



Inter-Parliamentary Union
For democracy. For everyone.

Malaysia

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



Malaysian opposition veteran Karpal Singh (centre) speaks to the media outside a court room in Kuala Lumpur on 17 March 2008. AFP PHOTO/Saeed KHAN

MYS-20 – Karpal Singh

Alleged human rights violations

- ✓ Violation of freedom of opinion and expression

A. Summary of the case

In March 2009, Mr. Karpal Singh, Chairperson of the Democratic Action Party (DAP), was charged under the Sedition Act (1948) for allegedly having uttered seditious words against the Sultan of Perak on 6 February 2009.

On 11 June 2010, the High Court dismissed the charge against Mr. Singh, having determined that the prosecution had failed to prove a *prima facie* case. On 20 January 2012, the Court of Appeal reversed this decision and ordered Mr. Singh to enter his defence. On 21 February 2014, the High Court found Mr. Singh guilty of the charge and on 11 March 2014 sentenced him to payment of a fine of RM 4,000.

On 17 April 2014, Mr. Singh died in an ordinary car accident. His law firm filed an appeal to set aside the conviction.

On 30 May 2016, the Court of Appeal upheld the sedition conviction, but reduced the fine from RM 4,000 to RM 1,800.

On 29 March 2019, the Federal Court acquitted the late Mr. Singh of his sedition conviction and set aside his sentence of a fine of RM 1,800 after finding serious misdirection by the trial judge and Court of Appeal's majority judgment in not considering Mr. Singh's defence.

Case MYS-20

Malaysia: Parliament affiliated to the IPU

Victim: Opposition member of parliament

Qualified complainant(s): Section I.(1)(a) of the [Committee Procedure](#) (Annex I)

Submission of complaint: April 2009

Recent IPU decision: [March 2014](#)

IPU Mission: [June-July 2015](#)

Recent Committee hearing: Hearing with the Malaysian delegation at the 139th IPU Assembly (October 2019)

Recent follow-up:

- Communication from the authorities: Letter from the International Relations and Protocol Division of Parliament (February 2021)
- Communication from the complainant: January 2018
- Communication addressed to the authorities: Letter addressed to the Speaker of the House of Representatives (December 2020)
- Communication addressed to the complainant: January 2021

The legal basis for Mr. Singh's original prosecutions, the Sedition Act, dates from colonial times (1948) and originally sought to suppress dissent against the British rulers. It had seldom been used in the past and had never been invoked between 1948 and Malaysia's independence in 1957. Only a handful of cases had been pursued between 1957 and 2012. Since then, however, hundreds of cases have been initiated under the Sedition Act. The Sedition Act was amended in April 2015, as a result of which the scope of the Act had been limited in some areas but extended in others.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the Malaysian parliamentary authorities for their cooperation and the information provided;
2. *Is pleased* that justice has finally prevailed in this case and that Mr. Karpal Singh's name has been cleared as a result; *reaffirms*, in this regard, its long-standing conviction that he was originally convicted on the basis of remarks that seem to fall squarely within the exercise of the right to freedom of expression;
3. *Reaffirms its views*, in this regard, that the provisions of the Sedition Act as amended remain excessively vague and broad, thus leaving the door open to abuse and setting a very low threshold for the type of criticism, remarks and acts that are criminalized, and which includes a mandatory minimum three-year prison sentence for sedition;
4. *Sincerely hopes*, therefore, that the authorities will undertake another review of the amended Sedition Act and that this will result in legislation that is fully compliant with international human rights standards; *wishes* to be kept informed of any steps taken in this regard; and *reiterates* that the IPU stands ready to make its extensive expertise in the area of freedom of expression available to the Parliament of Malaysia;
5. *Decides* to close the case of Mr. Karpal Singh in accordance with section IX, paragraph 25(a), of its Procedure for the examination and treatment of complaints;
6. *Requests* the Secretary General to convey this decision to the relevant authorities, including the offer of IPU assistance, and to the complainants.