



**HELP Model United Nations Conference 2021**  
**Dewan Rakyat (DR)**



## **Part I: Chair Introductions**

Tuan Yang di-Pertua: Alexis Micah Voon

Hello delegates! I'm Lexi, and I will be your Tuan Yang di-Pertua for HELPMUNC 2021's Dewan Rakyat council!

As a bit of background, I have been active in the Malaysian MUN scene since April 2019, with my primary passion being the specialised Dewan Rakyat (DR) councils. Presently I have had the honour of delegating in 7 official Dewan Rakyat councils.

This will be my first official chairing role in a major MUN conference, previously having crisis directed in a small capacity in MalayaMUN '20, as well as the organiser and crisis director of MYMerdekaMUN '21's Historical Dewan Rakyat Crisis, which addressed the issue of the Malaysia Agreement. Unofficially I have organised and directed 4 DR crises as well as organised and chaired a US Senate council as the Night Council Director of ROP Practice, a Discord server which aims to provide an entertaining and casual environment for members of the MUN scene.

I sincerely hope that all delegates will enjoy this council, and continue returning to DRs as their go-to council! DR councils are an awesome way to learn more about Malaysian politics and issues in a fun and engaging way, and I hope you can enjoy this council as I have loved and stressed through them, preferably with less of the latter... xD

Timbalan Yang di-Pertua: Danny Villenguez Mohd. Amani

Sup peeps, my name's Danny. I'm a first semester student at Sunway College taking CIMP. This council will be my 2nd time co-chairing a Dewan Rakyat council and also my 2nd time co-Chairing as a whole. My achievements aren't as cool as Lexi's, but I swear I'm a cool dude. Hope y'all have fun for this council!!

## **Part II: Introduction to Council**

The specialised Dewan Rakyat council is modelled after the Dewan Rakyat, the lower house of the Malaysian Parliament. The Dewan Rakyat consists of 222 Members of Parliament (MPs) across all 13 states and 3 Federal Territories in our Federation. For the purposes of this council, that number has been reduced to 25, evenly distributed among the various coalitions and parties of Malaysia according to their actual compositions in Parliament.

The Dewan Rakyat utilises a specialised version of the Harvard Model United Nations Rules of Procedure (HMUN ROP), tweaked to more closely resemble the Standing Orders of the Dewan Rakyat. HELPMUNC's version of the Dewan Rakyat ROP will be given to delegates during the ROP briefing.



### **Part III: Position Paper guidelines**

No Position Papers (PPs) are required for this council. Delegates are simply required to send notes to the Dais via any platform, as evidence that research was done for the council.

### **Part IV: Introduction to the Agenda**

#### **Reviewing the Sedition Act 1948 (Revised 1969)**

##### Overview

The Sedition Act (*Bahasa Melayu: Akta Hasutan*) 1948 was enacted by the colonial British government of Malaya, coinciding with the establishment of the Federation of Malaya the same year. The legislation, initially meant to curb opposition against British rule, has remained in effect since.

The Act has been strengthened through several amendment bills throughout the past six decades, most recently in 2015 by the administration of Mohd. Najib Abdul Razak.

The Act consists of 11 sections, which are listed below:

1. Short title
2. Interpretation
3. Seditious tendency
4. Offences
5. Legal proceedings
6. Evidence
7. Innocent receiver of seditious publication
8. Issue of search warrant
9. Suspension of newspaper containing seditious matter
10. Power of court to prohibit circulation of seditious publications
11. Arrest without warrant

##### *Seditious tendency*

Seditious tendency, as defined by Section 3(1), is defined as a tendency to encourage hatred or contempt or incite dissatisfaction against any ruler (Section 3(1)(a)); to raise discontent or dissatisfaction amongst the subjects of the Yang di-Pertuan Agong (Section 3(1)(d)); to promote feelings of ill will and hostility between different races or classes in Malaysia (Section 3(1)(e)); or to question any right, matter, status, position, privilege, sovereignty or prerogative established or protected by Sections 152, 153 or 181 of the Federal Constitution, which enshrines the special position of the Malay race and the Malay language (Section 3(1)(f)).

Section 3(2) of the Act protects freedom of speech to show that a ruler has been misled or mistaken in any of their measures; or to point out errors or defects in any Government or constitution, except in respect of any matter, right, status, position, privilege, sovereignty or prerogative referred to in Section 3(1)(f).



### *Offences and legal proceedings*

Under Section 4(1) of the Act, any person who does, attempts, make preparations, or conspires with anyone to do any act which if done would have a seditious tendency (Section 4(1)(a)); utters any seditious words (Section 4(1)(b)); prints, publishes or causes to be published (Section 4(1)(c)); sells, offers for sale, distributes or reproduces any seditious publication (Section 4(1)(d)), or imports any seditious publication (Section 4(1)(e)) shall be guilty of an offence and shall, on conviction, be liable to imprisonment of not less than 3 years but not exceeding 7 years; and any seditious publication found in the possession of the person or used in evidence at his trial shall be forfeited and may be destroyed or otherwise disposed of as the court directs.

Section 4(2) of the Act states that any person who without lawful excuse has in their possession any seditious publication shall be liable for a first offence with a fine not exceeding RM2,000 and to imprisonment for a term not exceeding 18 months, and for subsequent offences, to imprisonment for a term not exceeding 3 years, and the publication shall be forfeited and may be destroyed or disposed of as the court directs.

Under Section 5 of the Act, no person shall be prosecuted for an offence under Section 4 without the written consent of the Public Prosecutor. With written consent, the Public Prosecutor may designate any court within Malaysia to be the court of trial.

With the latest amendment to the Sedition Act in 2015, Section 5(a) allows the Public Prosecutor to deny bail to the person charged. Section 5(b) empowers the court to force defendants to surrender all travel documents, and deny departure from the country.

### *Evidence, investigations and search warrants*

Section 6 of the Act, revised after the 2015 amendment, no person shall be convicted under Section 4(1)(a) if the person proves that the publication of which they are charged was printed, published, distributed, etc. without their authority, consent, or knowledge. The amendment also added a Section 6(a), which exempts courts from allowing a guilty plea to be given to defendants as per Section 173(a) of the Criminal Procedure Code, as well as exempting the enforcement of the Act to comply with the code regarding youthful and first-time offenders as outlined in Sections 293 and 294 of the Criminal Procedure Code.

Section 7 dictates the protocol for innocent receivers of seditious publications. Such persons are required to deliver the publication to the officer in charge of a police district, or in the case of East Malaysia, to an administrative officer or the officer in charge of a police station. Persons who do so shall not be liable to be convicted for having such publications in their possession.

Under the Act, a Magistrate is allowed to issue a warrant empowering any police officer not below the rank of Inspector to enter upon any premises where seditious publications are known or reasonably suspected to be and search therein for seditious publications (Section 8(1)). Exceptions can be made however, that if any police officer not below the rank of Assistant Superintendent has reasonable suspicions for searching an area for seditious publications, may be empowered to do so in the same matter as if they had a warrant (Section 8(2)).



### *Suspension of and prohibiting of seditious publications*

If any person is convicted of publishing in any newspaper any matter with a seditious tendency, the court may, if it deems fit, prohibit the future publication of the newspaper for a period not exceeding one year (Section 9(1)(a)); prohibit persons involved in the publication to contribute to any future publication (Section 9(1)(b)); and for a set period have conditions placed on the use of the printing press involved, the violation of which shall make said press liable to be seized by police for a period aforesaid (Section 9(1)(c)). Persons who contravene an order shall be liable to a fine not exceeding RM5,000, imprisonment for a term not exceeding 3 years or both (Section 9(2)).

Should a Sessions Court Judge deems that the circulation of a seditious publication may cause bodily harm, injury, feelings of hatred, hostility or hatred, the Sessions Court Judge shall make an order, known as a *prohibition order*, prohibiting the circulation of the publication, henceforth known as a *prohibited publication* (Section 10(1)). Section 10 proceeds to go further in-depth on the logistics and enforcement of prohibition orders.

### *Arrest without warrant*

Any police officer not below the rank of Inspector has the authority to arrest without warrant any person found committing, or is reasonably suspected for committing, having committed, attempting to commit or attempting to procure or abet another to commit a seditious offence. This also applies for persons suspected of having prohibited publications in their possession (Section 11).

### Past actions and controversy

The Sedition Act has come under controversy over its use in the past 20 years, with the Act used liberally to quell publications and statements that are seen as inflammatory, or posing a threat to national security in the eyes of the incumbent administration.

### *Notable uses of the Act*

The late Karpal Singh Ram Singh, who acted as former Deputy Prime Minister Anwar Ibrahim's lead counsel in a corruption case, was charged with Sedition in 2000 after claiming Mr. Ibrahim had been "poisoned by people in high places". The case saw the only ever charge of sedition brought against a lawyer for statements made in court in defence of a client. The charges were later dropped in 2002.

The Act was invoked by then Deputy Prime Minister Abdullah Ahmad Badawi and the Mahathir Administration in 2003, who stated that the incumbent Barisan Nasional government would charge those who opposed its education to teach science and mathematics subjects in English with sedition. The same year saw the online publication Malaysiakini have their publishing license temporarily removed, after it published a letter criticising Articles in the Federal Constitution that guarantees special privileges for the Malay race, and compared the United Malays National Organisation (UMNO) Youth Wing to the Klu Klux Klan, a white supremacist organisation based in the United States.

The Democratic Action Party (DAP), a strong proponent against the Sedition Act, filed a report against UMNO in 2006, after the UMNO General Assembly that year. The General



Assembly was alleged to have made instigative and inflammatory statements, such as a delegate saying that “UMNO is prepared to bathe in blood to defend race and religion”.

In 2014, more than a dozen people were arrested and charged under the Sedition Act for allegedly making seditious remarks. Many of the arrested included opposition lawmakers and politicians, including 5 Members of the Dewan Rakyat and 2 State Assemblymen. Notable figures include Seputeh MP Teresa Kok Suh Sim, who made a Chinese New Year video which allegedly alluded to a domestic terrorist incursion and propagated the idea that Malaysia was a dangerous nation; Padang Serai MP N. Surendran, then Opposition Leader Anwar Ibrahim’s legal counsel, who criticised the guilty verdict made by the courts and claimed that it was a government ploy to unlawfully incarcerate the Opposition Leader; Shah Alam MP Hj. Khalid Abdul Samad, who questioned the authority of the Selangor Islamic Religious Department (*Jabatan Agama Islam Selangor, JAIS*); Seri Delima State Assemblyman RSN Rayer, who made an offensive remark against UMNO; and Pandan MP and PKR Vice-President Mohd. Rafizi Ramli, who alleged that UMNO actively intended to instigate religious strife in the nation.

#### Courses of action

The Sedition Act has seen fire from opposition parties and human rights organisations, claiming it as an attack against the Federal Constitution’s guarantee of freedom of speech and expression, as outlined in Article 10. The Act enjoys special exemption from Article 10, the Sedition Act would be unconstitutional if not for the exemption of free speech rights in the event of said speech causing harm or conflict among the Malaysian populace.

Proponents of the Act maintain that it is necessary to maintain law and order in Malaysia, in an effort to prevent racial or religious provocation, which led to the deadly May 13 Incident in 1969. The late former Minister of Information Zainuddin Maidin, then of the Barisan Nasional coalition government, maintains that the Sedition Act’s use by both sides of the aisle indicated that the Act is still relevant in Malaysian society.

Former Deputy Prime Minister and Home Affairs Minister Dr. Ahmad Zahid Hamidi concurs, stating that the Act is not meant to suppress freedom of speech, but to prevent people from making statements that “destabilise the country”, further emphasising that the “unity of the country remains our topmost priority”.