

# Stop Selective Persecution: Right to Freedom of Expression

Media Statement, 23 January 2013

## Stop Selective Persecution: Right to Freedom of Expression

Persatuan Kesedaran Komuniti Selangor (EMPOWER) is appalled to hear that an artist has been summoned for police questioning for printing and selling t-shirts condemning price hikes, during the “Turun” rally at Dataran Merdeka.

The artist in question is 37-year-old Mohd Zullraidy Ahmad Tarmizi, also known as Eddy Gordo of Yellow Boutique. We learned that the printing of the t-shirts has been classified as an activity detrimental to parliamentary democracy, under Section 124B of the Penal Code. The police has also seized his passport and 22 t-shirts from his home on 29 December 2013.

If tried and convicted under Section 124B of the Penal Code, Mohd Zullraidy may be sentenced to jail for up to 20 years. According to a statement by Kelab Bangsar Utama, he may also be charged under Section 124D, for the printing and sale “of documents and publication detrimental to parliamentary democracy.”

The action of the police is disproportionate and contrary to the right to freedom of speech as enshrined under Article 10 of the Federal Constitution. It should be obvious that a parliamentary democracy must uphold the protection of this right. Artwork, including those produced by Mohd Zullraidy, should be seen as part of the exchange of ideas and views between citizens which is crucial for a healthy democracy. Without the right to freedom of expression, a so-called “parliamentary democracy” is nothing but a sham.

EMPOWER is not aware of any element in Mohd Zuraidy’s artwork that instigates discrimination and violence against any ethnic, religious, or other social groups, which would constitute hate speech. We are therefore puzzled by the haste with which the police took action against Mohd Zullraidy, when in recent months extremist groups have incited hate against minorities with seeming impunity.

We view the police investigation against Mohd Zuraidy as an attempt to silence dissent and intimidate the public, especially the many youths who attended the rally on New Year’s Eve. EMPOWER is well aware of the many barriers faced by youths in making their voices heard, including laws such as the University and University Colleges Act 1971 and societal stigma against youths perceived as troublemakers. The erosion of the right to freedom of expression has had a detrimental impact on the creative development of youths and their participation in nation-building. Intimidation tactics will only worsen the situation.

EMPOWER calls for the police to drop its investigation into Mohd Zullraidy Ahmad Tarmizi.