



GERAKAN HAPUS AKTA HASUTAN (GHAH)

433A, Jalan 5/46, Gasing Indah, 46000 Petaling Jaya, Selangor, Malaysia

Tel : 603 - 7784 3525

Fax : 603 - 7784 3526

Email : gerakanhah@gmail.com

Facebook : facebook.com/hapushasutan

Memorandum: Withdraw amendments which make the Sedition Act a harsher tool of oppression

8 April 2015

Gerakan Hapus Akta Hasutan (GHAH) have come together to express in the strongest terms our opposition to the amendments to the Sedition Act 1948.

We view the proposed changes as a major setback to fundamental liberties and rule of law, the latest in the series of assaults on the nation's democracy.

The way in which this amendment bill is enacted is nothing short of deplorable. It was done in secret, without consulting opposition members of Parliament, and stakeholders such as civil society and the Malaysian Bar.

Its introduction to members of Parliament yesterday for debate today leaves little room for a robust discussion and critique of this important piece of legislation, a modus operandi used liberally by the BN-led government of late.

The repeal of the "seditious tendency" provisions against the government and the administration of justice in the Act is a small improvement.

However, the rest of the amendments do not address other problematic provisions found in the Act.

In fact, if passed, the amendments fortify the already draconian law with harsh and disproportionate punishment. It further straitjackets legitimate criticisms by enlarging the definition of what is seditious.

We deplore the Bill for these reasons:

1. The explanatory statement, citing an increase of harmful and malicious comments attacking our tolerant and plural society as the reason for the Act's continued relevance, is misleading. It is the government which has been tacitly supporting extremist behaviour and using the Act to clamp down on opposition politicians, academics, lawyers, dissidents, journalists, and others, to make certain issues off limits, stifle civil liberties and create a climate of fear reminiscent of the worst days under the iron-fisted Mahathir regime.
2. It is disrespectful of the Federal Court, which is currently hearing the challenge by law lecturer Assoc Prof Azmi Sharom on the constitutionality of the Sedition Act 1948.
3. The inclusion of "religion" as an additional ground for seditious tendency is unwarranted; there are sufficient provisions in the Penal Code to cover hate speech relating to religion.
4. The increased punishment from a fine of not more than RM5,000 or imprisonment not exceeding 3 years, to a harsher punishment: mandatory



GERAKAN HAPUS AKTA HASUTAN (GHAH)

433A, Jalan 5/46, Gasing Indah, 46000 Petaling Jaya, Selangor, Malaysia

Tel : 603 - 7784 3525

Fax : 603 - 7784 3526

Email : gerakanhah@gmail.com

Facebook : facebook.com/hapushasutan

imprisonment between 3 to 7 years, thus taking away the courts' sentencing discretion and ensuring offenders are punished harshly.

5. Creation of "aggravated" sedition for offences leading to bodily injuries or damage to property and is punishable with imprisonment for a term between 5 and 20 years. This provision seems tenuous and unusual and would be better dealt with under the Penal Code;
6. Non-granting of bail when charged for "aggravated" sedition cases;
7. Requirement to surrender one's passport and being prevented from leaving Malaysia when charged for "ordinary" sedition cases;
8. Prohibitory order to prevent access to any electronic device if one has made a seditious publication; fine up to RM5,000 or imprisonment not exceeding 3 years if one breaches the order;
9. Failure to remove prohibited publication by electronic means can be fined up to RM5,000 or imprisonment not exceeding 3 years;
10. Courts can authorise sites to be blocked if anonymous seditious comments cannot be identified.
11. Legitimate demands for secession are used as an illustration of what is considered seditious; this is against the right to self-determination.

The proposed amendments are absolutely scandalous and disproportionately punish mere "speech offences" with no real victims, unlike common crimes like robbery or murder.

We too believe that freedom of speech is not absolute. However, the threshold for curbing freedom of speech – e.g. incitement to violence and hate speech – must be high to ensure legitimate criticisms and political dissent are not criminalised.

This archaic law, which Prime Minister Najib Razak pledged to repeal in July 2012 and has since reneged on that promise, has no place in a modern and democratic Malaysia that we aspire to be.

Given that legitimate secession calls will be classified as seditious, we especially call upon the elected representatives from Sabah and Sarawak to speak up and help put a stop to this Bill.

We urge the government to immediately withdraw the amendments on the Sedition Act 1948; impose a moratorium over its further use; and work towards its abolishment.

For more information, you may contact **Amir Hariri (012 3744647)** or **Mandeep Singh (013 2224482)**.



GERAKAN HAPUS AKTA HASUTAN (GHAH)

433A, Jalan 5/46, Gasing Indah, 46000 Petaling Jaya, Selangor, Malaysia

Tel : 603 - 7784 3525

Fax : 603 - 7784 3526

Email : gerakanhah@gmail.com

Facebook : facebook.com/hapushasutan

Gerakan Hapus Akta Hasutan (GHAH)

433A, Jalan 5/46, Gasing Indah,
46000 Petaling Jaya,
Selangor