

Virtual democracy in Malaysia: Putting press freedom on the front burner'

Steven Gan

Malaysia is a democracy. There is freedom of speech, but no freedom after speech. There is freedom of movement, but no freedom of assembly. There is a plethora of publications - about a dozen or so newspapers in four different languages - but no free press. Until the emergence of the Internet, the government had a complete monopoly on the distribution of information. But while this technology has enabled Malaysians finally to break through government barriers, they are still no nearer to breaking its monopoly on power. The following article explores this situation in detail.

The only advantage online journalists have over the traditional media in Malaysia is that Malaysiakini – our online publication – does not need to apply for a publication licence.¹ Indeed, we still have to deal with many other restrictive laws that keep the traditional media in check. And the number of laws which directly and indirectly impinge on press freedoms in Malaysia is not just five or 10, but 35.

For example, under the Official Secrets Act (OSA), almost all government documents can be labelled 'State Secret' and thus not be eligible for release to the public. The OSA effectively inhibits civil servants from giving information, including those not strictly categorised as secret, for fear of retribution or demotion, or worse still, out of fear of being punished with a mandatory jail sentence. In addition, there is the Internal Security Act, which allows detention without trial, and a number of journalists have been arrested under this draconian law. Its threat casts an ominous shadow on the work done by all journalists.

Yet the most intrusive of all laws, as far as journalists are concerned, is the Printing Presses and Publications Act. It provides the government with the right to suspend or revoke printing and publishing permits. And its decision is not subject to review and cannot be challenged in court. The act keeps the press on a short lease by also requiring annual applications for all printing and publishing permits. In 1987, the licences of three newspapers were revoked under this law in a sweeping crackdown on political dissent. The law also allows the government to fine or jail writers, editors, printers and publishers for spreading 'false news'. Recently, a number of anti-government publications ran foul of the law. The independent weekly *Esklusif* and pro-reform monthly magazines *Detik* and *Al-Wasilah* were banned, while the organ of the opposition Islamic Party, *Harakah*, was punished with a reduction in its frequency from eight to two issues a month.

Self-censorship

In the face of such a hostile environment, media organisations in Malaysia are not surprisingly obsessed with self-censorship. My personal experience, as part of an investigative team for The Sun, an English-language daily, offers an illustration of this. In 1995, working with two colleagues, I helped investigate the circumstances surrounding the deaths of 59 detainees, mostly Bangladeshis, in an illegal immigration detention camp. They died of beri-beri, a symptom of malnutrition and typhoid, diseases which are easily preventable. We wrote that this was a case of criminal neglect on the part of the police who ran the camp. The story was spiked hours before it went to print.

When it became known that the paper was not going to run the story, the reporting team decided to hand the information over to Tenaganita, a non-governmental organisation that supports migrant workers. It wasn't until Tenaganita exposed the deaths at a press conference – and these deaths were confirmed by the government – that the newspaper had the courage to run the story, but not without four revisions.

That was not the end of the story. The whistle-blower, Tenaganita director Irene Fernandez, was subsequently arrested for spreading 'false news' under the Printing Presses and Publications Act, a law originally used to muzzle the press. Those who wrote the story were interrogated by the police for more than three days.

All of this helps to explain why the only democratic space left in Malaysia is cyberspace. Malaysiakini went live two years ago and even today we are still very much a cowboy outfit. Despite this, we have 100,000 visitors daily, which put us in the same league as major newspapers in this country.

Reasons for success

There are three key reasons. Government policy: To promote the Multimedia Super Corridor, Malaysia's own Silicon Valley, the government has pledged not to censor the Internet. To its credit, the government has kept very much to its promise.

Rise in political consciousness: During the past few years, a growing number of Malaysians have developed a keen interest in democracy, human rights, good governance and the independence of the judiciary. Loss of credibility among the traditional media: Due to press self-censorship, readers are increasingly driven to the Internet in search of alternative sources of news.

There is also another reason: There are journalists who are willing to draw a line in the sand and tell the government: 'This far, no further'.

The profile of Malaysiakini's readership is telling. Visitors who are younger than 18 are almost negligible (0.02%). Teenagers are definitely not our market. Between 18-25, readership is 8%, so we are not reaching college students either. Half of our readers are between the ages of 26 and 40, and the majority of our readers are working professionals. But those who are 40 years or older account for 46% of our readers. These are readers who are already in top management posts, who feel that they are not getting what they want from the highly censored traditional media. Many go online specifically to visit Malaysiakini. We are indeed introducing a new generation to the Internet.

Malaysiakini also has its share of problems. Its web site is apparently a huge magnet for hackers. We've lost count of the number of times that Malaysiakini has been hacked into. I'm not going to speculate where these attacks come from, but the government last year vowed to launch 'missiles' against errant web sites. Suffice to say, protecting Malaysiakini from hackers is a major preoccupation for our small technology team.

Malaysiakini journalists do not have official press tags, which are issued by the government to all working journalists. Our application for these passes was rejected last year. Consequently, we are banned from government functions, and more recently, we were banned from reporting on Parliament. However, the ban is not strictly enforced and we continue to challenge it. And, of course, we face attacks from the government. Issues were made regarding our sources of finance. Pressures have been put on our advertising clients. And we were called 'traitors' by Prime Minister Mahathir Mohamad. We expect worse to come. There has been discussion in government's circles on amending the printing laws to require licensing for news web sites such as Malaysiakini.

Putting press freedom on the front burner

Still, the Internet has helped put press freedom on the front burner. It spurred mainstream journalists, for the first time in recent years, to call for an end to the restrictive printing law. Three years ago, they handed a petition – signed by more than 1,000 journalists – to the government expressing concern about 'accusations that local journalists are merely a part of the government's propaganda machine and not professionals performing their duties to the best of their ability.' The petition said: 'We further note that this perception, rightly or wrongly, has resulted in more and more people turning to alternative sources of information, namely, the Internet, foreign news reports as well as opposition party publications...'

To replace the printing law, the journalists proposed a press council to self-regulate the media. In response, the government acceded to the proposal to set up a press council, but not to the demand to repeal the printing law. We strongly object to this. A press council cannot operate in an environment where restrictive press laws remain and where news organisations are owned either by political parties or by government cronies.

At the prestigious Journalism Awards six years ago, the Prime Minister told the some 700 journalists who attended the gala event to behave themselves. He said Malaysians should not be unduly ashamed of laws which curtail their freedom of expression. 'Are we ashamed that there is no freedom of the press in this country?' he asked. 'Do we, forever, have to apologise to the rest of the world for our laws. Could it be, perhaps, that we are right and they are wrong?' Later that night, he presented a number of awards to journalists picked by a panel of veteran journalists for their outstanding news reports.

One of the winners was 'Shattered Dreams,' the report about the deaths of immigrants in the detention camps, a story originally considered unfit for publication. But despite the irony of the award, Malaysian journalists have yet to prove Mahathir wrong. n

Paper presented at the symposium 'Beyond Media Education', sponsored by WACC, Signis-Asia in collaboration with ACN, JESCOMEO and PAME, and held in Manila, Philippines, 20-25 September 2002.

Notes

1 <http://www.malaysiakini.com>

Steven Gan graduated in political economy in Australia in 1989. He spent four years as a freelance journalist based in Hong Kong and travelled extensively during that time. He covered the Gulf War from Baghdad in 1991. Gan returned to Malaysia in 1994 and was appointed special issues editor for the newly launched Sun newspaper. He also wrote a weekly column, 'Thursday with Steven Gan' although he frequently had to battle both the paper's internal censors and the government. In 1996, Gan was arrested during the Asia Pacific Conference on East Timor (Apcet II) when a pro-government mob sought to forcibly stop the meeting. He was adopted by Amnesty International as a prisoner of conscience. His last column was on the Apcet II fracas, which was spiked by the editor. He resigned from the paper in protest and worked as editorial writer for The Nation newspaper in Bangkok for two years. Gan is a co-founder of Malaysia's first and only independent media, Malaysiakini.com. Malaysiakini received the Free Media Pioneer 2001 award from the International Press Institute, and Gan is a recipient of the Committee to Protect Journalists' International Press Freedom Award 2000.