

**FETTERS ON FREEDOM OF INFORMATION AND FREE SPEECH IN MALAYSIA :
A STUDY OF THE LICENSING AND SEDITION LAW**

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ABSTRACT

This study examines the restrictions on Freedom of Information in Malaysia by studying the licensing requirements of print media and the use of the sedition law to curtail free speech. The use Printing Presses and Publication Act 1984 and the Sedition Act 1948 under circumstances that can hinder freedom of information and freedom of speech were explored. The study found that these laws were unfairly and indiscriminately used to stifle criticism of government even if it is harmless thus negating the free flow of information. Fetters on Freedom of Information and free speech in Malaysia : a study of the licensing and sedition law.

Introduction

While it is accepted that freedom of press and speech are not absolute, unhindered access to information remains as the most important requirement for a free press. Lipinski and Britz (2000) discussed access to information as a critical need in an information age. Freedom of information (FOI) is now considered as a human right. The right to know which means the right of access to official documents increases accountability on the part of governments. Although Freedom of information has been developing at a strong pace only recently, it is hardly a new concept.

At present nearly 70 countries have adopted access laws, over half of which were adopted within the last ten years (Banisar 2006). Rights to official government information also are guaranteed in at least 49 national constitutions, 80 percent of which were written after 1989 (Blaustein 2006). Blanton (2002) claimed that “making good use of moral and efficiency claims, the international freedom-of-information movement stands on the verge of changing the definition of democratic governance. The movement is creating a new norm, a new expectation, and a threshold requirement of any government to be considered a democracy”(p,52).

According to Mendel (2003) governments are under increasing obligation to give effect to the right to freedom of information. The existence of various international human rights instruments and national court rulings is pointing to the direction that freedom of information is now widely recognized as a fundamental human right (ibid). Loucaides (1995) acknowledged

that there is an emerging trend to recognize access to government information as a human right stressing that the right to information and the right to freedom of expression as corollaries of one another. Being a former Judge of the European Court, Loucaides argued that Article 10 of the European Convention, the freedom of expression provision, should include positive obligations on governments (ibid) to impart information in areas of public interest to the press and to all other persons that have a legitimate interest in such information except in cases where the imparting information is restricted by law. This should be so in order to make the right of the individual and the public to receive information and ideas meaningful.

Freedom of Information as a legal concept

Weeramantry (1995) argued that a right to information has been evolving over time in human rights law as “concepts and procedures which are yet to be developed considerably but the first broad brush strokes delineating the right have appeared on the canvas of human rights.” (p.99) There are several conceptual underpinnings of a right to know and they need to be delineated in order to understand “the right’s status in international law and domestic legal systems.” (ibid, p100). At the national level, Weeramantry conceptualized access to information as ancillary to the right to self-governance. “If self-government is a human right,” he argued, “it can therefore be similarly argued that access to information on which self-government depends is likewise a human right.”(p.118) This is because self-government relies on the consent of informed citizens. If citizens are not informed, they cannot truly consent to be self-governed. The right to information is also needed to ensure a right to communicate as the right to communicate and the right of access to information are corollaries of one another and this right is guaranteed for individuals as well as media. The right to information imposes obligations not only on government, but also on “all those who withhold information which an individual is entitled to receive – be they governments, corporations, quasi-governmental agencies or individuals.” (p.124). This suggests that a right to information also applies to private entities, such as corporations.

Article 4 of the *Declaration of Principles (2013)* issued at the Geneva Summit proclaims “*We reaffirm, as an essential foundation of the information society, and as outlined in Article 19 of the Universal Declaration of Human Rights, that everyone has the right to freedom of opinion and expression; that this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Communication is a fundamental social process, a basic human need and the foundation of all social organization. It is central to the information society. Everyone, everywhere should have the opportunity to participate and no one should be excluded from the benefits the information society offers.*”

Access to information should be regarded as an instrumental and basic human right as Britz and Lor (2010) note, “any vision of the successful as the “enabler of the right of access to information and instrumental to human freedom.” Currently, however, there is a trend towards the use of the term ‘knowledge society’. This reflects an often intuitive recognition that the concept of ‘information’ is perhaps too meagre to carry the weight of the far-reaching societal

changes that are anticipated. 'Knowledge' implies a resource that is richer, more structured, more organized, more complex and more qualitative than 'information'. Knowledge is not merely the result of collection and processing. It requires the exercise of judgment. The importance placed on freedom of information is manifested in the growth of Freedom of Information laws. The legislation for Freedom of Information (FOI) is a specific expression for legal protection of the right to know about government workings, and a policy tool for better governance. One of the expected functions of FOI legislation (FOIL) is to enhance freedom of the press, which serves the public's right to know. FOIL can act as a precondition for openness, transparency, accountability, responsiveness, and integrity (anti-corruption) of government (Birkinshaw 2010; Cain, et al 2003). In practice, FOIL is a policy instrument (Fung et al.,2007). Its effect as a policy tool is exercised on the interplay among three key players i.e., government, the public, and the media, who release or receive information. While citizenry is a target policy objective, the media serve an intermediary role in delivering information released by FOIL to citizens, and further, in calling for government transparency and accountability, ultimately for the sake of citizens. Freedom of the press is a desirable outcome of FOIL working in good practice. FOIL may be pivotal to the improvement of press freedom since legal protection of the right to know aids the press in performing its journalistic work of documenting governmental activities in the public interest (Rush, 1986). The major user, beneficiary, and influential champion of FOIL are the media rather than members of an amorphous populace. There is a close relationship between corruption, FOI, and press freedom in that FOIL has the potential to reduce corruption and improve press freedom. Restriction of press freedom is associated with a serious level of corruption. Press freedom is a key player in the monitoring capacities of civil society so that a free press has the potential to perform as an effective mechanism for external control of corruption (Chowdhury 2004a).

Freedom of speech in Malaysia- Constitutional limitation

The fetters on freedom of information in seem to find their roots in the Federal Constitution. Article 10(1) (a) of the Federal Constitution of Malaysia provides that every citizen has the right to freedom of speech and expression. This right is however limited as Article 10 (2) allows Parliament to impose by law impose such "restrictions as it deems necessary or expedient in the interest of the security of the Federation or any part thereof, public order or morality and restrictions deigned to protect the privileges of Parliament or of any Legislative Assembly or to provide against contempt of court, defamation or incitement to offence."

The wordings of Article 10(2) has far reaching implications as it allows Parliament to pass laws which it deems *necessary or expedient* to restrict freedom of speech instead of allowing Parliament to impose *reasonable* restrictions on the same. This in effect makes the legislature the final authority on the restrictions.

In the case of *Sivarasa Rasiah v Bar Council* , the Appeals court observed that "...Unlike the Indian Constitution, the word "reasonable" appearing before "restriction" is not to be found in our art. 10(2)(c). In India, the courts would be under a duty to decide on its reasonableness. In Malaysia, the words "necessary" and "expedient" are preferred. The words "necessary" and

"expedient" are the antithesis of the word "reasonable". They show that the underlying idea is to make Parliament the final judge of what restrictions to impose. The extent, nature or scope of the restriction is for Parliament (ultimately, the Executive) and not for the court to decide." (p . 155). The position is further supported by *Public Prosecutor v. Pung Chen Choon (1994)* where the Supreme Court observed:

"It follows that the position of the press under our Constitution is not as free as the position of the press under the Indian Constitution and more so when compared to the position of the press in England or the United States of America. This, of course, means that the Indian casesrelied on by counsel....., are of little relevance....." (Edgar Joseph Jr.(SCJ), p.11)

5.2.2 The requirement of licensing

Malaysia chose to retain its colonial legacy of control on print media in the form of the Printing Presses and Publication Act 1984. The original version of licensing regulation was found in the Printing Presses Ordinance 1948(repealed). The important provision of this Ordinance is that it a license is required for the keep of printing presses. The Chief Secretary (then) was vested with the discretion to grant licenses and withdraw licenses. One commendable provision however is that those who have been refused a license or had it withdrawn may appeal to High Commissioner. (s.3.). This 1948 Act was then amended in 1974. The new amendment in the form s.23A gave the Minister the discretion to grant, revoke, refuse to grant or withdraw (temporarily) a license. The Minister may also impose conditions to ensure that the press is controlled by citizens. Again, a right of appeal to the Yang DiPertuan Agong was given to those dissatisfied with the decision of the Minister. Those were the main provision of the Printing Presses (Amendment) Act 1974.

In October 1983 , the government suspended the permit of Nadi INSAN , a magazine published monthly by the Institute of Social Analysis (INSAN) for it's critical contents. (Aliran 1988) . The government followed up by repealing the Printing Presses Act 1948 and replacing it with a new and comprehensive Printing Presses and Publication Act 1984. The Act gave the minister "absolute" discretion in granting , refusing, revoking or suspending a license for ownership of printing press and permit for publication . (s.3 &6).

In the case of *Persatuan Kesedaran Aliran Nasional vs. Home Minister (1987)* the plaintiff sued the Government of Malaysia and it's Home Minister for refusing to grant it printing and publication permit for a magazine in Malay called Seruan Aliran . The trial court judge gave judgment in favor of Aliran on the grounds that the Minister's decision was tainted with bad considerations and that Aliran was not given a right to be heard before their application for permit was rejected. The judge seem to have taken the view that the words "absolute discretion" did not rule out court's jurisdiction over the Ministers powers. The government , pending an appeal , again amended the Printing Presses and Publication Act 1984. (Act 684). The significant provisions that was amended were s. 13 (A) and (B) which together provided that the Ministers decision to grant , revoke or suspend publication or printing permit cannot be questioned in any court of law and that no person shall have the right to be heard in respect any decision or consideration of the minister on their permit. On appeal against the High Court

decision by the government the Supreme court ruled that the Ministers discretion is absolute and the courts cannot question the propriety of such discretion

The Printing Presses and Publication Act 1984 gave wide draconian powers upon the government of the day to control press freedom via the Home Minister. The 1999 election results showed that the Malay support for the ruling government under the then Prime Minister , Dr. Mahathir Mohamed had eroded. This was mainly due to the highly publicized reporting of the trial and imprisonment of the former Deputy Prime Minister, Anwar Ibrahim. Pursuant to those elections the government started a crackdown on the non-mainstream press.

In October 1987, The Star along with its weekend edition The Sunday Star, Sin Chew Jit Poh, and weekly paper Watan had their publishing permits revoked, just days after the government embarked on Ops Lalang, a crackdown that saw more than 100 political leaders and activists arrested and detained. These newspapers gave extensive coverage of the arrests of prominent leaders under Ops Lalang spearheaded by then prime minister, Tun Dr Mahathir Mohamad.

The year 2000 saw the most number of assaults on press freedom. The renewal of the opposition party PAS' newspaper Harakah's permit was subjected to a condition by the Home Ministry that its publication was restricted to twice a month as compared to twice a week previously. (Malaysiakini 21 February). On March 27, the Home Ministry rejected the application of Detik , a bi monthly magazine for a new publishing license, effectively banning it was known to be critical of government policies.

On April 15 the Home Ministry declined to grant the news magazine Eksklusif a new publishing permit, accusing the weekly of "imbalanced reporting and non-compliance with publication rules and regulations." (Malaysiakini 21 February) .The paper stopped publishing thereafter. On August 31 2000, a youth magazine, Wasilah was effectively banned when no new permit was given after the existing one expired on that date. The Home Ministry merely informed that the permit was being suspended and revoked without any elaboration. Ironically the editor of both Detik and Wasilah was Ahmad Lutfi Othman, a member of an opposition party.

In 2006, the controversial caricatures of Prophet Muhammad from a Danish newspaper were carried by several newspapers and TV channels, including Berita Petang Sarawak, Guang Ming Daily, Sarawak Tribune and The New Straits Times. Sarawak Tribune, an English-language newspaper published in Kuching, Sibu and Bintulu, in Sarawak, was indefinitely suspended that year for publishing the caricature in an article titled "Cartoon not much impact here" on February 4, 2006. The newspaper, which was established in 1945, reappeared in 2010 as the New Sarawak Tribune.

Chinese-language newspapers Guang Ming Daily and Berita Petang Sarawak were suspended for two weeks for carrying the caricatures in their newspapers. Guang Ming Daily's

article was titled "European media republish caricature to heighten controversy; Denmark paper insults Islam, apology sought" while Berita Petang Sarawak's was "We are prepared to launch a holy war". Then prime minister Tun Abdullah Ahmad Badawi, who was also the internal security minister, suspended the permits under sub-section 6(2) of the PPPA 1984. However, no action was taken against the Peninsular based New Straits Times apparently because it had published an open apology for publishing a "Non Sequitur" syndicated cartoon on the Prophet controversy.

Suara Keadilan, the newspaper of Parti Keadilan Rakyat Party (PKR) led by Anwar Ibrahim was effectively banned following the Ministry's refusal to renew its permit which expired on June 30 2010. (The Malaysian Insider August 4). The Ministry also delayed the renewal of the publishing permits of Rocket and Harakah which was the mouthpiece of the Democratic Action Party (DAP) and Pan Malaysian Islamic Party (PAS) , two major partners in the People's Alliance (Pakatan Rakyat) which denied the ruling government a two thirds majority in the March 2008 general elections. (The Malaysian Insider July 12). These actions received wide criticisms as "it patently doesn't serve justice and democracy when party organs have been bludgeoned by the Home Minister via the refusal of publishing permit for a matter or issue that requires a settlement in court." (Mustafa 2010).

More recently under the premiership of Najib Tun Razak the Home Ministry has suspended the publishing permits of two influential local financial publications for three months. The two publications mentioned have been running reports on the controversial 1Malaysia Development Berhad (1MDB), an investment firm owned by the Ministry of Finance. The Home Ministry described that the two publications' reporting of 1MDB were prejudicial or likely to be prejudicial to public order, security or likely to alarm public opinion.

5.2.3 Printings Presses and Publication (Amendment) Act 2012

The Printing Presses and Publication Act 1984 was amended in April 2012 as part of the reforms introduced by the Prime Minister Datuk Seri Najib Tun Razak . The amendment no longer gave the Home Minister absolute discretion in granting and revocation of printing licenses and publishing permits. The requirement of annual renewal of publishing permits were also abolished. The amendments also paved the way for judicial review of the decisions by the Minister. This seems to be minor step in the direction towards greater press freedom but much is desired to be done. The fact that publishing permits must still be granted and the Minister has a right to revoke or suspend these permits means that the government still has effective control over the Malaysian print media. Newspapers would still be subjected to show-cause letters and be required to answer summonses to the Home Ministry if they published articles that displeased the minister or ministry officials. The amendments also do not address the fact that most major Malaysian newspapers are owned by political parties. Thus it still does not address the additional barrier editors and journalists face in trying to report in a fair and balanced manner.

5.2.4 Sedition

The law as to sedition is governed by the Sedition Act 1948 which is also a colonial legacy. Sedition is so broadly defined in the Act that anything which “ when applied or used in respect of any act, speech, words, publication or other things , qualifies them as having a seditious tendency. What stood as sedition Ordinance in 1948 became Sedition Act by virtue of Article 162 of the Federal Constitution which provides that ... “the existing laws shall, until repealed by authority having power to do so under this Constitution , continue in force on and after Merdeka Day, with such modifications as may be made therein under this article and subject to any amendments made by Federal or State law. “

S.3 of the Sedition Act 1948 defines “seditious tendency “ as a tendency

- (a) To bring into hatred or contempt or to excite disaffection against any Ruler or against any Government
- (b) to excite the subjects of any Ruler or the inhabitants of any territory governed by any Government to attempt to procure in the territory of the Ruler or governed by the Government, the alteration, otherwise than by lawful means, of any matter as by law established;
- (c) to bring into hatred or contempt or to excite disaffection against the administration of justice in Malaysia or in any State;
- (d) to raise discontent or disaffection amongst the subjects of the Yang di-Pertuan Agong or of the Ruler of any State or amongst the inhabitants of Malaysia or of any State;
- (e) to promote feelings of ill-will and hostility between different races or classes of population

More importantly S. 2(3) provides that the intention of the parties at the time of commission of offence is irrelevant as long as it can be shown that the act , if done , had or would have had a seditious tendency. The above is further complemented by S.7 which provides that the burden of proof lies with the person in possession of materials having seditious tendency to show that he or she did not know the content of it.

The Malayan Parliament was dissolved on 20 March 1969 and election was scheduled on 10 May 1969. As far as the Alliance Party was concerned the 1969 general election was to be a routine affair , and there was no doubt in the mind of alliance leaders that it would win as decisively as it did in 1964 (Zainon 2007). The campaign period was charged with issues on language, citizenship and the special position of the Malays were being raised irresponsibly. The Alliance Party was defeated in Peninsular Malaysia and the victory parade by the opposition aggravated by racial taunts brought about the worst racial riot Malaysia ever witnessed and an emergency was declared and Parliament suspended. Amendments were then made to the Sedition Act during the emergency. A new proviso (f) was added to the Sedition Act 1948 by

way of proclamation by the King in 1970 which was later adopted by Parliament. (P.U (A)282/1970). The new proviso read that it would be of seditious tendency to question any matter, right, status, position, privilege, sovereignty or prerogative established or protected by the provisions of Part III of the Federal Constitution or Article 152, 153 or 181 of the Federal Constitution.

Prior to the May 13 incident elected representatives enjoyed absolute immunity for their conduct in Parliament. Art. 63 (1) of the Federal Constitution which provides that the validity of the proceedings in either House of Parliament or any committee thereof shall not be questioned in any court. Subsection (2) provides that no person shall be liable to any proceedings in any court in respect of anything said or any vote given by him when taking part in any proceedings of either House of Parliament or any committee thereof. After the racial riots the Parliament made some drastic changes as to the freedom enjoyed by the elected representatives. A new clause (4) was added to Art 63 which said that clause (2) which provides immunity for members of Parliament for anything said or done by them shall not apply to any person charged with an offence under clause (4) of Art 10 of the Constitution or with an offence under the Sedition Act 1948 as amended by the Emergency ordinance No 45, 1970."Thus this provision effectively removed immunity enjoyed by members of Parliament on any discussions which seek to question in Parliament matters protected by Articles 152, 153, or 181 of the Constitution and was illustrated in the case of *Mark Koding v. P.P. (1982)*

Sedition against free speech

In January 2000, the editor and printer of Harakah, the newspaper of the opposition Pan Islamic Malaysia party, was charged with sedition for apparently publishing an article in 1999 criticizing the manner in which the government was handling the ongoing trial of Anwar Ibrahim. (NST 2000).

Syed Azidi Syed Aziz, a blogger popularly known as Sheih Kickdefella was arrested in 2008 under S.4(1) of the Sedition Act 1948 "because of his online appeal to fly the national flag upside down as a sign of protest towards certain Federal Government policies." (The Star, 2008). In 2010, Zulkiflee Anwar Ulhaque, a cartoonist who goes by the name of Zunar, was arrested under s. 4 of the Sedition Act and his book *Cartoon o phobia* was seized on the grounds that it was seditious. He has had three other cartoon books banned by the Home Ministry apparently for portraying the political scenarios in the country in a satirical fashion. (The Star 2010).

In 2008, popular blogger Raja Petra Kamaruddin was charged with Sedition for implying in his blog that the then Deputy Prime Minister Najib Tun Razak was involved in the murder of a Mongolian lady. (The Star 2008). In 1998, Lim Guan Eng, a Member of Parliament from the DAP was imprisoned for sedition for alleging the Police force in Malaysia practiced double standards when investigating cases involving members of opposition parties.

In 2014 Opposition M.P. Karpal Singh was found guilty of Sedition for questioning the Sultan Of Perak in 2009. He allegedly said that the removal of the Mentri Besar of Perak by Sultan Azlan Shah could be questioned in a court of law. Karpal Singh was fined RM4,000 for sedition by the Kuala Lumpur High Court, thus losing his position as a member of parliament. He died in an accident while waiting for his appeal against conviction.

In August 2014 Opposition M.P. Khalid Samad was charged over remarks on the Sultan of Selangor and the Selangor Islamic Affairs Council (Mais). He asked that the Enactment on Islamic Laws Administration and the Islamic Religion Administration Enactment 2003 be reviewed. Khalid requested the government to research on amending the enactment that allowed Mais to directly control the state's religious authorities. He allegedly said that Mais' actions damaged the image of the royalty as it is closely associated to the Sultan of Selangor. He also uttered a call to return to a constitutional monarchy and not to give executive powers to the royalty that could tarnish the royal institution.

In September 2014 Academician Associate Professor Dr Azmi Sharom of University of Malaya was charged over comments made about the 2009 Perak crisis. Azmi's comments made on an online portal over the 2009 Perak crisis were deemed seditious.

Journalist Susan Loone of the online news portal Malaysiakini was arrested over "seditious" news reporting. Loone had written a news report for Malaysiakini about the arrest of 156 Penang Voluntary Patrol Unit's (PPS) members during a Merdeka procession. She had interviewed a State Executive Councillor and quoted him saying that he was interrogated by the police for four hours and was treated like a criminal and "victims of circumstances".

In March 2015 Nurul Izzah Anwar, a Member of Parliament was arrested for sedition over a speech made in Parliament criticizing the verdict of the Federal Court in the former Opposition leader Anwar Ibrahim's trial.

Although there were quite a number more of sedition arrests in 2015, the most controversial one was the arrest of five journalists from the online news portal The Malaysian Insider and The Edge newspaper for misreporting news. The portal published a report stating that the Conference of Rulers had rejected proposed amendments to the Shariah Courts (Criminal Jurisdiction) Act 1965 that would allow hudud to be enforced in Kelantan. However on 26 March, it was reported that the Keeper of the Rulers' Seal denied issuing any statement on hudud in Kelantan and had lodged a police report against the portal.

In move seen to quell dissent, the ruling government amended the Sedition Act again in April 2015 and made a minimum of 3 years of imprisonment as mandatory punishment for a conviction under this Act.

Conclusion

The press has to be independent of state censorship to fearlessly expose corruption, abuses of power and incompetence in public office. press that provides its audience with important stories, enabling their participation in democratic self-government. Thus the term 'press freedom' is a strongly resonant concept, closely tied to the notion of historic liberties and the free society they have produced.

Government control of the flow of media-provided information reaching the citizens has been shown to be detrimental for the development of an economy. A country with significant state control over the media provides additional temptation to politicians to abuse their power. Coyne and Leeson (2004) also argue that a free media can contribute to successful adoption of policies aimed at economic progress. Further, Leeson (2008) shows that economies with greater government control of the media have citizens who are politically ignorant. A free media acts as a watchdog of the government, increases citizen knowledge, and improves various development indicators.

References

- Anon. 2015. The Edge daily and weekly suspended three months over 1MDB reports . *The Malay Mail* 24 July. <http://www.themalaymailonline.com/malaysia/article/the-edge-daily-and-weekly-suspended-three-months-over-1mdb-reports#sthash.KnGOehKu.dpuf>
- Anon. 2006. Sarawak Tribune suspended with immediate effect. *The Star* 9 February. <http://www.thestar.com.my/news/nation/2006/02/09/sarawak-tribune-suspended-with-immediate-effect/>
- Anon. 2006. Guang Ming evening edition suspended for two weeks. *The Sun Daily* 15 February . <http://www.thesundaily.my/node/175055>

- Anon. 2015. The Edge publisher, TMI chief executive arrested for sedition. The Star 31 March. <http://www.thestar.com.my/news/nation/2015/03/31/tmi-executives-arrested/>
- Anon.2001. The removal of 'Eksklusif'. <https://www.malaysiakini.com/columns/6658>
- Blaustein, A.P & Flanz, V.(eds.) 2006. *Constitutions of the Countries of the World: A Series of Updated Texts, Constitutional Chronologies and Annotated Bibliographies*. Oxford University Press.
- Banisar, D. 2006. Freedom of Information around the world. <http://www.privacyinternational.org/foi/foisurvey2006.pdf> [26 March 2013]
- Blanton, T. 2002. The world's right to know. *Journal of Foreign Policy* 50(56)
- Boon,H.N. 2001. International appeal for Mahathir to lift Detik's ban [https:// www. malaysiakini. Com / news/2141](https://www.malaysiakini.com/news/2141)
- Britz, J.& Lor, P. (2010) The right to be information literate: The core foundation of the knowledge society. *Innovation* 41: 8–24
- Birkinshaw, P. J. 2010. Freedom of information and its impact in the United Kingdom *Government Information Quarterly* 27(4): 312–321.
- Cain, B. E., Fabbrini, S., & Egan, P. 2003. Towards More Open Democracies: The Expansion Of FOI Laws. In B. E. Cain, R. Dalton, & S. Scarrow (Eds.), *Democracy Transformed? Expanding Political Opportunities in Advanced Industrial Democracies* (pp. 115–140). Oxford, UK: Oxford University Press.
- Chowdhury, S. K. 2004a. The effect of democracy and press freedom on corruption: An empirical test. *Economic Letters* 85(1) 93–101.
- Chong Y. L . 2000. Detik's ban signals greater repression. 19 April. [http://www. Malaysiakini .com/ news/2101](http://www.Malaysiakini.com/news/2101) [1 June 2010]
- Clara Chooi . 2010. Home ministry won't renew Keadilan permit . *The Malaysian Insider* August 14. <http://www.themalaysianinsider.com/malaysia/article/home-ministry-wont-renew-suara-keadilan-permit/> [14 July 2012]
- Dina, M. 2014. UM law lecturer Azmi Sharom denies sedition charge. The Star September 2 .[http:// www.thestar. com.my/news/nation/2014/09/02/court-um-law-lecturer-azmi-sharom-denies-sedition-charge/](http://www.thestar.com.my/news/nation/2014/09/02/court-um-law-lecturer-azmi-sharom-denies-sedition-charge/)

- Eileen, N. 2012. Former Ops Lalang detainees happy that ISA has been repealed
<http://www.thestar.com.my/news/nation/2012/10/28/former-ops-lalang-detainees-happy-that-isa-has-been-repealed/> [10 January 2016]
- Fung, A., Graham, M., & Weil, D. 2007. Full Disclosure: The Perils and Promise of Transparency. Cambridge, MA: Cambridge University Press.
- Joseph, S. & Melissa, C. 2015. Sedition Act amendments passed, granting authorities wider powers . The Malay Mail April 10.
<http://www.themalaymailonline.com/malaysia/article/sedition-act-amendments-passed-granting-authorities-wider-powers#sthash.Ns5MYxdK.dpuf>
- Leeson, P.T., & Coyne, C.J. 2004. Read All About It! Understanding the Role of Media in Economic Development. *KYKLOS* 57(1) 21-44
- Lipinski, T. & Britz, J. 2001. Rethinking the ownership of information in the 21st century : Ethical implications. *Journal of Ethics and Information Technology* 2(1): 49–71
- Loucaides, L. 1995. *The European Convention on Human Rights: Collected Essays*. Netherlands. Martinus Nijhoff Publishers
- Maizatul, N. 2014. Karpal found guilty of sedition for questioning Perak Sultan. *The Star* 21 February. <http://www.thestar.com.my/news/nation/2014/02/21/karpal-guilty-of-sedition-perak-sultan/> [14 January 2016]
- Mendel, T. 2003. Freedom of Information: An internationally protected human right. *Comparative Media Law Journal*. 1(39)
- Mustafa. K. A . 2010. Why licensing publications is undemocratic. *The Malaysian Insider*. August 28. <http://www.themalaysianinsider.com/breakingviews/article/why-licensing-publications-is-undemocratic-mustafa-k-anuar> [30 August 2010]
- Mustafa ,K. A .2010. Why snuffing out the opposition’s voice isn’t cool. *The Malaysia Insider*. July 27 <http://www.themalaysianinsider.com/breakingviews/article/why-snuffing-out-the-oppositions-voice-isnt-cool-mustafa-kamal-anuar/>[July 27 2010]
- Qishin, T. 2014. Khalid Samad denies sedition charge. *The Star* August 2014. <http://www.thestar.com.my/news/nation/2014/08/26/court-khalid-samad-to-be-charged-with-sedition/>
- Royce, T. 2014. Online journalist arrested over PPS article. *The Star* 4 September. <http://www.thestar.com.my/news/nation/2014/09/04/journalist-arrested-over-pps-article/>

Rush, T. 1986. Journalists and the Freedom of Information Act. *Public Administration Review*. 46(6), 612–614.

Shaun, T. 2015. Nurul Izzah arrested for sedition over Parliamentary speech Malay Mail 16 March <http://www.themalaymailonline.com/malaysia/article/nurul-izzah-arrested-for-sedition-over-parliamentary-speech#sthash.I9zoKpuw.dpuf>

Weeramantry, C.G. 1995. Access To Information. A New Human Right. The Right To Know. *Asian Yearbook of International Law* . London. Kluwer Law International.

Yuen, M. 2012. Dewan Rakyat passes Printing Presses and Publications (Amendment) Bill 2012. *The Star* 20 April . <http://www.thestar.com.my/news/nation/2012/04/20/dewan-rakyat-passes-printing-presses-and-publications-amendment-bill-2012/>

Cases

Sivarasah Rasiah v. Badan Peguam Malaysia & Anor [2010]2MLJ333

Public Prosecutor v. Pung Chen Choon [1994] 1MLJ440

Mark Koding v. Public Prosecutor [1982] 2MLJ120