

Press Release by BERSIH 2.0

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The Proclamation Of The False News Ordinance Threatens Freedom Of Speech and Democracy

The Coalition for Clean and Fair Elections (Bersih 2.0) condemns the Perikatan Nasional (PN) government for declaring the highly controversial Emergency (Essential Powers) (No. 2) Ordinance 2021 on fake news without putting it through a parliamentary session for debate and approval.

Such actions are completely undemocratic, non-transparent and non-accountable, especially as the Ordinance will have a massive negative impact on the freedom of speech.

We urge the government to repeal the Emergency (Essential Powers) (No. 2) Ordinance 2021 which is supposed to curb the spread of fake news about Covid-19 and the emergency proclamation.

It is most worrying that the definition of “fake news” as set out in this Ordinance is very broad and vague. According to the Ordinance, any person who, by any means with the intent to cause fear or alarm to the public, creates, offers, publishes, prints, distributes, circulates or disseminates, offering, publishing, printing, distributing, circulating or disseminate any fake news or publication containing fake news may be subject to action. This gives vast power to the government to determine whether an action has "caused or is likely to cause fear or concern to the public."

The Ordinance also allows any statement by an accused, whether orally or in writing, to any person at any time to be admissible in evidence. We are concerned that this may encourage the accused's testimony to be made by coercion and deny him the right to a fair trial.

The punishment that will be imposed on those who violates this law is extreme, namely a fine not exceeding RM100,000 or imprisonment not exceeding 3 years, or both.

The effect of the enforcement of the Ordinance is that the views of the people will be silenced as people become increasingly afraid to give their views on any government directives, policies and actions regarding Covid-19 and emergency proclamations, even if those views are valid, for fear of being accused of portraying something that could “cause or which is likely to cause fear or alarm to the public”.

Bersih 2.0 urges the government to return to democratic process and allow parliament to reconvene immediately as the best platform for elected representatives to give views and debate any legislation proposed by the government prior to implementation, including the most effective mechanisms to address Covid-19 and methods of economic recovery. The governance and future of this country cannot be determined by a handful of political elites alone in the government cabinet.

Released by:

The Steering Committee of Bersih 2.0