THE Centre for Independent Journalism (CIJ) Malaysia welcomes the withdrawal of the case against blogger “Hassan Skodeng”, whose real name is Irwan Abdul Rahman, over a satirical post he made almost a year ago
. While CIJ is pleased that the Malaysian Communications and Multimedia Commission (MCMC) has dropped the case, it notes that there were no grounds for prosecution to begin with, which raises questions as to why the case was allowed to come this far.

The Attorney-General’s Chambers prosecution of Irwan for his 25 March 2010 satirical post "TNB to Sue WWF over Earth Hour" on electric utility giant Tenaga Nasional Berhad was a waste of public funds since there is clear provision in MCMC’s Content Code for the use of satire in online content. As for the MCMC, in recommending this case for prosecution and withdrawing it only now, it appears to be sending a disturbing message to other bloggers that satire would not necessarily be tolerated, in direct contradiction of their own code.

CIJ also takes exception to section 233(3)(1)(a) of the Communications and Multimedia Act, under which Irwan was charged. The section makes it an offence to knowingly create and

transmit any content that is “obscene, indecent, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass another person”. CIJ is of the view that this section is overly broad and can be open to government misuse to threaten or harass online users.

Since offences under Section 233 of the Act are punishable with a maximum fine of RM50,000 or a year in jail, or both, the whole process from the initial investigation to the court appearances was likely to have caused Irwan undue stress in addition to disrupting his normal schedule.

Irwan, the executive editor of “The Malay Mail” lifestyle and entertainment section who blogs under the nom de plume “Hassan Skodeng” at nose4news.wordpress.com , was also forced to reveal his real identity in order to cooperate with the authorities when he realised that despite clear disclaimers on his blog, his post was being taken seriously by TNB and the MCMC.

Although all seems to have ended relatively well for Irwan, there appears little respect still in general for freedom of expression, a right guaranteed in the Federal Constitution.

CIJ calls on the federal government to cease initiating needless prosecutions such as this one and to respect the people's right to freedom of expression.

For further information please contact CIJ Executive Officer Masjaliza Hamzah, Tel: 03 40230772, Fax: 03 40230769

The Centre for Independent Journalism, Malaysia (CIJ) is a non-profit organisation that aspires for a society that is democratic, just and free where all people will enjoy free media and the freedom to express, seek, and impart information.