

Forum on

Use of Social Media to Express Opinions on the Government and Public Institutions: When Is This a Criminal Offence?

14 Dec 2017 (Thursday) | 6:00 pm to 8:00 pm

Raja Aziz Addruse Auditorium
Straits Trading Building, Unit 2-02A
2nd Floor, 2 Leboh Pasar Besar
50050 Kuala Lumpur



Admission is free but advance registration is required

CPD Code: T3/14122017/BC/BC172799/1

Registration will begin at 5:00 pm

The Bar Council Constitutional Law Committee and the National Young Lawyers and Pupils Committee are organising a forum to discuss the constitutional and social issues arising out of the recent spate of criminal charges brought against individuals and websites that publish posts that are critical of the authorities.

In 2016, Fahmi Reza pleaded not guilty to a charge under section 233(1) of the Communications and Multimedia Act 1998 ("CMA") for "improper use of network facilities or network service" relating to his posting on Facebook of a caricature of the Prime Minister. Fahmi Reza has since challenged the constitutionality of section 233(1) of the CMA for, *inter alia*, infringing the freedom of expression, and the matter is pending at the Federal Court.

Further, KiniTV and its director, Steven Gan, have claimed trial at the Sessions Court for airing allegedly offensive remarks against the Attorney General of Malaysia, Tan Sri Dato' Sri Haji Mohamed Apandi Haji Ali, on KiniTV's website. Malaysiakini's CEO, Premesh Chandran, also pleaded not guilty to a similar offence.

Throughout 2016 and 2017, there have been many investigations and charges brought against ordinary social media users for comments deemed to be insulting of the Malaysian royalty, and the Government's handling of the 1Malaysia Development Berhad ("1MDB") scandal.

There are primarily two sections in law that we need to consider, ie section 233(1) of the CMA and section 505(b) of the Penal Code. Both have been criticised for being drafted too broadly, which make them susceptible to abuse by the authorities.

The objectives of the forum are:

- (1) to provide a platform to critically analyse the constitutionality, viability, and necessity of section 233(1) of the CMA and section 505(b) of the Penal Code;

- (2) to discuss whether the recent trend of criminal investigations and charges brought by the authorities have affected the freedom of expression and the state of democracy in Malaysia, with a particular emphasis on the role of social media in Malaysia; and
- (3) to discuss whether there are instances that justify the use of such laws, with reference to other jurisdictions.

List of panellists:

- (1) Jahabar Sadiq, *Editor-in-Chief, The Malaysian Insight*;
- (2) Gayathry S Venkiteswaran, *Assistant Professor, Faculty of Arts, University of Nottingham, Malaysia*; and
- (3) Nizam Bashir, *Partner, Messrs Nizam Bashir & Associates*

Moderator:

Surendra Ananth

Co-Chairperson, Bar Council Constitutional Law Committee

Programme

- 5:00 pm Registration
- 6:00 pm Welcoming Address
- 6:10 pm Panel Discussion
- 7:25 pm Question-and-Answer Session
- 7:50 pm Closing Remarks by Moderator
- 8:00 pm End



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I would like to register for the event (all fields must be completed):

Name: _____

(Tick where applicable)

☐ Member of the Bar (Membership No): _____

☐ Pupil in Chambers (Petition No): _____

☐ Non-Member (NRIC No): _____

Email: _____

Name of Firm / Organisation: _____

Address: _____

Tel: _____ Fax: _____

Signature: _____ Date: _____

The personal information that you provide to the Bar Council, whether now or in the future, may be used, recorded, stored, disclosed or otherwise processed by or on behalf of the Bar Council for the purposes of facilitation and organisation of this event, research and audit, maintenance of a participant database for the promotion of this event, and such ancillary services as may be relevant.

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Registration will begin at 5:00 pm

Seats will be allocated on a first come, first served basis.

Cancellations must be made in writing. To register, kindly complete and submit the registration form by **12 Dec 2017 (Tuesday)**. The organiser reserves the right to modify, cancel or postpone the event, should circumstances arise that make such action necessary, whereupon all registration fees paid will be refunded.

Points for the Continuing Professional Development ("CPD") Scheme will not be awarded to Members of the Bar and pupils in chambers who arrive more than 15 minutes late, are not present throughout the event, or leave before its scheduled end.

- (1) No recording of the event is permitted via any means at any time.
- (2) No part of the event content may be used / reproduced in any form without the written and explicit consent of the Bar Council and speaker(s).

Please direct all correspondence (including completed registration forms) and enquiries to:

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