

# advisory

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IMAN Research



*In this issue:*

From PH  
to Present:  
A Review of  
Reforms

Expression  
Under Fire

What's with  
Freedom of  
Expression?

A Resilient  
Society

*Photo credit: Kristina Flour*



IMAN Research is a think tank focusing on research and community engagement. Our research areas include preventing/countering violent extremism (PCVE), socio-religious trends and public perception.



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# editorial letter

## In this issue:

I think it's safe to say that most Malaysians are frustrated and have accepted the fact that nothing truly changes in Malaysia. The New Malaysia, the Old, the Future — what seemed promising in the end was just a distant glimmer of hope.

But is it true that all Malaysians have reconciled with the fact that nothing changes? Not among the young. Young Malaysians took to the digital platform to organise and participate in Parlimen Digital. Civil society organisations that had been muted during PH's time (this being many of them joining the then government) have now come back to the fore, and are providing check and balance to what is deemed to be wrong. The public too has taken to the media to voice their concerns, and they are not the young — senior Malaysians of all ideologies are making their voices heard.

Still, the threat of intimidation, hate crimes, is always there. IMAN realises that this threat, even verbal, is a manifestation of abuse, that can actually impact a country's well-being. The peace and security of Malaysia and her neighbours are observed by IMAN as almost fragile, amidst all the political upheaval.

The PN government seems to be doing all the proper things to the man in the street: how the Prime Minister handled the COVID-19 pandemic in Malaysia, but with a stalled economy and a bleak future, they cannot sit and rest. This Current Malaysia is watching, and will pull all the stops to get what the citizens need.

**4 From PH to Present:  
A Review of Reforms**

**7 Expression under Fire**

**9 What's with Freedom of  
Expression?**

**10 A Resilient Society**

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# From PH to Present: A Review of Reforms

WHEN THE PAKATAN HARAPAN (PH) coalition was elected into power in 2018, it came with the promise of sweeping reforms. The pact may have consisted of a ragtag band of parties heading into the general election, but its 18 months in power saw active attempts to make good on pledges for reform and greater equitability. And true enough, it succeeded on some fronts.

Firstly, the PH government took some bold and calculated measures in reforming governmental institutions. It tried to fix the entrenched system of political patronage by roping in prominent professionals and activists to head GLCs as well as agencies like the election and anti-corruption commissions. It also made significant progress in increasing women's representation in government as the country welcomed its first female deputy prime minister and chief justice, while a total of eight other female MPs were appointed into the Cabinet (as ministers and deputy ministers).

Under PH, the voices of the youth grew louder and more potent as the government showed a renewed commitment to involving young leaders in the nation-building process. This was evidenced by the monumental success of the Undi18 movement, which with the backing of Youth and Sports Minister Syed Saddiq Syed Abdul Rahman, managed to garner bipartisan support to lower the voting age to 18.<sup>1</sup> Amendments were also made to the University and University Colleges Act (UUCA) that now permits tertiary students to participate in on-campus political activities and campaigns.<sup>2</sup>

One of the more notable reforms that took place during the PH government's tenure was in terms of promoting press freedom and freedom of expression. Fresh off GE14, the new government departed from the previous administration by releasing the 'invisible' constraints imposed on the media — and the positive results were immediate. For one, mainstream news outlets that were previously accused of being government mouthpieces actually began producing more balanced and quality journalism.

The government also put its weight behind the setting up of an independent Media Council that would be responsible for strengthening press freedom and protecting the welfare of media practitioners. A pro-tem committee, comprising senior journalists, editors, and activists, was appointed in January this year to run the council. As a result of these developments, Malaysia jumped 22 spots to 101st in the latest World Press Freedom Index released in April.<sup>3</sup>

In terms of easing restrictions on freedom of expression, PH made a prominent move in late 2019 to repeal the controversial Anti-Fake News Act<sup>4</sup> that was passed by the Barisan Nasional (BN) government prior to GE14. Under the Act,

those found guilty of spreading information that is deemed to be fake news could face a fine and jail time. The law had been heavily condemned by human rights proponents, who saw it as an attempt to stifle dissident voices, particularly that of political opponents. PH's success in this regard would have come sooner if not for the BN-majority Senate, which rejected a Bill to first repeal the Act in August 2018.

## Malaysia jumped 22 spots to 101st in the lastest World Press Freedom Index released in April.

The evidence of PH's commitment to reforms and improving human rights came as early as October 2018, where Prime Minister Dr Mahathir received a standing ovation at the UN General Assembly in New York. In typical gutsy fashion, the 94-year-old premier condemned the actions of world superpowers and their hegemonic ambitions, stating that Malaysia would instead adopt a policy of seeking equitable foreign partnerships. Within the region as well, the nation's human rights reputation was at an all-time high, at a time when our neighbours were veering towards authoritarian tendencies and suppressing political dissent.

However, this image dwindled midway through PH's tenureship, as it became apparent that even 'new Malaysia' could not escape its old problems. Despite the widespread optimism and idealistic outlook post GE-14, some reforms would prove overly ambitious - and the warning signs were present from early on. In December 2018, PH was forced to backpedal on ratifying the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) following protests from Malay-Muslim groups, which successfully convinced large swathes of the population that the UN treaty would erode Malay privileges.<sup>5</sup> We are now one of only 14 remaining countries in the world that have not signed or ratified the treaty.

Malaysia suffered further embarrassment four months later when it opted to withdraw from

1 <https://www.straitstimes.com/asia/se-asia/malaysias-federal-constitution-amended-to-lower-voting-age-from-21-to-18>

2 <https://www.nst.com.my/news/government-public-policy/2018/12/439333/uuca-amendment-passed-allows-students-political>

3 <https://www.thestar.com.my/news/nation/2020/04/22/press-freedom-malaysia-jumps-up-22-places-to-no-101>

4 <https://www.loc.gov/law/foreign-news/article/malaysia-bill-to-repeal-anti-fake-news-act-passed/>

5 <https://www.malaymail.com/news/malaysia/2018/11/23/malaysia-decides-not-to-ratify-icerd/1696399>

acceding to the Rome Statute, a treaty that grants powers to the International Criminal Court (ICC) to prosecute perpetrators of “genocide, crimes against humanity, war crimes, and crimes of aggression”.<sup>6</sup> The forced u-turn stemmed from a campaign of confusion and disinformation that was perpetuated by PH’s rivals. Once again, PH fell victim to political arm-twisting that ultimately set its reform agenda further back. And with it, came the loss of credibility that it worked so hard to achieve at the international level.

On top of that, the PH government’s promise to repeal controversial and oppressive laws such as the Printing Presses and Publications Act (PPPA), the Security Offences (Special Measures) Act (SOSMA), and the Sedition Act did not materialise. In fact, it even utilised these laws on certain occasions, in the purported interest of preserving national security. Maybe PH didn’t progress quickly enough on some of its election pledges, or perhaps its leaders thought that time was on their side — after all, any ruling government in Malaysia typically has four to five years in power (before the next election).

Whatever the case, its eventual downfall had little to do with its track record of reforms. Instead, PH’s time in power was marred by fragile relations between the coalition partners and distrust among leaders that ultimately boiled over.

The repercussions were therefore inevitable, and in February this year, a change of government occurred by virtue of backdoor negotiations (later labelled the ‘Sheraton Move’) between several senior members of PH and their political rivals from Umno, PAS, and other parties that were previously aligned to the BN coalition. All ongoing reform efforts had now dissipated, just as the country confronted the COVID-19 pandemic and the ensuing economic uncertainty, where countless jobs were lost and businesses shuttered.

The new ruling government, dubbed ‘Perikatan Nasional’ (PN) and with Bersatu president Tan Sri Muhyiddin Yassin as Prime Minister, has been in power just a short while but has already shown signs of reverting to a more authoritarian style. Since the Movement Control Order (MCO) was introduced to curtail the coronavirus, PN has seemingly cast aside Malaysia’s commitment to basic rights and freedoms in favour of heavy-handed tactics, especially against migrants and refugees. There is also piling evidence of attempts to once again crack down on the media, as journalists and editors have been hauled up for questioning over news reports that were unflattering to the current administration.<sup>7</sup> Meanwhile, the repressive laws that PH failed to repeal are being freshly weaponized by the PN administration to silence its detractors.

### Civil society and media continue to serve as an important ‘check and balance’ to authority.

But despite the bleak situation, many Malaysians refuse to sit idle and accept the situation as it is. The younger generation in particular remains very vocal in speaking truth to power, with the recent success of Parlimen Digital (Digital Parliament) proving that the youth are ready to assume leadership in charting the nation’s progress. Similarly, civil society and the media refuse to be cowed by ongoing intimidation attempts, and continue to serve as an important ‘check and balance’ to authority.

The PN government should also recognise that its grip on power is even more precarious than its predecessor, with speculation that a snap election is just around the corner. As such, further unpopular decisions and infighting could just as well seal its fate as yet another shortlived government. The ball is now in PN’s court — does it wish to risk becoming the new nanny state in the region? If so, it would not bode well for the economic and strategic advantages we have worked so hard to build up.

6 [https://legal.un.org/icc/statute/99\\_corr/cstatute.htm](https://legal.un.org/icc/statute/99_corr/cstatute.htm)

7 <https://www.malaymail.com/news/malaysia/2020/05/03/police-confirm-investigating-scmp-report-of-malaysias-rounding-up-of-migrants/1862612>; <https://www.thestar.com.my/aseanplus/aseanplus-news/2020/07/10/al-jazeera-staff-grilled-in-malaysia-over-report-on-migrant-arrests>

# Expression under fire



## In protest?

ON MARCH 1ST, Marina Mahathir, Ambiga Sreenevasan and several other activists held a rally at Sogo shopping centre. This was in response to the allegedly undemocratic appointment of Tan Sri Muhyiddin Yasin as Malaysia's 8th Prime Minister.

The protest called for the dissolving of the (current) parliament to make-way for fresh elections, the continued prosecution of corrupt officials, and the banning of party-hopping. Police authorities soon opened up investigations against the organizers of the rally.

Marina Mahathir, Ambiga Sreenevasan, and 14 other activists were called for questioning at Dang Wangi district police headquarters. This was under pretext that they have violated the Peaceful Assembly Act 2012 for not making a formal notification to the police about the rally.

## Up in Arms

**REBIRTH: REFORMASI, RESISTANCE** and Hope in New Malaysia, a collection of articles on Malaysia post-2018 election, came under fire for its book cover which allegedly insults the Jata Negara. The artwork depicted had previously been on display at an art exhibition in Kuala Lumpur in 2014. A statement by Lawyers for Liberty (LFL) states that the controversy is an attempt to discourage citizens from exercising their freedom of speech.

Following 32 reports, the police have opened four investigation papers under Section 5 Emblems and Names Act 2016, Section 4(1) of Sedition Act 1948, Section 8(1) of Printing Press and Publication Act, and Section 233 of Communications and Multimedia Act 1998.

As of July 1, the book has been banned under Printing Presses and Publications (Control of Undesirable Publications) Order 2020.

- 1 <https://www.thestar.com.my/news/nation/2020/03/01/cops-stay-away-from-sogo-rally>
- 2 <https://www.malaymail.com/news/malaysia/2020/03/02/cops-to-summon-organisers-of-assembly-in-front-of-sogo/1842494>
- 3 <https://twitter.com/kuasasiswa/status/1277584912959205383>
- 4 <https://www.nst.com.my/news/crime-courts/2020/07/605926/statements-recorded-designer-publisher-book-insulting-coat-arms>
- 5 <https://www.lawyersforliberty.org/2020/07/01/lfl-no-offence-was-committed-by-creators-or-book-publishers-of-jata-negara-art-work/>

# Do your duty

**TASHNY SUKUMARAN**, an SCMP journalist, was investigated for the report published on 1 May 2020 titled, “Coronavirus: Hundreds arrested as Malaysia cracks down on migrants in Covid-19 red zones”. The article covers the large-scale raid on 3 buildings in KL and subsequent arrest of migrant workers. It highlights a reversal of the government’s previous announcement that no action would be taken on undocumented migrants if they came forward for COVID-19 testing.

Tashny was called to Bukit Aman for questioning and investigated under Section 504 of the Penal Code and Section 233 of the Communications and Multimedia Act 1998 CMA. Following this, the Communications and Multimedia Minister Datuk Saifuddin Abdullah has clarified on Twitter that he is asking the Malaysian Communications and Multimedia Commission (MCMC) to not take action against her.

## A Case of “Alleged” Contempt

**MALAYSIAKINI’S CHIEF EDITOR**, Steven Gan, was taken to court for alleged contempt over five comments posted on an article published June 9, “CJ orders all courts to be fully operational from July 1” Upon notification, the comments were promptly removed from the portal.

Attorney General (AG) Tan Sri Idrus Harun initiated a contempt bid against Malaysiakini and Steven Gan for alleged contempt over five comments on an article published 9 June 2020, “CJ orders all courts to be fully operational from July 1. The comments were deemed offensive and embarrassing, undermining Malaysia’s judiciary system.

Under Section 114A of the Evidence, Malaysiakini bears responsibility for facilitating the publication of the comments and by failing to prevent its publication. Senior federal counsel S. Narkunavathy states that proving intent is unnecessary, however Defense counsel Datuk Malik Imtiaz Sarwar argues that there was no intentional publication as Gan had no control over the comments uploaded.

The Federal Court has reserved judgment for a later date.<sup>8</sup>

## “Locked Up in Malaysia’s Lockdown”

**AL-JAZEERA NEWS**<sup>9</sup> recent documentary showcased a critical overview on the mishandling of illegal immigrants by Malaysian authorities during the MCO lockdown.

The documentary sparked controversial outrage and the authority response was swift. Defense minister Ismail Sabri Yaakob demanded a public apology from Al-Jazeera for tarnishing Malaysia’s reputation through false claims. Journalists involved in the documentary were called for questioning under allegations of sedition, defamatory statements, and violation of the Communications and Multimedia Act.

Bangladeshi man Mohammad Rayhan Kabir was arrested, deported, and blacklisted permanently from Malaysia for falsely criticizing government treatment over illegal immigrants in the documentary.

- 6 <https://www.malaymail.com/news/malaysia/2020/05/03/police-confirmed-investigating-scmp-report-of-malaysias-rounding-up-of-migrant/1862612>
- 7 <https://www.aljazeera.com/news/2020/07/al-jazeera-journalists-questioned-malaysia-documentary-200710023027535.html>
- 8 <https://www.aljazeera.com/news/2020/07/malaysia-expel-bangladeshi-featured-al-jazeera-report-200725085008073.html>
- 9 <https://www.nst.com.my/news/crime-courts/2020/07/608261/judgement-malaysiakini-contempt-case-deferred>
- 10 <https://www.malaysiakini.com/news/534097>





# What's with Freedom of Expression?

*Photo credit: Dan Gold*

**FREEDOM OF EXPRESSION** is included as Article 19 in Universal Declarations of Human Rights and Article in Malaysian constitution. Under Universal Declarations of Human Rights which was proclaimed by the United Nations General Assembly in 1948, everyone has the right to freedom of opinion and expression. While Universal Declarations of Human Rights does not put any limit in terms of freedom of expression granted to each individual, Malaysian constitution clearly stated that Article 10 on freedom of expression is subjected to certain restrictions.

Why is freedom of expression very important to our society? It is because freedom of expression is tied to other rights such as freedom of speech and press. Two of the most fundamental elements in a democratic society. Democracy that is based on participation of the people to choose their governing political party needs to have a platform for the people to voice out their opinion and their demands to relevant parties. As such, one of the platforms as the voice of the people is press. A free press ensures citizens stays informed of the things happening inside and outside of their country, without news manipulation from any stakeholders. And free speech means that citizens will be able to participate in all sorts of activities, whether it is political or non-political, without restrictions.

Freedom of expression is not only important for political participation, it is also important for the growth of creativity in the country. Whether it be in the form of literature, paintings or music, censorship limits the number of topics that these writers, painters or musicians can discuss in the form of art products. This limits their creative space and gives an impact to the growth of arts and culture in the country. Amidst globalisation and its threat to Malaysian identity, the shortcoming of arts and culture growth in the country will further inhibit the progress for a Malaysian identity.



# A Resilient Society

There is also the concern on social resilience. Defined as the adaptive and learning capacity of individuals, communities, and societies when faced with environmental, social, economic or political challenges<sup>1</sup> social resilience concerns the ability of local communities to face challenges. These challenges include criticisms, and on the preparedness of people from different backgrounds to coexist. Encounters between different communities with differing views have at times resulted in conflict and crisis. Thus, the ability for the community and society to overcome conflict, withstand crises, as well as adapt to the changes and challenges are crucial, and has become an area of interest in societal development.

The sociologist Richard Sennett puts forward the idea of the ‘competent urbanite’ — urban inhabitants who are capable of orienting themselves in the ambiguous and complex urban environment. This is what we should have in our country, to have ‘competent citizens’. Citizens who can adapt to changes and new challenges of life in the country. These competent citizens are not the kinds of inhabitants that rely on prescriptive ways of dealing with daily issues. Instead of relying on specific instructions or regulations, they are capable of making their own judgements when an issue arises.

To be a competent citizen who is able to coexist with different others, one has to acquire a certain set of skills. These include the ability to cooperate and coordinate with others, being respectful and convivial with others while still maintaining distance, and being able to divert tension whenever a problem arises. Citizens that would not easily react when confronted with “offensive” materials. A community consisting of competent citizens would become resilient. But these set of skills do not come at birth. They need to be learned, nurtured and practiced. This can be achieved by providing platforms that encourage dialogues, something that our leaders and authorities can provide. In fact, both state and non-state leaders should lead by example, by first becoming the ‘competent citizens’ that the country needs.

1

[https://www.researchgate.net/publication/263384351\\_Six\\_attributes\\_of\\_social\\_resilience/citation/download](https://www.researchgate.net/publication/263384351_Six_attributes_of_social_resilience/citation/download)



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