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HRW – Human Rights Watch

## Malaysia: End Use of Sedition Act

(New York) – The Malaysian (<https://www.hrw.org/asia/malaysia>) government should reinstate its moratorium on using the Sedition Act pending the law’s repeal, Human Rights Watch said today. Previous Malaysian governments have used the broadly-worded law, which goes well beyond inciting the public to violence, to silence critics of the government, the judiciary, and Malaysia’s royalty.

While the current government, which took office in May 2018, promised to repeal the Sedition Act, the attorney general’s office has recently sought higher penalties in two pending sedition cases, raising concerns about the commitment to reform.

“It’s outrageous that Malaysia’s self-described ‘reformist’ government seems intent on jailing people under the justly maligned Sedition Act,” said Linda Lakhdhir (<https://www.hrw.org/about/people/linda-lakhdhir>) . “The government should impose a moratorium on this long-abused law until it can be repealed.”

The government ran on a platform promising to repeal oppressive laws, including the Sedition Act. On October 11, 2018, the communications and multimedia minister, Gobind Singh Deo, announced (<https://www.thestar.com.my/news/nation/2018/10/11/cabinet-agrees-to-impose-moratorium-on-sedition-act/>) that the Cabinet had agreed to a moratorium on use of the law pending repeal. However, the government lifted that moratorium (<https://www.hrw.org/news/2018/12/05/malaysia-keep-moratorium-abusive-laws>) on November 30, 2018, in response to disturbances surrounding a Hindu temple in Subang Jaya, and the law has since been used to arrest individuals (<https://www.thejakartapost.com/seasia/2019/01/10/anger-at-arrests-in-malaysia-for-alleged-royal-insults.html>) for comments critical of the Malaysian monarchy.

In a recent case, the public prosecutor filed a cross-appeal against preacher Wan Ji Wan Hussin (<https://www.malaysiakini.com/news/483022>) ’s appeal of his conviction under the Sedition Act, seeking to enhance his sentence. On July 9, the High Court denied Wan Ji’s appeal and increased his sentence from nine months to one year in prison. The public prosecutor has also appealed the decision of the High Court to replace the eight-month jail term imposed on activist Haris Ibrahim (<https://www.malaysiakini.com/news/484053>) after his conviction for sedition with a fine of RM4,000 (US\$970). The government is seeking the reimposition of a prison sentence.

Following public outcry over the increase of Wan Ji’s sentence, the Attorney General Tommy Thomas (<https://www.thestar.com.my/news/nation/2019/07/12/i-was-not-aware-of-wan-ji-s-sedition-case-until-high-court-s-decision-to-uphold-sentence-says-ag/>)

said he was not aware of the case and that the cross-appeal was filed before the May 2018 election. He added, however, that “where there are no alternatives under the laws, then in appropriate cases, [the Attorney General] could not rule out applying the Sedition Act, until it is repealed.”

The government appears to be backtracking on other abusive laws, Human Rights Watch said. On July 16, Mohamed Hanipa Maidin (<https://www.malaymail.com/news/malaysia/2019/07/16/putrajaya-says-reviewing-official-secrets-act-to-plug-leaks/1771902>), the deputy minister in the Prime Minister’s department, stated that the government would submit amendments to the Official Secrets Act (OSA) “in its efforts to tighten the current regulations to prevent leakages in the Information and Communications Technology (ICT) environment and current threats.” He also stated that a Freedom of Information Act (<https://www.malaysiakini.com/news/483996>) would be put forward to “offset the impact of the OSA.”

By criminalizing the disclosure or receipt of documents without requiring that the government demonstrate that such disclosure would pose a “real and identifiable threat of causing significant harm,” (<https://www.justiceinitiative.org/publications/global-principles-national-security-and-freedom-information-tshwane-principles>) Malaysia’s Official Secrets Act violates international freedom of speech standards and fosters a culture of secrecy that runs counter to the public’s interest in access to information about government activity, Human Rights Watch said.

“Malaysia should be making it harder, not easier, to misuse the overbroad Official Secrets Act,” Lakhdir said. “The government needs to show that it’s really committed to an open society and has shed the heavy-handed ways of the past.”

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**ecoi.net summary:**

Article on oppressive laws, including the sedition act, which has been used to arrest persons critical of the country's monarchy



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