

Sedition Act Amendments a Betrayal of Democratic Process

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Persatuan Kesedaran Komuniti Selangor (EMPOWER) is outraged and disappointed by the manner with which amendments to the Sedition Act 1948 and the Prevention of Terrorism Act were rushed through Parliament. Major pieces of legislation with far-reaching consequences should go through extensive consultation with all political parties, a broad spectrum of civil society organisations, and the general public.

We are appalled, in particular, by the substance of the amendments to the Sedition Act. Provisions with regards to electronic media and devices are unacceptably broad and vague. The amendments include a provision that empowers the Session Court to prohibit a person from accessing any “electronic device”, with no definition as to what would constitute an “electronic device.” As a penalty it is disproportionate to the alleged crime and opens the door to ridiculous extremes in interpretation, making it near-impossible for a person to function in modern society. It amounts to a total denial of their right to not only freedom of expression, but to full participation in public life.

We are gravely concerned, as well, that causing seditious material to be published and reproducing or propagating seditious material are now an offence. One assumes that a retweet and a Facebook share would be considered as propagation. Would these broad and vague terms also make it an offence for journalists, activists, and ordinary people to quote allegedly “seditious words” when commenting on or criticising them in any publication? Should we now resort to pantomime and hope that the audience understand the point we are trying to convey?

EMPOWER notes that bringing “into hatred or contempt or to excite disaffection” against any government and the administration of justice has been removed from the section on seditious tendency. However, intent is still irrelevant to an offence under the Sedition Act. In fact, the threshold has been lowered. An offence merely has to fulfil one of these conditions: promoting “ill will, hostility or hatred” on the grounds of religion and race. Raising discontent or disaffection against any Ruler and questioning Bumiputra privileges remain an offence.

It is apparent from reading the text of the Bill that much of the amendments, with the explicit inclusion of electronic media, are aimed at imposing greater control over the usage of the Internet and social media. EMPOWER is currently conducting a research into Internet rights in Malaysia. In the period of January 2014 to March 2015, there were at least 18 cases reported in the media where individuals were investigated, charged, or convicted under the Sedition Act for material posted online.

In any legitimate democracy, these pieces of legislation would go through months of consultation and debate, not rushed through Parliament in a day and passed at 2:30am. The sheer disregard for the views of voters on the substance of the amendments is doubly apparent when, in the middle of a debate on the Sedition Act amendments, the MP for Baling

took it upon himself to question the possibility that menstruating non-Muslim women
Opposition MPs may “bocor” (“leak”) while visiting a mosque. What does a biological fact
have to do with sedition? We are aghast that once again, women’s bodies are used to score
cheap political points.

When Prime Minister Datuk Seri Najib Tun Razak announced three years ago that the
Sedition Act would be repealed, there was wary hope among civil society organisations,
including EMPOWER. It appears, unfortunately, that our caution was warranted. Years of
repressive laws aimed at curbing freedom of expression have only contributed to the rise of
militancy and the privileging of politically-expedient hate speech. It is unlikely that the
“new” Sedition Act and the Prevention of Terrorism Act will do any better at keeping us safe.

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