

Now, PKR MP contests Sedition Act
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Padang Serai MP N Surendran is the second individual to file an application at the Sessions Court in Kuala Lumpur to challenge the constitutionality of the Sedition Act, under which he is facing a charge.

Yesterday, law professor Azmi Sharom also filed a similar application.

In his application, Surendran cited the issues of liberty of a person (Article 5), equality of a person (Article 8), and freedom of speech, assembly and association (Article 10).

The law firm Daim & Gamany filed the application and the matter is fixed for case management on Oct 14.

Surendran (left) was charged with sedition at the KL Sessions Court on Aug 19, following a press release he issued titled 'Fitnah II is flawed, defensive and insupportable' on April 14, 2014.

The press release concerns an appeal by his client - PKR de facto leader Anwar Ibrahim - against a sodomy conviction.

Surendran is asking that the sedition proceedings against him at the Sessions Court be stayed (held off) until the hearing of this application at the High Court.

In his supporting affidavit, Surendran, 48, said the Act was formulated pre-independence and not passed through parliament and hence, cannot be used to curtail the constitutional guarantee of free speech.

"The Act is oppressive, excessive and arbitrary, and violates the principles under Article 5, Article 8 and Article 10 of the Federal Constitution," he said.

Surendran also refers to the Court of Appeal decision in the Nik Nazmi Nik Ahmad case in which Justice Mah Weng Kwai states civil liberties eg under Article 10, cannot be criminalised.

Amnesty calls for an end to Sedition

In a related development, Amnesty International is alarmed over the use of the Sedition Act against opposition politicians, human rights activists, lawyers, students, academicians and journalists in recent weeks.

"They are at risk in facing arbitrary arrest and imprisonment in Malaysia after an alarming

use of the draconian Sedition Act in recent weeks.

"The law is being used to target individuals for peacefully exercising their right to freedom of expression," the statement said.

"The Act does not comply with international human rights law and standards and violates the right to freedom of expression which is enshrined in Article 9 of the Universal Declaration of Human Rights and guaranteed under Article 10 of the Federal Constitution."

The Act, Amnesty International said, criminalises a wide array of speech including those "with tendency to excite disaffection against any ruler or government" or 'question any matter' protected by the constitution.

They further named Surendran, religious scholar Wan Ji Wan Hussin, Prof Azmi Sharom, Shah Alam MP Khalid Samad, and Seri Delima assemblyperson RSN Rayer as some of those who have been charged.

Amnesty echoed Malaysian civil society's call for the government to stop using sedition, drop all existing charges and repeal the Act.

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