

Repeal The Sedition Act 1948
MalaysianMirror.com
9 February 2012
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The Government of Najib Tun Razak must repeal the Sedition Act 1948, an outdated piece of British Emergency-era colonial legislation, in order for the Prime Minister's much-vaunted reforming agenda to retain any credibility amongst the Malaysian People.

The Sedition Act 1948, originally known as the Sedition Ordinance 1948, is a draconian piece of colonial legislation enacted by the British at the start of the communist uprisings of the Malayan Emergency (1948-1960).

Under the English common law, a person can only be guilty of sedition if he utters words that are likely to incite violence, tumult or public disorder. However, under the Sedition Act, a person can be guilty of sedition even though there is no likelihood of incitement of that nature.

Yesterday, the Court of Appeal ruled, overturning the acquittal of DAP National Chairman Karpal Singh on a charge of sedition, that the Sedition Act 1948 can even make a person can be guilty of sedition for saying things that are true and grounded in fact. According to the Court of Appeal, it does not matter that the words that were uttered do not cause any adverse reaction or violence.

Malaysians will be astounded that 52 years after the end of the Malayan Emergency, we are still enforcing draconian laws enacted by the British to fight the communist insurgency. The provisions of the Sedition Act 1948, which prevent legitimate criticism, are entirely inconsistent to the constitutional guarantee of freedom of speech that is contained in Article 10 of our Federal Constitution.

The Government of Najib Tun Razak has, with great publicity, promised to revoke all Emergency legislation and to comprehensively review or repeal other draconian laws such as the Internal Security Act 1960 (ISA), the Restricted Residence Act 1933 and the Printing Presses and Publications Act 1984. However, the reviews or repeals of these Acts by BN will not achieve their stated purpose of promoting political transformation and greater civil liberties if Malaysia's foremost lawyer and opposition legislator, Karpal Singh, can be charged for sedition and face fines or imprisonment merely for speaking the truth and stating the facts. The DAP is deeply disturbed by the ruling of the Court of Appeal, where the Court held that it alone would determine whether words would be deemed to be seditious.

The Prime Minister, Najib Tun Razak, must prove his commitment to opening a new chapter of political and civil liberties for Malaysians by repealing this draconian law. As long as the Sedition Act still remains, Malaysians will never be able to enjoy the basic human right of freedom of speech that is enshrined in the UN Universal Declaration of Human Rights. Or will Malaysia remain one of those countries that proffers freedom of speech but not freedom after speech?

BN should follow Penang's example of establishing the first Speakers' Corner in Malaysia to encourage freedom of speech. By prosecuting Karpal Singh, the BN Government is not only victimising an opposition parliamentarian, but also sacrificing freedom of speech, truth and the facts. The DAP will stand firmly behind Karpal Singh in pursuit of a civil society and uphold the inalienable right of every Malaysian to be free and exercise basic human rights, including the freedom to speak the truth.

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