

Evidence Act Review Another Najib Back-Flip
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Last night, Prime Minister Najib Tun Razak tweeted that he has asked the Cabinet to review the controversial Section 114A of the Evidence Act 1950. This is another back-flip by Najib and his BN government seeking to reverse what is undoubtedly a grievous error that is unjust and irrational piece of legislation following outrage and popular protest by civil society movements and opposition parties.

Yesterday, the Centre for Independent Journalism (CIJ) Malaysia successfully organised the Malaysian Internet Blackout Day initiative which received full support from various news portals, activists such as Marina Mahathir, various NGOS such as the Bar Council and also opposition parties including the DAP.

This Internet Blackout Day initiative was organised to oppose Section 114A of the Evidence Act 1950, an ignominious amendment passed by the Dewan Rakyat and Dewan Negara earlier this year, which effectively enables law enforcement officials to hold one accountable for publishing seditious, defamatory, or libelous content online, as long as the allegedly defamatory content is traced back to one's username, electronic device, and/or WiFi network.

One is also presumed to be guilty of publishing illicit content on the Internet unless one can prove otherwise. In other words, Section 114A goes against the basic principle of law by laying the burden of proof on the accused instead of the accuser. Anyone can make an accusation without showing proof, it is the accused that must show proof that he or she is innocent. This is typical BN mentality where they can simply make wild and even false allegations against opposition PR leaders who then have to show proof that they are innocent.

The Prime Minister's flip-flop also follows statements by BN lawmakers such as Umno Youth Chief Khairy Jamaluddin and an MCA senator who apparently now oppose a law which they had voted for.

Why is it that Khairy and others are now so keen to show Malaysians that they oppose the law when they could have easily chosen not to vote for it when it was tabled? Is it not merely duplicity for them to speak out now to claim credit for a popular initiative by the rakyat?

This proves that BN leaders are complete frauds, and that the supposed Government Transformation Programme is nothing but a sham. The undeniable fact is that without the protest by civil society and opposition parties, there would not be any talk of a review. For Khairy and others to claim credit now is nothing less than opportunism.

The only way out now for Najib and the Cabinet is to prove their sincerity is by apologising and revoking not reviewing Section 114A of the Evidence Act immediately in the coming session or risk being exposed as duplicitous.

If no apology is forthcoming from the Prime Minister, then the people will see this as nothing more than a political stunt.

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