

24 March 2024

We Stand In Solidarity With Clare Rewcastle-Brown, Condemn Unjust Criminal Defamation Conviction

We, the undersigned organisations and individuals, unequivocally condemn the recent decision by the Malaysian authorities to sentence British journalist Clare Rewcastle Brown to two years in prison after a trial in absentia. This egregious act of judicial overreach poses a grave threat to investigative journalism and media freedom in Malaysia by preserving the culture of fear for journalists and preventing these agents of democracy who serve to inform the public from carrying out their duties.

Clare Rewcastle Brown, renowned for her investigative work exposing the 1MDB scandal, has been unjustly targeted despite her fearless pursuit of truth and accountability. The decision to convict her of criminal defamation over her book, "The Sarawak Report—The Inside Story of the 1MDB Expose," is abhorrent as the trial in absentia goes against basic principles of access to justice. Further, a trial in absentia is an imposition on natural justice - the right against bias and the right to a fair hearing - which is especially true as it was a one day trial. Brown was neither notified in advance nor given the opportunity to defend herself, thus reinforcing a clear violation of her fundamental right to equality before the law and her right to equal protection of the law as enshrined in Article 8(1) of the Federal Constitution. Given that Brown had corrected the error relating to this charge and had apologised for this, this also further adds to the lack of necessity, lack of expediency and disproportionality of this conviction, entirely contrary to international human rights standards.

Additionally, more broadly for media freedom in Malaysia, this sentencing by the Kuala Terengganu Magistrates' Court under Section 500 of the Penal Code for defamation sends a chilling message to journalists and media organisations worldwide. It continues to set a dangerous precedent where journalists risk imprisonment for fulfilling their duty to inform the public and hold those in power accountable. Criminalising defamation is another tool in the government's arsenal to suppress the media by silencing critical voices and deterring journalists from uncovering corruption within Malaysia, further entrenching the culture of fear in Malaysia for journalists. This would allow unlawful and unscrupulous behaviour to flourish in Malaysia causing a great deal of detriment to the public.

When journalists like Brown strive to place the public interest at the centre of the media landscape, the public needs to come together to defend media freedom in Malaysia, which ranks 73rd in the RSF Press Freedom Index 2023. Media needs to be preserved as the 4th pillar of democracy and those governing it need to be free from political and business expediency. It is only by doing this, can we eliminate

corruption in Malaysia and truly achieve a democratic society. While it is important to operate ethically, journalists need to be provided the opportunity to seek information and inform the public in a timely manner as it pertains to them.

As such, we demand the following:

- 1) We call for Clare Rewcastle Brown's sentence of two years in prison for criminal defamation to be overturned. This decision is unjust and follows a trial that did not respect the principles of a fair trial and access to justice.
- 2) We call for a complete reform of the archaic and repressive laws that undermine media freedom in Malaysia, including placing an immediate moratorium on the use of repressive laws like Section 500 of the Penal Code as well as several other laws like the Printing Presses and Publications Act (PPPA) 1984, the Official Secrets Act (OSA) 1972, the Sedition Act 1948 and Section 233 of the Communications and Multimedia Act (CMA) 1998. Proceeding this, there should be an urgent review to either amend or repeal said laws.
- 3) We demand the adoption of international human rights standards when it comes to freedom of expression and media freedom, including the Universal Declaration of Human Rights and other ethical standards of journalisms. This then provides the standards and established grounds for limitations and exceptions to freedom of opinion and expression, which are primarily the need to demonstrate legitimate aim, necessity and proportionality when restrictions are placed on media freedom. It would also provide a better framework of non-reprisal for journalists so they may continue to inform the public without fear while allowing them to operate ethically.
- 4) To further bolster an ethical media landscape that adheres to democratic principles, we call for the immediate establishment of the Malaysian Media Council (MMC). This would bolster a system of non-reprisal as the MMC would set the standards and provide an independent resolution mechanism while allowing journalists to operate freely and without self-censorship within the media environment in Malaysia. The MMC should be an independent, multistakeholder institution free from government interference so that they may be the arbiters of media standards in Malaysia without political or business expediency as well as be representative of all practitioners in the media industry.

We stand in solidarity with Clare Rewcastle Brown and we urge Malaysian authorities to uphold the principles of press freedom and the rule of law by following through on our demands. As a united front we reiterate our support for journalists like Clare Rewcastle Brown, who courageously shine a light on corruption and injustice.

Endorsed by:

Organisations

1. Centre for Independent Journalism (CIJ)
2. Engage
3. Aliran
4. ARUS Academy
5. Fourth Alliance
6. Free Media
7. Gerakan Belia Sepunjabi
8. Gerakan Media Merdeka (GERAMM)
9. KLSCAH Youth
10. KRYSS Network
11. MUDA
12. MUDA Sarawak
13. NGOhub
14. North South Initiative
15. Persatuan Pertanian dan Penternakan Lundu Sematan
16. Reporters Without Borders (RSF)
17. SADIA MUKAH
18. Sarawak Dayak Iban Association

Journalists and other individuals

1. Abbie Nyim
2. Abdullah 'Ulwan bin Ammar
3. Aidila Razak
4. Amierul Azim
5. Asyraf Abdul Samad
6. Aza Jemima
7. Azmi Kugadasan
8. Bryan Yong
9. Chan Chu Rou
10. Chang Teck Peng
11. Francis Kok
12. Hadi Rahim
13. Haridas Nair
14. Ilaiya Barathi Panneerselvam
15. Jaylee Teng
16. Jimmy Teo
17. Joe Fernandez

18. Joel Jeshurun
19. Kaizerine Dela Cruz
20. Kamini Senthilathiban
21. Kelvin Lee
22. Kuhan Manokaran
23. Lauralyn (Laura)
24. Law Yao Hua
25. Lee Kwai Han
26. Lyndon D'Oliveiro
27. Malcolm Wong Jun Xiang
28. Nicholas Mubah
29. Nungang Ayie
30. Ooi Jean Yang
31. Richard J Brumpton
32. Ricky Chua
33. Samantha Chow
34. Subateeswarran Looganaden
35. Sures Raj
36. Surindar Kaur
37. Syed Jaymal Zahiid
38. Topaz Lim Jing Tai
39. UD Rajaratnam
40. Wong Shiang Ngoh
41. Wong Yu Han
42. Yasmin Pasha
43. Yuenmei Wong
44. Zinc Chew

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