

Malaysia's New Fake News Bill Enables Imprisonment Of Journalists, Follows Larger Trend (Freedom of Speech Under Attack)



By Aaron Kesel | [Activist Post](#)

Malaysia has [approved](#) a law against “fake news” under the Anti-Fake News 2018 bill that would allow for a prison time of up to six years for offenders, shrugging off critics who say it was aimed at curbing dissent and free speech ahead of a general election and amid a multi-billion dollar scandal at state fund 1Malaysia Development Berhad (1MDB), *Chicago Sun Times* [reported](#).

The Malaysian government is run by Prime Minister Najib Razak's who secured majority of the vote in parliament to pass

the Anti-Fake News 2018 bill, which sets out fines of up to 500,000 ringgit (\$123,000) and a maximum of six years in jail. Of alarming note, the first draft of the bill had proposed an insane disturbing prison sentence of 10 years.

The government stated the law would not erode freedom of speech and cases under it would be handled through an independent court process.

“This law aims to protect the public from the spread of fake news while allowing freedom of speech as provided for under the constitution,” Law Minister Azalina Othman told parliament.

[Related Article: Fake News Spreads Substantially Faster Than the Truth and To Far More People](#)

The law itself defines fake news as “news, information, data, and reports which is or are wholly or partly false” and includes features, visuals, and even audio recordings.

The legislation further covers digital publications and social media and will apply to offenders who intend to maliciously spread “fake news” inside and outside Malaysia, including foreigners, if Malaysia or a Malaysian citizen were affected by the “fake news.”

Reading that above statement one has to wonder not only how Malaysia would enforce such a law in its own country but how that would carry over to enforce it in other foreign countries as well. *Yahoo News* [reports](#):

Co-opted by U.S. President Donald Trump, the term “fake news” has quickly become part of the standard repertoire of leaders in authoritarian countries to describe media reports and organizations critical of them.

The U.N. Special Rapporteur on freedom of opinion and expression, David Kaye, had earlier on Monday urged the

government not to rush the legislation through parliament.

“I urge the government to reconsider the bill and open it up to regular and genuine public scrutiny before taking any further steps,” David Kaye said in a Twitter post.

Further, one has to question if this is setting a frightening precedent?

In recent years (increasingly at a rapid rate in the last few months), we have seen a visible crackdown on freedom of speech in a number of countries seeking to silence political opinion and news including – [Egypt](#), [France](#), [Germany](#), [Indonesia](#), [Brazil](#), [Italy](#), [Singapore](#), [Philippines](#), [Russia](#), [India](#) and of course [China](#). (There still may be other countries missed at the time of this report, or further countries to add at a later time.)

Article 19, an organization formed in 1987 to defend free speech, stated in an article that “a number of countries around the world prohibit the dissemination of false information, even if it is not defamatory in nature.” It adds, however, that these laws against fake news are “rare in the more established democracies and have been ruled unconstitutional in some.”

The U.N. Human Rights Council has “reiterated that false news provisions ‘unduly limit the exercise of freedom of opinion and expression,’” notes Article 19.

The U.N. council has upheld this even in cases of news that may cause public unrest, on grounds that “in all such cases, imprisonment as punishment for the peaceful expression of an opinion constitutes a serious violation of human rights.”

Since the year 2000 in China it has been illegal to post rumors, and news deemed “fake” can lead to prison sentences.

In 2000, the China Finance Information Network was fined

\$1,807 for re-publishing a report from a Hong Kong news outlet that claimed the vice governor of Hubei Province had accepted bribes from a local company.

In Western countries, the State cannot simply fine a news outlet, and any lawsuit over a story can be defended against if the outlet can prove the article's claims are verified to be true.

In China, there is no opportunity for outlets to defend themselves.

In November 2015, the Chinese Communist Party revised its law to impose sentences of up to seven years in prison for "spreading rumors" about disasters. Human Rights Watch [stated](#) the rule could be abused.

In the past, the Chinese government has detained netizens who questioned official casualty figures or who had published alternative information about disasters ranging from [SARS](#) in 2003 to the [Tianjin chemical blast](#) in 2015, under the guise of preventing "rumors."

Meanwhile, in Russia, the Russian telecom regulator is preparing a draft decree designed [purely and simply to block all content that contains false information.](#)

As such since July 2016, content aggregators have been required to [verify the veracity of reports that they publish if they do not come from media outlets registered in Russia,](#) and could face harsh penalties or fake news. The Russian Foreign Ministry has posted a [new section on its official website](#) dedicated to debunking fake anti-Russian news stories published by international news outlets.

As far as Malaysia goes, the timing might be a little too coincidental since the U.S. and several other countries are actively investigating allegations of cross-border embezzlement and money laundering at 1MDB, which was set up

and previously led by Najib to promote economic development, but accumulated billions in debt. The U.S. Justice Department says at least \$4.5 billion was stolen from 1MDB by associates of Najib; and it is working to seize \$1.7 billion taken from the fund to buy assets in the U.S., potentially the largest asset seizure in the agency's history, *Reuters* [reported](#).

Najib denies any wrongdoing, although he has fired critics in his government and muzzled the media since the corruption scandal erupted three years ago.

"Malaysia has a long and troubling track record of using its legal books to silence dissent," James Gomez, Amnesty International's director for Southeast Asia and the Pacific, said in a statement. "It is no coincidence that this law has been tabled with general elections just around the corner. We are already seeing how the government is closing the space for public debate ahead of the polls."

Critics say the anti-fake news bill will add to a range of repressive laws in the country – including a sedition law, a press and publications act, an official secrets act and a security act – that have been used against critics of the government, which many argue violates freedom of expression and undermines journalistic freedoms.

"The so-called fight against fake news has become a propaganda tool for the predators of press freedom," Reporters Without Borders (RSF) Secretary-General Christophe Deloire. "Of course, it is more necessary than ever for Internet users to disentangle fact from fiction in the flow of information. However, the fight against fake news should be conducted by promoting free and independent journalism as a source of reliable and high-quality information."

Malaysia previously had a law which fined spreaders of fake news a lesser 50,000 ringgit (\$12,906.00) or a jail sentence of up to one year, or both. Which in February, Malaysia

Communication and Multimedia Commission (MCMC) chief operating officer Datuk Dr Mazlan Ismail [stated](#) it was insufficient to stop offenders from committing such crimes.

David Kaye, the Organization for Security and Cooperation in Europe; the Organization of American States; and the African Commission on Human and Peoples' Rights issued a [joint statement](#) on March 3rd expressing concern at the use of "fake news" for government propaganda and to curb press freedom.

The U.S. State Department also expressed concern [stating](#):

"The United States is concerned about the Bill's "potential impact on freedom of expression in Malaysia, as well as its global reach, which could impact US citizens and companies," a State Department spokesman said in a statement.

[...]

We urge the Government of Malaysia to ensure that all its laws, existing and future, fully respect freedom of expression," the State Department spokesperson said.

[Related Article: When It Comes to Fake News, the U.S. Government Is the Biggest Culprit](#)

Activist Post and many other alternative news websites were included in an [egregious list](#) that labeled the alternative media "fake news" and propaganda following the 2016 U.S. presidential election. *Activist Post* later replied satirically by admitting to being Russian propaganda in a hilarious [article](#).

Subsequently, there were [certain provisions](#) within the 2017 National Defense Authorization Act that enabled a move to criminalize 'fake news, propaganda' on the Web; it was covertly signed into law by former U.S. President Barack Obama. It's fact that *Snopes* wasn't too happy with and [disputed](#), personally attacking this reporter when I worked

at *We Are Change*, failing to realize the story came from a sitting U.S. congressman.

Last year, a House of Representatives [resolution](#) H.RES. 191 by Democrats called for “opposing fake news and alternative facts.”

In India today, the Indian Prime Minister Narendra Modi walked back a fake news punishment proposal for journalists caught distributing “fake news,” giving no reason for the change, less than 24 hours after the original announcement, *U.S. News* [reported](#).

This follows Malaysia’s approval this week of a law carrying jail terms of up to six years for spreading “fake news.”

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