

WHAT IS GERAKAN HAPUS AKTA HASUTAN (GHAH)?

Gerakan Hapus Akta Hasutan (GHAH) is a movement supported by over 132 civil society organisations in Malaysia, led by SUARAM, Lawyers for Liberty, Amnesty International Malaysia and IKRAM, among others. GHAH aims to organize a national campaign to end threats against the freedom of speech, academic freedom and press freedom under the Sedition Act.

GHAH'S THREE DEMANDS ARE:

1. Repeal the Sedition Act 1948.
2. Drop all existing charges and release all those who have been incarcerated under the Act.
3. There is no replacement Act with the same draconian provisions.

GHAH is also supported by the National Young Lawyers Committee of the Malaysian Bar through its campaign #MansuhAktaHasutan which has similar objectives.

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**"REPEAL THE
SEDITION ACT!!"**



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THINGS YOU SHOULD KNOW ABOUT THE SEDITION ACT 1948

01 The Sedition Act 1948 was introduced by the British when they colonized Malaya. In other words, the Act was never enacted by our Parliament, but by the British. Upon Malaya's independence, it continues to be part of our law until today.

02 Although the Act was introduced by the British, sedition offences have been repealed in the United Kingdom. The last prosecution for sedition in the UK was in 1972.

03 According to the Act, it is a criminal offence to do any seditious acts or to utter seditious words. Sedition is any act or words which has a "seditious tendency".

04 What is 'seditious tendency'? It is, among others, tendency to bring into hatred or to excite disaffection against any Ruler or against any Government, to promote hostility between different races or classes of the population, to raise discontent or disaffection amongst the people and to question certain provisions of the Federal Constitution.

05 The definition of "seditious tendency" is too broad. For example, any form of criticism against the government can be deemed seditious. The same goes for uttering anything that are disliked by certain parties. Such a wide definition allows it to be misused by the authorities:

- i. Lim Guan Eng was convicted of sedition for criticising the Attorney General in a case involving an underage rape victim.
- ii. Melan Abdullah, a journalist, was convicted of sedition for reporting a speech made by a Barisan Nasional Member of Parliament. The Member of Parliament was not charged.
- iii. The late Karpal Singh was convicted of sedition for expressing his legal views on the Perak Sultan's role in the Perak political crisis in 2009.
- iv. RSN Rayer was charged with sedition for saying the words "UMNO celaka."
- v. Prof Azmi Sharom was charged with sedition for providing his legal opinion on the court's judgement on the Perak political crisis issue in 2009.

06 The Sedition Act is not only used against opposition politicians and activists. It has also been used against lawyers, lecturers, journalists, religious leaders, and ordinary citizens. For example, a dog trainer has been arrested under the Sedition Act; and a few other people have been investigated under the Sedition Act for their activities on Facebook, including a school student.

07 In a sedition case, the prosecution does not need to prove that the accused has a seditious intention. The prosecution also does not have to prove that someone else has been affected/ influenced by the statement. The truth of the statement does not matter either, unlike defamation cases where justification can be a defence.

08 The prosecution only has to prove that the alleged seditious words were made or uttered by the accused. For this reason, prosecutions under the Sedition Act are usually successful and the accused will be convicted of the offence.

09 If one is found guilty of sedition, he may be liable to a maximum sentence of a fine not exceeding RM5,000 or imprisonment not exceeding 3 years or both for the first offence, and for a subsequent offence, imprisonment not exceeding 5 years.

10 If the Sedition Act is repealed, the authorities still have laws to deal with those who threaten social order. Laws such as the Penal Code can be used to take action against those who spread racial and religious hatred, cause riots or threaten public safety.