

MCMC promises fair probes, but doubts persist

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PETALING JAYA: Malaysian Communications and Multimedia Commission chief regulatory officer Zulkarnain Mohd Yasin said the Emergency Ordinance has enough “built-in control mechanisms”, such as confirming officers from various authorities and allowance for judicial reviews, which would guard it from being abused.

“I believe the ordinance is robust enough with sufficient protection at the very beginning, with confirming officers from the right authority to state that it is a case of spreading fake news (with ill intentions).

“Furthermore, there is also a

pathway for the person affected to lodge a police report under this ordinance or take a court order as a form of defence – there are various processes prior to issuing notices,” said Zulkarnain.

He said MCMC’s key competency under this Ordinance is in looking for forensic evidence to prove that there is indeed a case.

“We have always conducted our investigations professionally and our forensic teams are technically competent,” he added.

Zulkarnain also said that electronic devices are only confiscated as part of the investigations in compliance with the law, as only then can they determine which device was used to spread the fake news.

Prof Azmil Tayeb of Universiti Sains Malaysia’s School of Social Sciences said it is always worrying when authorities introduce laws that are arbitrary enough to shut down criticism, even when they confine it to the issues of Covid-19 and the state of emergency.

“Where does one draw the line between legitimate criticism and spreading fake news, if it does not incite hate or violence?

“Is it just about the virus itself or matters concerning public health?

“What about criticising and questioning of public figures when it comes to public policies concerning the pandemic – for example, the issue of jumping the queue for vaccination?

“Public figures who are making public policies should be able to withstand public criticism,” he said.

Prof Azmil said there are enough laws to deal with fake news, which led to the repeal of the Anti-Fake News Act last year.

“The drastic punishment is too much and if it is to inculcate fear, this is very disturbing,” he said.

Activist group Lawyers for Liberty said that the lack of a clear definition as to what is “fake news” could lead to inconsistent enforcement by authorities and parties with vested interests.

LFL coordinator Zaid Malek said such a law would have an adverse impact on the country’s democracy.

“It is difficult to grasp what public

interest is served by stifling discussion on Covid-19 or the emergency proclamation.

“This ordinance does not define the term ‘emergency proclamation’ and its vagueness will almost definitely lead to inconsistency in its application,” he said in a statement.

“This Ordinance also attempts to disregard due process by allowing derogations from the application of the Evidence Act 1950,” said Zaid.

“Considering the enormity of the fines and imprisonment stipulated, these derogations are unjustified and contradict sacrosanct principles of a fair and impartial trial and may lead to unjust convictions.

“We urge the government to repeal this ordinance immediately.”