIMM), Wanita Jaringan Rakyat (WAJAR) and Permas Malaysia for posting a death threat against Prime Minister Najib Razak.

Why : Posting on his facebook known as 'Ahli Fikir' a poster invitation for others to join him in killing Najib and with a statement at the end of the post "Najib wajib mati" (Najib must die).

Status : SAMM's director Edy Noor Reduan denied that Afzanizam issued a death threat against PM Najib and clarified that the Facebook account was fake, and the slanderous posting was an attempt to tarnish the organisation's reputation. Afzanizam had apparently made a police report on 17 Jul 2014 immediately after he was aware of the fake Facebook account, even before the reports were made against him.

Source : "NGOs lodge report over death threat", New Straits Times, 21 Jul 2014, www.nst.com.my/node/15629
"SAMM denies FB death threat against Najib", Malaysiakini, 21 Jul 2014, www.malaysiakini.com/news/269391

When : 21 Jul 2014

Whom : A Korean woman

What : Investigation by the police confirmed via Inspector-General of Police Khalid Abu Bakar's official twitter account

Why : Photograph of a woman wearing a dress bearing Quranic verses at a shopping mall in Ampang published on social networking sites was deemed offensive and insulting to Islam.

Status : Pending police investigation, IGP urged the public to be patient considering that the Korean woman has just arrived and the dress was bought from India.

Source : "NGOs lodge report over death threat", New Straits Times, 21 Jul 2014, www.nst.com.my/node/15629

When : 4 Aug 2014

Whom : Kelvin Yip

What : Investigation launched by police following 28 police reports made against Kelvin Yip in KL

Why : Posting a sensitive remark laden with profanity on his Facebook on the volume of the loudspeakers of a mosque near his home for the morning azan call to prayer in July 2014.

Status : No further action reported

Source : "Police reports lodged against FB user over azan remark", The Star, 4 Aug 2014, www.thestar.com.my/News/Nation/2014/08/04/Police-reports-lodged-against-FB-user-over-azan-remark/
"Cops launch 'azan' post probe", The Star, 5 Aug 2014, www.thestar.com.my/News/Nation/2014/08/06/Cops-launch-azan-post-probe/

When : 7 Aug 2014

Whom : Shahul Hamid, "independent" ustaz (religious teacher)

What : Investigated under Section 4(1) of the Sedition Act

1948 and Section 233 (1) of the Communications and Multimedia Act 1998.

Why : Insulting Hinduism in a video clip of one of his lectures at a closed-door session in Shah Alam. He asked Muslims not to purchase products such as curry powder from Hindu companies such as Alagappa and Baba's and he also made some references to Hindu deities.

Status : Shahul apologised.

Source : "Shahul's Hinduism insult to go to fatwa body", Malaysiakini, 7 Aug 2014, www.malaysiakini.com/news/270885

When : 8 Aug 2014 (case instituted before 2014)

Whom : Facebook account "Chandra Lawan Tetap Lawan" owner

What : Investigated under Sedition Act 1948 for defaming and insulting the Yang di-Pertuan Agong Tuanku Abdul Halim Mu'adzam Shah

Why : Uploading on his facebook a photograph of a gory accident scene along with an edited picture of the King on 4 Aug 2014.

Status : No further action reported

Source : "Istana Negara reports to police, MCMC over facebook post insulting King", The Sun Daily, 7 Aug 2014, www.thesundaily.my/news/1135204

When : 12 Aug 2014 (case instituted before 2014)

Whom : Mohd Zamrudhisyam Mohamad, 32, unemployed

What : Charged under the Communications and Multimedia

Act 1998, section 233(1)(a). Liable to a maximum jail term of one year and/or a fine of RM50,000 and RM1,000 for every day or part of a day during which the offence is continued after conviction.

Why : Allegedly posting comments insulting the Sultan of Terengganu, Sultan Mizan Zainal Abidin, on a Facebook page registered as 'Cucu Nabi' on 20 May 2013.

Status : Trial was fixed for 2 Sep 2014.

Source : "Sept 2 trial for man over insulting comments on Sultan", Malaysiakini, 12 Aug 2014, www.malaysiakini.com/news/271355

When : 13 Aug 2014

Whom : Form Five student, aged 17

What : Investigated under the Sedition Act 1948, section 4(1)

Why : Allegedly clicking 'Like' on a Facebook page named "I love Israel". A teacher had captured a screenshot and posted it on her account. The student made a police report after he received threats from friends and teachers. He denied liking the page.

Status : No reports of any further action.

Source : "Student who 'liked' posting under sedition probe", The Star, 14 Aug 2014, www.thestar.com.my/News/Nation/2014/08/14/Student-who-liked-posting-under-sedition-probe/
"Cops in a bind over teen who 'liked' pro-Israel page", Malaysiakini, 14 Aug 2014, www.malaysiakini.com/news/271588

When : 16 Aug 2014

Whom : Two teachers of the 17 year old student for "liking" the "I love Israel" Facebook page. One teacher circulated a screen-captured image of the post and another teacher posted a message "Kita bakor je hahaha" (We just burn hahaha) on the first teacher's Facebook page that is only accessible to friends.

What : Asked to report to the Penang Education Department the following week to provide explanation on their conduct even though the teachers have apologised to the student's parents.

Why : Penang Education Director Osman Hussain said that discretion will be used to decide on whether disciplinary action should be taken considering their career advancement will be jeopardised. He said the teachers have violated the civil service general order in speaking about their work or student publicly on a social network site.

Status : No further action reported

Source : "Teachers in Facebook 'like' not off the hook, says education unit", The Malaysian Insider, 16 Aug 2014, www.themalaysianinsider.com/malaysia/article/teachers-in-facebook-like-not-off-the-hook-says-penang-education-unit
"Teachers sorry over FB post", The New Straits Times, 21 Aug 2014, www.nst.com.my/node/25231

When : 28 Aug 2014

Whom : N Surendran, PKR vice-president, Padang Serai member of Parliament and part of the defence team in the sodomy charge against Opposition Leader Anwar Ibrahim.

What : Sedition Act 1948, section 4(1(b)

Why : Accused Prime Minister Najib Razak of being "personally responsible" for a purported attempt to jail Anwar in a YouTube video on 8 Aug 2014 in his capacity as counsel for Opposition Leader Anwar Ibrahim. He also questioned the alleged haste in the Federal Court's scheduled hearing of Anwar's appeal following the Court of Appeal finding Anwar guilty of sodomy.

Status : Bail set at RM4,000, trial pending.

Source : "Surendran pleads not guilty to second sedition charge", The Star Online, 28 Aug 2014, www.thestar.com.my/News/Nation/2014/08/28/court-Surendran-pleads-not-guilty/

When : 4 Sep 2014

Whom : David Orok, State Reform Party (STAR) member, Sabah

What : Sedition Act, section 4(1)(c)

Why : Comments on Facebook about the prophet Muhammad and his teachings about women

Status : Orok apologised via Facebook following police reports, stressing that he did not intend to cause hurt nor insult Prophet Muhammad or Islam. He explained that the posting was incomplete and only a certain part was extracted and circulated by irresponsible persons to make it appear as though he made the alleged insult.
Charged on 4 Sep 2014 in the Kota Kinabalu Sessions Court. Bail set at RM7,000 and Orok who was unrepresented was asked to surrender his passport. Trial pending.

Source : "Cops to probe opposition member over Facebook

posting", The Star, 8 July 2014, www.thestar.com.my/News/Nation/2014/07/08/Cops-to-probe-opposition-member-over-FB-posting/
"Opposition politician charged with sedition", The Star Online, 4 Sep 2014, www.thestar.com.my/News/Nation/2014/09/04/Opposition-politician-charged-with-sedition/

When : 8 Sep 2014

Whom : Ali Abd Jalil, 29, activist, member of the Anything but UMNO (ABU) movement

What : Charged under the Sedition Act 1948, section 4(1) in the Selayang Sessions Court and on two counts under the same section in the Shah Alam Sessions Court.
He was charged again on 23 Sep 2014 in the Johor Baru Magistrate's Court for sedition.
On 8 Sep 2014, Ali was detained and charged in the Selayang Sessions Court for sedition. Upon his release after being charged, he was immediately rearrested and charged in the Shah Alam Sessions Court. He was then brought to the Sungai Buloh prison when he did not post bail. Ali has stated that he was physically abused during his detention.
He was released from Sungai Buloh prison on 23 Sep 2014 after posting bail, but was immediately rearrested and brought to Johor to be charged for sedition in the magistrates court. He was released in Johor on 27 Sep 2014 but rearrested for a third time in relation to another sedition investigation and finally released on 29 Sep 2014.

Why : Ali was accused of criticising the monarchy through his Facebook posts, particularly in relation to the Sultan of Selangor's role in the tussle over the Selangor Menteri Besar post. He was charged in Johor

for allegedly questioning the Sultan of Johor's power.

Status : Ali's trials are pending. He has fled the country and is claiming asylum in Sweden. He said he had been threatened by racist groups and gangsters and had not been treated fairly by authorities. A 9 Dec 2014 news report stated that he now possesses an asylum card issued by the Swedish government.

Source : "Social activist charged with 3 counts of sedition, with one more on the way", The Star, 8 Sep 2014, www.thestar.com.my/News/Nation/2014/09/08/Court-Social-activist-sedition/
"In revolving door action, cops detain activist a third time for sedition", The Malay Mail Online, 23 Sep 2014, www.themalaymailonline.com/malaysia/article/in-revolving-door-action-cops-detain-activist-a-third-time-for-sedition
"Arrested four times for sedition, Ali finally out from behind bars", The Malay Mail Online, 29 Sep 2014, www.themalaymailonline.com/malaysia/article/arrested-four-times-for-sedition-activist-ali-finally-out-from-behind-bars
"Activist Ali Abd Jalil claims to possess political asylum card", The Star, 9 Dec 2014, www.thestar.com.my/News/Nation/2014/12/09/Ali-Abd-Jalil-asylum-card/

When : 9 Sep 2014

Whom : Chow Mun Fai, 27-year-old site supervisor

What : Communications and Multimedia Act, section 233(1)(a) – posting an offensive comment with intention to annoy, abuse, threaten or harass

Why : Making disparaging remarks about Islam on Facebook.

Status : Pleaded guilty and sentenced to one year in prison, the maximum term under the law.

Source : "Facebook user jailed a year for offensive Hari Raya greeting", The Malay Mail Online, 9 Sep 2014, www.themalaymailonline.com/malaysia/article/facebook-user-jailed-a-year-for-offensive-hari-raya-greeting

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When : 10 Sep 2014 (case instituted before 2014)

Whom : Wan Ji Wan Husin, Muslim preacher, former Selangor PAS Ulama wing committee member

What : Charged under the Sedition Act 1948

Why : Allegedly insulting the Sultan of Selangor through a posting on his Facebook page in November 2012. He had made comments about the Malay rulers and questioned their position as the heads of Islam in their states. He has also criticised the Home Ministry's ban on the use of the word "Allah" by non-Muslims.

Status : Bail fixed at RM5,000, trial pending.

Source : "Preacher charged with sedition over Facebook posting on Selangor Sultan", The Malaysian Insider, 10 Sep 2014, www.themalaysianinsider.com/malaysia/article/preacher-charged-with-sedition-over-facebook-posting-on-selangor-sultan

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When : 11 Sep 2014

Whom : Doris Jones, administrator of Facebook page "Sabah Sarawak Keluar Malaysia" (SSKM)

What : Investigated for sedition and also investigated by the Malaysian Communication and Multimedia Commission (MCMC) following various police reports lodged against the Facebook page.

Why : Facebook page calling for secession of Sabah and Sarawak and campaigns on the same issue via You Tube.

Status : Police identified and issued a warrant of arrest for Doris Yapp Kim Youn, 47, known as 'Doris Jones" whose real identity and whereabouts were initially unknown.

Source : "Unknown Sabahan probed for secession call", The Star, 4 Sep 2014, www.thestar.com.my/News/Nation/2014/09/04/doris-jones-sabah-secession-activist-under-probe/
"Cops still trying to contact owner of seditious FB page", The Star, 11 Sep 2014, www.thestar.com.my/News/Nation/2014/09/11/Sabah-Cops-seditious-FB-page/
"Arrest warrant issued for SSKM's 'Doris Jones'", The Star, 7 Feb 2015, www.thestar.com.my/News/Nation/2015/02/10/Sabah-Doris-Jones/

When : 15 Sep 2014

Whom : Wong Hoi Cheng, 43, project manager

What : Charged under the Penal Code, section 504 for intention to insult to provoke a breach of the public peace or the commission of any offence. Charged alternatively under the Communications and Multimedia Act 1998, section 233(1)(a).

Why : Tweets from Twitter account @wonghoicheng on the "bastardization" of the police force. Also referred to the inspector-general of police as Nazi general Heinrich Himmler on 31 Aug 2014.

Status : Bail fixed at RM4,000, trial pending.

Source : "Project manager charged over tweet calling IGP a

Nazi general", The Star Online, 15 Sep 2014, www.thestar.com.my/News/Nation/2014/09/15/IGP-Nazi-manager-claims-trial/

When : 20 Sep 2014

Whom : An unidentified Facebook account owner

What : Investigated by the Department of Islamic Development Malaysia (JAKIM) in cooperation with the Malaysian Communications and Multimedia Commission (MCMC)

Why : Disseminated images with tattoos of several Muslim holy words, including Bismillah and Allah on his forehead, neck and hand.

Status : No further action reported.

Source : "Jakim investigating Facebook account over tattoos of holy words", The Malaysian Insider, 20 Sep 2014, www.themalaysianinsider.com/malaysia/article/jakim-investigating-facebook-account-over-tattoos-of-holy-words-bernama

When : 23 Sep 2014

Whom : Syafiq Abdul Wahid, aged 24

What : Investigated under Sedition Act 1948, subsequently charged under the Penal Code, section 505(b).

Why : Posting on a parody Facebook page called Persatuan Kongsi Gelap Melayu (Malay Triads Society). Charged with causing public mischief for allegedly posting a bomb threat against places "that anger God". He had listed the Shah Alam beer factory, shopping mall Pavilion, the Bukit Aman police headquarters, the Batu Caves Hindu temple and the National Mosque

as targets.

Status : Bail set at RM2,000, trial pending.

Source : "Probed for sedition, parody Facebook page user now charged with public mischief", The Malay Mail Online, 23 Sep 2014, www.themalaymailonline.com/malaysia/article/probed-for-sedition-parody-facebook-page-user-now-charged-with-public-misch

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When : 29 Sep 2014

Whom : Tan Jye Yee (popularly known as Alvin Tan), 27, Blogger

What : Investigated under Sedition Act for criticising, among others, Prime Minister Najib Razak, Inspector General of Police Khalid Abu Bakar and Home Minister Ahmad Zahid Hamidi

Why : Facebook posts criticising the government and likening the IGP to German Nazi commander Heinrich Himmler.
Tan is facing a sedition charge together with his former girlfriend Vivian Lee for posting a photograph of them wishing Muslims "Selamat berbuka puasa" (Happy Breaking Fast) with a pork dish.

Status : Sedition trial with Lee pending. Tan has skipped bail and is seeking asylum in the United States of America.

Source : "Fugitive sex blogger Alvin Tan again under sedition scope", The Malay Mail Online, 29 Sep 2014, www.themalaymailonline.com/malaysia/article/fugitive-sex-blogger-alvin-tan-again-under-sedition-scope

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When : 1 Oct 2014

Whom : Dalbinder Singh Gill, 24, law student

What : Detained and investigated under Section 4(1)(c) of Sedition Act 1948. Conviction includes a fine of not more than RM5,000, up to three year's jail or both.

Why : Posting Facebook comments questioning Bumiputera rights and the monarchy institution.

Status : He was released on police bail on 1 Oct at 1.30am after surrendering himself at the Northeast District police headquarters on Jalan Patani at 10.45pm on 30 Sep 2014. Two police officers from Cyber Crime Unit from Bukit Aman had been to Dalbinder's house in Jesselton Heights but he was not home.

Source : "Karpal's nephew latest Sedition Act casualty", Malaysiakini, 1 Oct 2014, www.malaysiakini.com/news/276237

When : 2 Oct 2014

Whom : A Rajaretinam, Hotel supervisor

What : Penal Code, section 504 - intent to insult and to provoke a breach of peace
Communication and Multimedia Act 1998, section 233(1)(a) – improper use of network facilities or services to make an offensive comment with intent to annoy, abuse or harass another person.

Why : Allegedly posted an insulting statement on his Facebook page about how the "mamak" (Indian Muslim) community and the Malaysian Indian Muslim Congress (Kimma) could not be trusted.

Status : Pleaded not guilty, trial pending.

Source :"Hotel worker charged with making offensive statements on Facebook", The Star Online, 3 Oct 2014, www.thestar.com.my/News/Nation/2014/10/03/

Supervisor-denies-posting-insults-Hotel-worker-charged-with-making-offensive-statements-on-Facebook/
"Prosecution to call for 10 witnesses for case of insulting Indian Muslims", The Rakyat Post, 21 Dec 2014, www.therakyatpost.com/news/2014/12/21/prosecution-call-10-witnesses-case-insulting-indian-muslims/

When : 21 Nov 2014

Whom : Tan Keng Hong, 32, car salesperson

What : Charged under Communications and Multimedia Act, section 233(1)(b) with improper use of network facilities or services with intent to annoy, abuse, threaten or harass any person.

Why : Insulted police officers on his Facebook status

Status : Pleaded guilty and fined RM10,500.

Source : "Court takes FB insult seriously", The Star, 21 Nov 2014, www.thestar.com.my/News/Nation/2014/11/21/Court-takes-FB-insult-seriously-Salesman-fined-RM10500-for-posting-on-cops/

When : 2 Jan 2015

Whom : Eight individuals and a list of 14 more (Raja Mohd Haidi bin Raja Daod, Zawawi bin Mat, Mohd Bustam bin Omar, Mohamad Azrani bin Daud, Mohd Fauzi bin Mohd Azmi, Mohamad Zamzami bin Yaakob, El Jiffy bin Abd Aziz, Yuliza Indriani binti Zulfin, Farah Wahida binti Abdullah Suhaimi, Natrah binti Mohamed, Norazimah binti Zakaria, Siti Asiah binti Shaary, Ayub bin Musa, Nor Azwani binti Saimi)

What : Called up to assist investigations by Malaysian Communications and Multimedia Commission (MCMC) Monitoring and Enforcement Division

Why : Spreading of rumours on the flood disaster in the east coast states

Status : No further action reported

Source : "Wanted for spreading rumours on floods: MCMC seeks assistance of 14 more individuals", The Malay Mail Online, 2 Jan 2015, www.themalaymailonline.com/malaysia/article/wanted-for-spreading-rumours-on-floods-mcmc-seeks-assistance-of-14-more-ind#sthash.vMlM4xku.dpuf

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When : 11 Jan 2015

Whom : Teacher couple, 45 and 43

What : Arrested and remanded under Section 233 of the Communications and Multimedia Act 1998

Why : Disseminating false information on floods on WhatsApp regarding bodies in Guchil, Kuala Krai

Status : No further action reported

Source : "False WhatsApp message on floods lands couple in trouble", Malay Mail Online, 11 Jan 2015, www.themalaymailonline.com/malaysia/article/false-whatsapp-message-on-floods-lands-couple-in-trouble

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When : 11 Jan 2015

Whom : Three tudung-clad Malay fans

What : Section 29 of Syariah Criminal Offences (Federal Territories) Act 1997 for public indecency

Why : Allegedly molested on stage by K-Pop artists as captured by a 3.21 minute video on the concert of Korean pop (K-pop) band B1A4 which was held at KL Live event posted on the Sukan Star TV Facebook page titled "Perempuan melayu dicabul atas pentas oleh mat kpop semalam" (Malay girls molested on stage by K-Pop artists last night)

Status : Federal Territory Islamic Religious Department (JAWI) has urged and given the girls a week to come forward, failing which they could be served a warrant of arrest. However, a JAKIM official said that if the girls were underaged, they will be brought to Syariah court and sent for rehabilitation. Minister in the PM's department Jamil Khir Baharom denied claims on social media that the girls had been sentenced to six months jail and fined RM1,000. He clarified that the girls have been called in to attend counselling on how to behave appropriately during a concert.

Source : "Internet users claim K-pop starts molested Malay girls on stage during concert", Malay Mail Online, 11 Jan 2015, www.themalaymailonline.com/malaysia/article/internet-users-claim-k-pop-stars-molested-malay-girls-on-stage-during-conce

"JAWI to seek arrest warrant if no-show from Malay girls in K-pop 'molest' probe", Malay Mail Online, 14 Jan 2015, www.themalaymailonline.com/malaysia/article/jawi-to-seek-arrest-warrant-if-no-show-from-malay-girls-in-k-pop-molest-pro

"Girls in K-pop row may be spared if underage, JAWI rep says", Malay Mail Online, 14 Jan 2015, www.themalaymailonline.com/malaysia/article/girls-in-k-pop-row-may-be-spared-if-underage-jawi-rep-says

"Jamil Khir denies girls in K-pop concert were sentenced to jail and fine", New Straits Times, 17 Jan 2015, www.nst.com.my/node/70047

When : 11 Jan 2015

Whom : Dr Ko Chung Sen, Member of Parliament for Kapar

What : Probed under Sedition Act

Why : Image of Dr Ko and DAP Beruas MP Ngeh Koo Ham with a speech bubble: "Hapus subject Tamadun Islam. Ini hak kami! Kami bayar cukai" (Abolish the Islamic Civilisation subject. This is our right! We pay taxes). Dr Ko on 11 Jul 2013 questioned the Education Ministry for making Islamic Civilisation a compulsory subject for all local students including non-Muslims (however excluding foreign students) in public universities

Status : Ko claimed that the words had been edited into the photo and questioned the IGP Khalid Abu Bakar on opening a sedition investigation "based on a cybertrooper's webpage".

Source : "Don't assume it's me, Kampar MP tells IGP", The Star Online, 10 Jan 2015, m.thestar.com.my/story.aspx?hl=Dont+assume+it+me+Kampar+MP+tells+IGP&sec=news&id=%7BF53775C0-C988-4622-9C42-988123EBC7EA%7D

"'Kenapa Tamadun Islam wajib pada siswa bukan Islam' (Why Islamic Civilisation is compulsory for non-Muslim undergraduates)", Malaysiakini, 11 Jul 2013, www.malaysiakini.com/news/235382

When : 12 Jan 2015

Whom : Eric Paulsen, lawyer

What : Arrested on 12 Jan 2015 and charged under Section 4(1)(c)Sedition Act 1948 on 5 Feb 2015

Why : Accusing the Malaysian Islamic Development

Department (JAKIM) of spreading extremism through Friday sermons on his Twitter account twitter.com/ericpaulsen101 on 10 Jan 2015: "Jakim is promoting extremism every Friday. Government needs to address that if serious about extremism in Malaysia".

Status : Sessions Court Judge Abdul Rashid allowed bail at RM2,000 in one surety and set mention on 27 Apr 2015.

Source : "Lawyer arrested over tweet accusing Jakim of extremism, group says", Malay Mail Online, 12 Jan 2015, www.themalaymailonline.com/malaysia/article/lawyer-arrested-over-tweet-accusing-jakim-of-extremism-group-says
"Lawyer Eric Paulsen charged with sedition", The Star, 5 Feb 2015, www.thestar.com.my/News/Nation/2015/02/05/eric-paulsen-charged/

When : 19 Jan 2015 (case instituted before 2014)

Whom : Yusuf Siddique Al-Suratman, 29 (known as Milosuam blogger, pro-Pakatan)

What : Charged in Sabah under Section 505(b) of the Penal Code for causing fear and public alarm. Initially charged under the Official Secrets Act (OSA).

Why : Published a "leaked" internal police memo titled "Borang Utusan Polis" under the posting "Maklumat Sulit: Pendatang Asing Bakal Cetus Huru-hara di Sabah", just before the 2013 general elections which revealed police preparing for an armed intrusion into Sabah with the possibility of 1,500 people causing chaos in Kota Kinabalu and Tawau. Wrote the blog in Selangor, where he resides.

Status : Magistrate Ryan Sagirann Rayner Jr sentenced Yusuf

Siddique a maximum of two years jail and granted a suspended sentence pending appeal.

Source : "Blogger Milosuam jailed two years for posting "leaked' police memo", Free Malaysia Today, 19 Jan 2015, www.freemalaysiatoday.com/category/nation/2015/01/19/blogger-milosuam-jailed-two-years-for-posting-leaked-police-memo/
"Blogger jailed 2 years for causing fear during Sabah's Sulu intrusion", The Malaysian Insider, 19 Jan 2015, www.themalaysianinsider.com/malaysia/article/blogger-found-guilty-of-causing-fear-during-sabahs-sulu-intrusion

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When : 30 Jan 2015

Whom : Twitter account with usename Fazel, tweethandle @ ollie_mollie

What : Police Cyber Investigation Response Centre (PCIRC) of the Royal Malaysia Police will identify the Twitter user and take action against him for posting remarks deemed malicious against PM Najib Razak.

Why : Twitter posting: "@NajibRazak jib jib..it's not an accident, it's a conspiracy"

Status : No further action reported

Source : "IGP direct PCIRC to detect Twitter user", New Straits Times, 30 Jan 2015, www.nst.com.my/node/71328

When : 3 Feb 2015

Whom : A Facebook account

What : Police report made by representative from Istana Abdul Aziz (Pahang) and six NGOs namely Badan Kebajikan Kerabat-Kerabat Negeri Pahang (Bakkep),

Gabungan Pelajar Melayu Semenanjung Malaysia (GPMS) Pahang, Majlis Belia Daerah Kuantan, Persatuan Jurufoto Negeri Pahang (PJNP), Persatuan Seni Silat Kuntau Tekpi Malaysia (PSSKTM) Pahang, Kelab Bell Belia Tamil Pahang requesting the Malaysia Communications and Multimedia Commission to take appropriate action against such insulting remarks against the royalty.

Why : Posting insulting and uncouth remarks about the Tengku Puan Pahang (Pahang Consort) Tunku Azizah Aminah Maimunah Iskandariah. His Facebook status uploaded amongst others ""…. Tengku Puan Pahang, Cakap Tak Serupa Bikin , Pahang Memang …. dan FAM Tetap ….” dan komen seterusnya “ Ada Aku Kesah, Jangan Suka-Suka Nak Tindas Itu Ini”.

Status : No further report on this matter

Source : “Tujuh NGO lapor polis kes hina Tunku Azizah”, Sinar Harian, 3 Feb 2015, www.sinarharian.com.my/semasa/tujuh-ngo-lapor-polis-kes-hina-tunku-azizah-1.356583

When : 7 Feb 2015

Whom : N Gobalakrishnan, former Gerakan Member of Parliament for Padang Serai

What : Arrested on 9 Feb 2015 and remanded for four days to assist investigations over his claims about police officers

Why : Accusing police of colluding with drug gangs with a tweet on 6 Feb 2015 which read “some penang Indian police officers are strongly backing the 04 gang which deals with drugs”, through his twitter account ‘Ngobalakrishan’.

Status : Gobalakrishnan was released on bail. Police awaiting further instructions as investigation papers have been sent to the public prosecutor's office.

Source : "Police to call up Gobala over Twitter claims", Malaysiakini, 7 Feb 2015, www.malaysiakini.com/news/288605
"Gobalakrishnan released on police bail", The SunDaily, 13 Feb 2015, www.thesundaily.my/news/1329620

When : 10 Feb 2015

Whom : Ismail Sabri Yaakob, Agriculture and Agro-based Industry Minister

What : Statement recorded by police

Why : Facebook comment urging Malays to boycott Chinese traders who refused to reduce prices of goods.

Status : Ismail Sabri apologised that his statement had caused uneasiness and incited racial sentiment. He explained that it was not his intention "to cause tension and racial polarisation" as his remarks were directed at traders irrespective of race who continued to refuse to bring down prices of goods.

Source : "Police records statement from Ismail Sabri over Facebook post", The Malaysian Insider, 9 Feb 2015, www.themalaysianinsider.com/malaysia/article/police-records-statement-from-ismail-sabri-over-facebook-post-bernama
"Ismail Sabri 'regret's comments", The Star, 13 Feb 2015, www.thestar.com.my/News/Nation/2015/02/13/Ismail-Sabri-regrets-comments-It-was-never-my-intention-to-cause-tension-and-racial-polarisation-say/

When	: 22 Mar 2015
Whom	: Eric Paulsen, Lawyers for Liberty (LFL) executive director
What	: Arrested to facilitate investigation under Section 4(1)(c) Sedition Act 1948.
Why	: Posting the remarks against *hudud* [33] through his twitter handle @EricPaulsen101 (Note: the following remarks and its translation are extracted from the news article referenced). 1) "Hukuman hudud tidak ada tempat pada zaman ini/ masyarakat moden kerana ia melibatkan penyeksaan, hukuman kejam & tidak berperikemanusiaan" (Hudud punishment has no place in this era/modern society as it involves torture, brutal punishment and is inhumane) 2) "Sebaliknya yang benar, hudud menjadi perkataan yang menunjukkan ketidakadilan terutamanya terhadap kanak-kanak perempuan dan wanita" (However, the truth is hudud has become a word that shows injustice especially against girls and women)
Status	: No further action reported to date.
Source	: "Lawyer Eric Paulsen detained over Twitter posts", New Straits Times, 22 Mar 2015, www.nst.com.my/node/77502

When	: 23 Mar 2015
Whom	: Michelle Yesudas, civil liberties lawyer
What	: Investigated by police as instructed by IGP via twitter

33 In March 2015, the legislative assembly of the state of Kelantan passed a hudud bill amending the Syariah Criminal Code II 1993. The amendments provide for new offences, new procedures for conviction of crimes under the sharia criminal code, and harsher penalties for existing and newly-introduced offences upon conviction.

Why : Posting tweets on her twitter handle @chelle_yesudas which read "Because I am positively terrified that these crazy, rape-frenzied people are actually the majority in my country." and "Can you guarantee my safety as a woman in the country, Sir policeman?" following rape threats made against BFM presenter Aisyah Tajuddin over a satirical video titled "Hudud Isi Periuk Nasi? (Kupas)".

Status : No further action reported.

Source : "Now IGP wants lawyer to explain 'rape frenzied majority tweet', Malay Mail Online, 23 Mar 2015, www.themalaymailonline.com/malaysia/article/now-igp-wants-lawyer-to-explain-rape-frenzied-majority-tweet

B. Restrictions on online content

Criminalising legitimate expression

Defamation

When	: 15 Jan 2014
Whom	: Wan Muhammad Azri Wan Deris, 31 (blogger known as 'papagomo')
What	: Defamation suit filed by Sukri Mohamed, 51, member of the Kelantan Service Commission and formerly a member of the Kelantan Council of Succession
Why	: Publishing three articles on papagomo blogspot in 2011
Status	: Court of Appeal judges Datuk Abdul Aziz Abdul Rahim, Datuk Tengku Maimun Tuan Mat and Datuk Abang Iskandar Abang Hashim ruled that the articles were defamatory and ordered Wan Muhammad Azri to pay RM20,000 costs for court proceedings in the High Court and Court of Appeal.
Source	: "Blogger ordered to pay damages to lawyer over defamatory articles", The Sun Daily, 15 Jan 2014, www.thesundaily.my/news/1297738

When	: 25 Feb 2014
Whom	: Television channel TV3 (operated by Sistem Televisyen Malaysia Berhad) and Buletin Utama producer Rohani Ngah
What	: RM50 million defamation suit filed by former Perak

Menteri Besar Mohammad Nizar Jamaluddin

Why : TV3's news report had a story on tweets by Nizar on 28 May 2012 referring to the successful bid for the WWW1 vehicle registration number by the Sultan of Johor. Nizar stated the report could be interpreted to mean that he had committed sedition, was a traitor and had incited people to hate the ruler.

Status : The High Court dismissed the case on 12 Apr 2013. On 25 Feb 2014, the Court of Appeal overturned the High Court ruling and found TV3 liable for defamation. It awarded Nizar RM30,000 in costs and remitted the case back to the High Court for damages. TV3 has been granted leave to appeal the decision in the Federal Court.

Source : "Mohd Nizar's defamation suit: Appeals Court rules TV3 liable", The Sun Daily, 25 Feb 2014, www.thesundaily.my/news/968484
"TV3 allowed to appeal against Nizar's defamation case", Free Malaysia Today, 28 Jan 2015, www.freemalaysiatoday.com/category/nation/2015/01/28/tv3-allowed-to-appeal-against-nizars-defamation-case/

When : 3 Jun 2014

Whom : Malaysiakini, editor-in-chief Steven Gan and chief editor Fathi Aris Omar

What : Defamation suit filed by Prime Minister Najib Razak and Umno Executive Secretary Abdul Rauf Yusoh seeking damages, including excessive and aggravated damages, an apology and an injunction to restrain the defendants from publishing similar defamatory articles against them.

Why : Compilation of readers' comments published on 14 May 2014 in two articles entitled "A case of the PM reaping what he sows" and "How much will Najib spend to keep Terengganu?" Najib and Abdul Rauf claimed the comments were published despite the defendants knowing they contained baseless accusations and untruths.

Status : Malaysiakini initially applied to recuse the judicial commissioner hearing the case over a danger of bias as judicial commissioners do not enjoy security of tenure but later withdrew the application. Trial pending.

Source : "Najib, UMNO sue Mkini over readers' comments", Malaysiakini, 3 Jun 2014, www.malaysiakini.com/news/264611
"Najib's defamation case: Malaysiakini withdraws application to recuse JC", Astro Awani, 14 Nov 2014, english.astroawani.com/malaysia-news/najibs-defamation-case-malaysiakini-withdraws-application-recuse-jc-48140

When : 20 June 2014

Whom : Wan Muhammad Azri Wan Deris, 31 (blogger known as 'papagomo')

What : Defamation suit filed by Anwar Ibrahim seeking RM100 million in damages for linking Anwar to a video of two men having sex.

Why : Posting a series of four defamatory statements and images on papagomo blog dated 16, 17, 19 and 20 Mar 2013.

Status : High Court Judicial Commissioner Rosilah Yop on 28 Feb 2014 ordered Wan Muhammad Azri to pay Anwar

RM800,000 in damages and RM50,000. On 20 June 2014, the High Court dismissed Wan Muhammad Azri's application to defer payment.

Source : "Court dismisses Papa Gomo's appeal to defer payment", The Sun Daily, 20 June 2014, www.thesundaily.my/news/1088319

When : 12 Aug 2014

Whom : The Malaysian Insider, chief executive officer and editor Jahabar Sadiq, Bahasa Malaysia editor Amin Shah Iskandar and The Edge Communications

What : Defamation Suit filed by former Selangor Menteri Besar Khalid Ibrahim

Why : A series of articles and commentaries regarding the tussle over the Menteri Besar post. Khalid accused the portal of "running an 'anti-Khalid' campaign", including questioning his out-of-court settlement of a RM70 million loan with Bank Islam and his handling of the controversial Kinrara-Damansara Expressway (Kidex). The articles were published between June and July 2014 including:
"Going by Selangor ruler's criteria, Khalid should quit as MB" (24 Jul 2014)
"Let Pakatan Rakyat decide Selangor MB post, not Umno" (17 July 2014)
"Selangor MB must clear the air over loan deal" (9 June 2014)
"Won't Selcat look into Khalid's deals?" (4 July 2014)
"Will Kidex be Khalid's highway to hell" (20 June 2014)
"Is the government running scared of religious authorities?" (15 June 2014)

"When a tasteless and misogynist remark shows up Umno's fear" (15 July 2014).

Status : Trial to begin in June 2015

Source : "Khalid sues The Malaysian Insider for defamation", Malaysiakini, 12 Aug 2014, www.malaysiakini.com/news/271292

When : 25 Aug 2014

Whom : The Malaysian Insider, The Edge Financial Daily and a blog

What : Defamation suit threatened by Fuelsubs House Sdn Bhd seeking damages of RM100 million from each publication.

Why : An article dated 19 Aug 2014 in The Edge Financialy Daily and similar articles in The Malaysian Insider and a blog about Fuelsubs House Sdn Bhd bidding to manage the national fuel subsidy rationalisation programme. Fuelsubs House claims the article insinuated the company did not have the credibility to qualify for the bid. Fuelsubs' lawyer Muhammad Shafee Abdullah said Fuelsubs would demand an apology and that the sources for the article be revealed as the article quoted unnamed sources revealing details of a Cabinet meeting which discussed the bid.

Status : No further news reports on the suit.

Source : "News portal and two others face libel suit over articles", The Star, 26 Aug 2014, www.thestar.com.my/News/Nation/2014/08/26/News-portal-and-two-others-face-libel-suit-over-articles/

When : 19 Sep 2014 (case instituted before 2014)

Whom : Malaysian National News Agency (Bernama), NSTP

and online news portal The Nut Graph (Insight News Sdn Bhd)

What : Defamation suit filed by former Certificate in Legal Practice (CLP) examination director Khalid Yusoff

Why : The suit concerned a Bernama article titled "Court upholds jail term on former CLP director" published on 20 Apr 2009, which was republished in New Straits Times and The Nut Graph. Khalid stated that the article had implied he could not be trusted to hold a position.

Status : Kuala Lumpur High Court Judge Yeoh Wee Siam dismissed the defamation suit and awarded costs of RM12,000 to each defendant.

Source : "Ex-CLP director's suit against Bernama dismissed", Malaysiakini, 19 Sep 2014, www.malaysiakini.com/news/275120

When : 19 Dec 2014

Whom : Utusan Melayu (M) Bhd

What : Defamation suit filed on 5 Dec 2014 by Pahang Menteri Besar Adnan Yaakob seeking general, aggravated and exemplary damages, an apology and an undertaking to not repeat publication of such defamatory articles against him.

Why : Article titled "Hebat Sangatkah Adnan?" (Is Adnan that great?) under the Analisis Mingguan Bisik-bisik Awang Selamat (editor's weekend analysis) column on 9 Nov 2014 in Mingguan Malaysia. It was claimed that the article implied that he failed in carrying out his duties and had overstayed as the Menteri Besar. It also implied that he is a liability to his political party.

Status : Fixed for case management.

Source : "Adnan sues Utusan for defamation", The Star, 19 Dec 2014, www.thestar.com.my/News/Nation/2014/12/19/Adnan-sues-Utusan-for-defamation/

When : 8 Jan 2015

Whom : Amizudin Ahmat, 44

What :Defamation suit filed by former Information, Communication and Culture Minister Tan Sri Dr Rais Yatim, 72 on 31 Jan 2011. The Court of Appeal on 23 Jul 2013 upheld the High Court's decision on 19 Jul 2011 in favour of Rais and ordered Amizudin to pay RM300,000 in damages and a reduced sum of RM50,000 in costs from the initial RM100,000. He also lost in his appeal to set aside the three-month jail term.

Why : Publishing defamatory articles on Rais on his blogsite, sharshooterblogger.blogspot.com on or about 28 Dec 2010.

Status : Federal Court sentenced him to 3 months imprisonment for failing to obtain leave from the Federal Court to appeal against the High Court decision which had found him to be in contempt of court for further publishing defamatory articles on Rais.

Source : "Blogger jailed for articles against Rais Yatim", Malaysiakini, 8 Jan 2015, www.malaysiakini.com/news/285765

Intimidation and Attacks against Media

When : 25 Feb 2014

Whom : Malaysiakini

What : Criminal Intimidation against Malaysiakini

Why : A live duck was placed in a box with a picture of MP Teresa Kok pasted on the side and red paint splashed outside the office in Bangsar Utama.

Status : No further action reported.

Source : "Red paint, duck at Malaysiakini office", The Sun Daily, 25 Feb 2014, www.thesundaily.my/news/968661

When : 4 Sep 2014

Whom : Susan Loone, Penang-based assistant editor of the online news portal Malaysiakini

What : Arrested and investigated under the Sedition Act 1948, section 4(1)(c). Mobile phone confiscated as part of police investigation. Ten police reports lodged by Perkasa and 13 other NGOs identifying themselves as 'The Coalition of Penang Malay Representatives' alleging that Malaysiakini and Susan Loone had defamed the police.

Why : Writing an allegedly seditious article titled 'Exco man grilled for four hours, treated like a criminal', based on a telephone interview with Penang executive councillor Phee Boon Poh when he was in police custody on 1 Sep 2014. Phee was arrested in connection with his role in Penang's Voluntary Patrol Unit (PPS) which had been set up by the state government.

Status : Released on bail of RM2,000 on one surety and required to report back to police district headquarters on 3 Oct 2014. Susan was informed by Inspector Mohd Rezan Yusoop @ Ariffin on 3 Oct that investigation papers on the sedition case have yet to be concluded and he was uncertain of when they would be completed. Her Blackberry mobile phone was returned and she was informed that no further action would be taken for the moment.

Source : "Mkini journo arrested for sedition, quizzed for 9 hours", Malaysiakini, 4 Sep 2014, www.malaysiakini.com/news/273607
"No action against Mkini journalist, for now", Malaysiakini, 3 Oct 2014, www.malaysiakini.com/news/276532

When : 24 Mar 2015

Whom : Facebook pages like Kelantan Story & Jj Stall Story and Sukan Star TV

What : Police report made by Aisyah Tajuddin, BFM presenter

Why : Posting online rape and death threats on social media following a satirical video questioning the implementation of hudud in Kelantan.

Status : Police are investigating the rape and death threats.

Source : "BFM presenter calls rape, death threats 'criminal intimidation'", Malay Mail Online, 25 Mar 2015, www.themalaymailonline.com/malaysia/article/bfm-presenter-calls-rape-death-threats-criminal-intimidation
"Hudud: police investigate death threat against presenter and BFM radio station – IGP", AstroAwani, 21 Mar 2015, english.astroawani.com/malaysia-

news/hudud- police-investigate-death-threat-against-presenter-and-bfm-radio-station-igp-56111

When : 27 Mar 2015

Whom : Khoo Ying Hooi, Universiti Malaya academic, columnist with the oneline news portal The Malaysian Insider

What : Investigated under Section 500 for defamation

Why : Publishing an article titled "Who owns the police" expressing that the police have been criticised for continued use of the Section 9(5) of the Peaceful Assembly Act 2012 (PAA) to arrest participants of rallies. She raised the issue of alleged selective persecution and made reference to US police responding to demonstrators.

Status : No further updates to date.

Source : "News portal columnist under probe for #KitaLawan article", Malay Mail Online, 27 Mar 2015, www. themalaymailonline.com/malaysia/article/wife-of-news-portal-editor-under-probe-for-kitalawan-article

Calls by Ethno-Nationalist Groups and Other Organisations for Punitive Action

When : 3 Jan 2014

Whom : Instagram 'Porky Muhamad'

What : Police report made by four non-governmental organisations

Why : Insulting Islam by posting among others pig biting

the Quran and seen on top of Kaabah (building in Muslim's most sacred mosque in Mecca)

Status : No further action reported

Source : "Instagram hina Islam", Sinar Harian, 3 Jan 2014, www.sinarharian.com.my/semasa/instagram-hina-islam-1.236630

When : 18 Feb 2014

Whom : Social media website which began its operation on 11 Feb 2014

What : Police report made by a group of five individuals in Kota Bharu

Why : Insulting Islam and Malay royalty

Status : No further action reported

Source : "Hina Islam, raja: Orang awam lapor polis", Sinar Harian, 18 Feb 2014, www.sinarharian.com.my/semasa/hina-islam-raja-orang-awam-lapor-polis-1.252309

When : 19 Feb 2014

Whom : A Facebook owner known as "Murtads in Pantai Timur' (MPT)

What : Police report made by Kelab Anak Muda Indera Mahkota (KAMI) in Kuantan

Why : Insulting Nabi Muhammad SAW and Islam and insulting the Islamic dress code and condemning those who observe it.

Status : No further action reported

Source : "FB hina nabi: Kami lapor polis", Sinar Harian, 19

Feb 2014, www.sinarharian.com.my/semasa/fb-hina-nabi-kami-lapor-polis-1.252591

When : 13 Apr 2014

Whom : Facebook account '1 Juta Rakyat Malaysia Menyokong Shabery Cheek' which started on 29 May 2013 and allegedly managed by its administrator known as 'Amran Pekida'

What : Report made by Ahmad Shabery Cheek, Minister of the Communication and Multimedia Minister to the Malaysian Communications and Multimedia Commission (MCMC) to investigate and take appropriate action.

Why : Postings which are insulting to race, religion, the monarchy and the police force.

Status : No further action reported.

Source : "Shabery urges probe into mischievous Facebook account", The Sun Daily, 13 Apr 2014, www.sinarharian.com.my/semasa/fb-hina-nabi-kami-lapor-polis-1.252591

When : 11 Jul 2014

Whom : Bung Mokhtar Radin, Member of Parliament of Kinabatangan

What : Six police reports made by community leaders:

Taman Chai Leng village development and security (JKKK) chairperson Turaisingam Mahalingam, Taman Supreme JKKK member Tanngisuran Ramasamy, JKKK Perai chairperson Sri Sangar Sivalingam Raman, Taman Inderawasih JKKK Ng Hooi Lai, Taman Supreme JKKK member Kirupanantha Pillay, and

Taman Chai Leng DAP member Saghadevan Vallayan against Bung Mokhtar for threatening P Ramasamy, Penang Deputy Chief Minister in a racist tweet.

Why : Bung's Tweet: "P Ramasamy belum merasa bahana perkauman kaum, saya berharap dia akan terkena dan dapat merasa mandi dlm darah." (P Ramasamy has yet to feel the heat of racism, and I hope he will experience it and can feel how it is to bathe in blood). Bung's tweet was in response to Ramasamy's remark that Deputy Prime Minister Muhiyiddin Yassin should "bring on" the May 13 racial riots which the DPM keeps talking about. Ramasamy's remark was following a Utusan Malaysia report on 9 Jul 2014 titled "Tidak mustahil 13 Mei 1969 berulang – TPM" (13 May 1969 not impossible – DPM). The group also lodged reports calling the police to probe the "threatening" elements in Muhiyiddin's statement, although Muhiyiddin has explained that his statement regarding racial unity has been "manipulated" by certain unnamed quarters.

Status : No further action reported.

Source : "Six lodge reports on Bung's 'bathe in blood' tweet", Malaysiakini, 11 Jul 2014, www.malaysiakini.com/news/268449
"Tidak mustahil 13 Mei 1969 berulang – TPM", Utusan Malaysia, 4 Jul 2014, utusan.com.my/utusan/Dalam_Negeri/20140705/dn_02/Tidak-mustahil-13-Mei-1969-berulang---TPM

When : 5 Aug 2014

Whom : Those who insulted Islam and the Malays

What : Memorandum by Umno Youth to the Malaysian Communications and Multimedia Commission to

take action against those who insulted Islam and the Malays on social networking sites. MCMC was given 7 days to respond otherwise the list of cases on insult against religion and race will be revealed and that MCMC had failed to act appropriately.

Why : MCMC has allegedly failed to take action despite evidence and apology.

Status : No further action reported.

Source : "'Act against those who insult Islam, Malays'", The Sun Daily, 5 Aug 2014, www.thesundaily.my/news/1132542

When : 3 Oct 2014

Whom : Edwin Michael, Free Malaysia Today and blogger "Kuntar Kintir"

What : Police reports made against them for violating Section 233 of the Communications and Multimedia Act 1998 for "improper use of network facilities or network service".

Why : Two offensive articles containing sexually offensive remarks against DAP members Dyana Sofya Mohd Daud, Syefura Othman and Jamila Rahim : "DAP dan politik onani" (DAP and political masturbation) by Edwin Michael published in news portal Free Malaysia Today on 2 Oct 2014, and "Melati, Lebih Baik Jadi Pelacur Dari Sertai DAP" (Melati better off being a prostitute than joining DAP) by blogger "Kuntar Kintir" on 30 Sep 2014 on online portal www.mykmu.net.

Status : No further action reported.

Source : "Probe web portals for 'prostitute', 'masturbation' remarks, DAP tells MCMC", The Malay Mail Online,

3 Oct 2014, www.themalaymailonline.com/malaysia/article/probe-web-portals-for-prostitute-masturbation-remarks-dap-tells-mcmc

When : 30 Oct 2014

Whom : A Facebook account

What : Police report made by Football Association of Kuantan at the Kuantan District Police Headquarters.

Why : Previously the Facebook status displayed words deemed insulting to the Sultan of Pahang, and subsequent status uploaded had inciting words involving the game between Pahang and Johor at the upcoming final Malaysia cup.

Status : No further action reported.

Source : "Lapor polis hina sultan, rakyat Pahang", Sinar Harian, 30 Oct 2014, www.sinarharian.com.my/semasa/lapor-polis-hina-sultan-rakyat-pahang-1.328887

When : 4 Nov 2014

Whom : Chuan Sin Sdn Bhd

What : Police report lodged by Muslim Consumers Association of Malaysia (PPIM) claiming that the bottler has violated Trade Descriptions Act which stipulates that no religious symbols may be used on the label or packaging of a product. Photos of the alleged offence were circulated online.

Why : Insensitive placement of the image of Lord Murugan, a Hindu deity on its labels near the 'halal' logo on their mineral bottles.

Status : The company that bottles Cactus Natural Mineral

Water said it will remove all labels featuring photograph that was actually of Batu Caves which was part of their companies promotion of tourism hotspots in conjunction with Visit Malaysia Year 2014 and apologised that the "slip up" was not meant to offend Muslims.

Source : "Muslim group raises stink over picture of Hindu god near 'halal' logo on bottle labels", The Malay Mail Online, 4 Nov 2014, www.themalaymailonline.com/malaysia/article/muslim-group-raises-stink-over-picture-of-hindu-god-near-halal-logo-on-bott
"It's a picture of Batu Caves, bottler explains after agreeing to recall products", The Malay Mail Online, 5 Nov 2014, www.themalaymailonline.com/malaysia/article/its-a-picture-of-batu-caves-bottler-explains-after-agreeing-to-recall-produ

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When : 27 Nov 2014

Whom : Dr Mashitah Ibrahim, Baling Wanita UMNO Chief

What : Police reports made by Sibu MP Oscar Ling, Lanang MP Alice Lau, DAP Socialist Youth (DAPSY) and Federal Territories' Wanita DAP

Why : An online article quoted Mashitah as having said that the Chinese community had torched a copy of the Quran in Kedah during a prayer ritual in a hawker center near the "Billion" market in Alor Setar. She said this during the UMNO General Assembly, calling for UMNO members to stand up against those who challenge Islam and the Malays.

Status : Kedah Chief Minister Mukhriz Mahathir in a public statement issued on 24 Nov 2014 clarified that the Al-Quran was not burned but torn up by a mentally unsound Malay man. No further action reported

Source : "MPs lodge police report on Mashitah's allegation", Borneo Post Online, 2 Dec 2014, www.theborneopost.com/2014/12/02/mps-lodge-police-report-on-mashitahs-allegation/
"5 more police reports lodged against Mashitah over 'Chinese-burning Quran' remark", The Malaysian Insider, 2 Dec 2014, www.themalaysianinsider.com/malaysia/article/5-more-police-reports-lodged-against-against-mashitah-over-chinese-burning
"PKR slams Mashitah 'arrogant' response, demands apology", The Malaysian Times, 29 Nov 2014, www.themalaysiantimes.com.my/pkr-slams-mashitahs-arrogant-response-demands-apology/

When : 3 Jan 2015

Whom : Facebook account "Ayahanda Raja Provokasi"

What : Police report made by Yayasan Ayahanda Semalaysia (Yas) to disassociate itself from the owner of the said Facebook account with a similar name

Why : Posting insulting photos against the IGP Khalid Abu Bakar as well as defamatory accusation against Perkasa.

Status : No further action reported.

Source : "Hina KPN: 'Kami tak terlibat'", Sinar Harian, 3 Jan 2015, www.sinarharian.com.my/semasa/hina-kpn-kami-tak-terlibat-1.347001

When : 14 Jan 2015

Whom : Facebook account owned by Scott Kam and Zi Wong Liang Derek

What : Police report made by Ketua Pengarah Jaringan

Melayu Malaysia (JMM) Wilayah Persekutuan Faizan Mohd Noor and Ketua Pengarah JMM Selangor Baharim Sukari at Dang Wangi District Police headquarters in Kuala Lumpur for insulting Islam and Yang Dipertuan Agong. They called for MCMC in collaboration to restrict all forms of issue which can cause controversy and affect peace in the country and urged the MCMC to review guidelines and steps on monitoring and prosecuting those involved.

Why : Insulting Islam- Scott Kam in his Facebook openly mocked the Halal certificate with the Minister of Agriculture and Agro-based Industry and an uploaded photo of pig. Liang Derek uploaded in his facebook account status wanting Malaysia to be changed to New South China.

Status : No further action reported.

Source : "Lagi kes hina Islam, negara", Sinar Harian, 14 Jan 2015, www.sinarharian.com.my/semasa/lagi-kes-hina-islam-negara-1.350395

When : 15 Jan 2015

Whom : Facebook account "Murtads from Malaysia and Singapore"

What : Three police reports made, including one report by Badan Amal Tarbiah Sejagat (Batas) in Paka police station on 11 Jan 2015

Why : Posting insulting statement on Islam regarding hajarulaswad (the Black Stone, an Islamic relic)

Status : No further action reported.

Source : "Hina Islam: Batas buat tiga laporan polis", Sinar Harian, 15 Jan 2015, www.sinarharian.com.my/mobile/edisi/terengganu/hina-islam-batas-buat-tiga-laporan-polis-1.350676

When : 22 Jan 2015

Whom : Facebook account "Bestnya Berdakwah Kerana ALLAH" purportedly owned by one David Kim

What : Police report made by Facebook user Ahmad Khushaini Ahmad Tanjizi, 45, who joined the group under the impression of sharing knowledge on Islam.

Why : Insulting content to Islam, Nabi Muhammad SAW include inappropriate photos, alleged quotations from the Quran that Nabi was a murderer and philanderer. In addition, the group website also posted that Islam is a cult and generalised that some porn stars are Muslim and pious. His concern was further heightened when the number of members in the group reached 158,517 members.

Status : No further action reported.

Source : "Lagi FB hina Islam, Nabi Muhammad", Sinar Harian, 22 Jan 2015, www.sinarharian.com.my/semasa/lagi-fb-hina-islam-nabi-muhammad-1.352877

When : 18 Feb 2015

Whom : A social network website newly opened on 11 Feb 2015

What : Police report made by a group of five represented by Yasman Hashim @ Yasin, 30 in Kota Bharu Police District

Why : Most of the entries in the social network insult Islam, Allah SWT and Nabi Muhammad SAW as well as the institution of the Malay Sultanate.

Status : No further action reported.

Source : "Hina Islam, raja: Orang awam lapor polis", Sinar Harian, 18 Feb 2015, www.sinarharian.com.my/semasa/hina-islam-raja-orang-awam-lapor-polis-1.252309

When : 3 Mar 2015

Whom : Facebook account Chee Kong Lee and Peter Lee and Anak Malaysia Anti Demokrasi (AMAD)

What : Three police reports made by seven non-governmental organisations (NGOs): Pertubuhan Martabat Jalinan Muhibbah (MJMM), Gerak Kerja Gabungan Ayahanda Selangor (GEGAS), Pertubuhan Permuafakatan Majlis Ayahanda Malaysia (Permas), Ikatan Usahawan Kecil dan Sederhana Malaysia (Ikhlas), Ikatan Rakyat Insan Muslim Malaysia (IRIMM), Majlis Bendahara and Akhlak Rahsia Cekal (ARC) calling the police and MCMC to investigate the mastermind behind certain individuals who insulted the prime minister, his wife and the IGP on Facebook and YouTube.

Why : Photo uploaded by Chee Kong Lee which insulted the Prime Minister Najib Razak. Second police report for edited photo of PM's wife Rosmah Mansor by one Peter Lee. And the third report on a video clip showing three masked men who call themselves Anak Malaysia Anti Demokrasi (AMAD) threatening to kill the IGP Khalid Abu Bakar by having his car blown up.

Status : A special police team has been set up to investigate the death threats made against IGP and the police is working with the MCMC to identify parties responsible for the threat.

Source : "NGOs call for probe into FB postings insulting PM, Rosmah", Borneo Post Online, 3 Mar 2015, www.

theborneopost.com/2015/03/03/ngos-call-for-probe-into-fb-postings-insulting-pm-rosmah/

When : 23 Mar 2015

Whom : Those responsible for opening a false Facebook account in the name of Pahang Chief Minister Seri Adnan Yaakob, first opened in 2012 and of late became an active account with provocative entries.

What : Police report made by ten non-governmental organisations which included Pahang Umno Liaison Committee; Federation of Peninsula Malay Students (GPMS); Kuantan GPMS; Paya Besar GPMS and Pahang Youth Council

Why : Provocative statements made in the false Facebook account have allegedly tarnished the reputation of the Chief Minister.

Status : No further report.

Source : "NGOs lodge police report against fake 'Pahang MB' Facebook account", Malay Mail Online, 23 Mar 2015, www.themalaymailonline.com/malaysia/article/ngos-lodge-police-report-against-fake-pahang-mb-facebook-account

When : 24 Mar 2015

Whom : An unidentified Facebook page

What : Police reports separately made by MIC Youth at Dang Wangi police headquarters and Committee secretary of the Sri Maha Mariamman Dhevasthanam Temple in Batu Caves at the Batu Caves police station

Why : Insulting Hinduism and the Indian community

Status : Police said that the case is being investigated

Source : "MIC Youth lodge report over malicious Facebook post", Malay Mail Online, 24 Mar 2015, www.themalaymailonline.com/malaysia/article/mic-youth-lodge-report-over-malicious-facebook-post

Cyber Attacks

When : 13 Dec 2014

Whom : Lim Kit Siang, DAP Member of Parliament (Gelang Patah)

What : Alleged that UMNO "cybertroopers" launched a series of spam attacks on his Twitter account on 3, 6, 7 and 12 Dec 2014. On 3 Dec, Kit Siang received 49 similar tweet attacks in five minutes delivered in three waves, with 17 tweets, followed by four tweets the next four minutes and 28 tweets the next minute after. On 6 and 7 Dec, attacks were aimed at condemning Kit Siang for wanting action against Dr Mashitah Ibrahim. In the latest attack on 12 Dec, his account was hit with 30 spam tweets.

Why : Appeared to be following questions raised regarding the Royal Commission of Inquiry (RCI) report on illegal immigrants in Sabah, hate speech of former Deputy Minister in the Prime Minister's department Dr Mashitah Ibrahim about Quran burning page by page ritual by the Chinese community in Kedah.

Status : Kit Siang is prepared to work with the Malaysian Communications and Multimedia Commission (MCMC) and furnish with details of some 100 people and robotic multiple accounts claimed to be responsible for the Twitter 'carpet bombings'.

Source : "Umno cybertroopers spamming my Twitter account, says Kit Siang", The Malaysian Insider, 13 Dec 2014,

www.themalaysianinsider.com/malaysia/article/umno-cybertroopers-spamming-my-twitter-account-says-kit-siang

When : 14 Mar 2015

Whom : Rafizi Ramli, Member of Parliament for Pandan, PKR secretary-general

What : Rafizi's blog rafiziramli.com went offline on 14 Mar 2015 due to unusually high traffic. There appeared to be a spike in bandwidth usage spike despite only 397 viewers 763 times on 14 Mar 2015.

Why : Suspicions of a "distributed denial of service" attack or block due to his comments on 1Malaysia Development Berhad (1MDB)

Status : No further action reported

Source : "Rafizi claims blog under attack", Malay Mail Online, 14 Mar 2015, www.themalaymailonline.com/malaysia/article/rafizi-claims-blog-under-attack

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