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Azmi (centre) with his supporters on the steps of the Palace of Justice in Putrajaya after the court judgment yesterday.

Sedition Act is **valid** law

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> Azmi Sharom loses case, trial at sessions court to continue without delay

PUTRAJAYA: Despite being a pre-Merdeka law, the Sedition Act 1948 remains a valid and enforceable law, the Federal Court ruled yesterday.

In handing down judgment, Chief Justice Tun Arifin Zakaria said an existing law is only rendered void or invalid if it cannot be brought into accord with the Federal Constitution.

With the declaration, the Federal Court ordered that the trial of Universiti Malaya associate law professor Azmi Sharom (pix) under the Sedition Act continue without delay in the sessions court.

The trial had been held back pending the decision of the Federal Court.

Azmi, 46, had challenged the constitutionality of the Sedition Act on the grounds that the pre-

Merdeka law had become void upon the establishment of the Federal Constitution in 1957.

He had claimed trial to charges under the Sedition Act over his comments in a news article titled "Take Perak crisis route for speedy end to Selangor impasse, Pakatan told", on Aug 15 last year.

The charges carry a penalty of RM5,000 fine or jail of up to three years, or both upon conviction.

On Nov 11 last year, the High Court had by way of a special case referred the matter to the Federal Court for determination of the Sedition Act pursuant to Section 84 of the Court of Judicature Act 1948.

Arifin said the intention of the framers of the Constitution was to ensure the existing law would



continue to be valid and enforceable upon the coming into operation of the Constitution on Merdeka Day.

"It follows therefore that the Act being the 'existing law' at the material date should continue to be valid and enforceable post-Merdeka Day," Arifin said in a courtroom packed with law lecturers and students.

The other judges on the bench were Court of Appeal President Tan Sri Md Raus Sharif, Chief Judge of Malaya Tan Sri Zulkefli Ahmad Makinudin and Federal Court Judges Tan Sri Abdull Hamid Embong and Tan Sri Suriyadi Halim Omar.

In the judgment, Arifin said Section 4(1) of the Act was consistent and did not run counter to Article 10(2)(a) of the

Federal Constitution over freedom of speech and expression.

"Undeniably, the Act has the effect of restricting the freedom of speech and expression as enshrined in Article 10(1)(a) of the Constitution.

But he said this was not a total prohibition as it was subject to a number of exceptions as provided in Section 3(2) of the Sedition Act.

"As legislated, it is not seditious to show that any Ruler has been misled or mistaken in any of his measures, or to point out errors or defects in any government or constitution as by law established," the judge said.

The Sedition Act was first enacted as the Sedition Ordinance 1948 by the Federal Legislative Council and came into force on July 17, 1948, and was revised in 1969 and renamed Sedition Act 1948. - Bernama

LFL disappointed with Federal Court's verdict

PETALING JAYA: Lawyers for Liberty (LFL) yesterday expressed disappointment with the Federal Court's Azmi Sharom verdict that upheld the constitutionality of the Sedition Act despite its manifest antiquated, illiberal and undemocratic nature.

LFL's executive director Eric Paulsen said most modern states in the world have either repealed

or put such oppressive legislation into disuse.

He said the use of the Sedition Act is made worse by its double standard use in cracking down hard against dissidents and opposition politicians for anything remotely controversial while some Umno or pro-Umno personalities are let off even though what they have said is far more inflammatory.

"These investigations and prosecutions are an extreme waste of valuable police and Attorney-General's Chambers resources that would have been better used to address real crimes rather than being squandered on what are clearly political offences," said Paulsen.

He reiterated their call for the Sedition Act to be abolished, a moratorium to be imposed on its

further use, and all prosecutions to be dropped pending the repeal of the Act as promised repeatedly by the prime minister.

Meanwhile, Penang chief Minister Lim Guan Eng said Malaysia has gone back to "square one" following the Federal Court's ruling that the Sedition Act 1948 is constitutional.

"We are still back to what we were," said Lim.