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Chief Justice Tengku Maimun Tuan Mat  
Palace of Justice, Putrajaya  
Malaysia

7<sup>th</sup> July 2020

Dear Honourable Chief Justice,

We are writing on behalf of the World Association of News Publishers (WAN-IFRA) and the World Editors Forum, which represent 18,000 publications, 15,000 online sites and over 3,000 companies in more than 120 countries, to raise serious concerns over contempt of court hearings set to take place on 13<sup>th</sup> July against online news portal Malaysiakini and its editor-in-chief, Steven Gan.

The hearings were announced following the rejection by a panel of Federal Court judges of an application to set aside a case against Malaysiakini and Mr. Gan that centred on user comments posted on the media organisation's website. The comments appeared underneath an article detailing the reopening of the country's judicial system.

In presenting the case, the attorney-general's office claimed the comments had "scandalised" the judiciary, with federal counsel characterising them as "very personal, scurrilous, [and] an unwarranted attack."

Malaysiakini insists that the controversial comments were removed within minutes of the police alerting the company to their existence. However, the panel of judges found that in his initial complaint, Attorney-General Idrus Harun had established a *prima facie* case to initiate the contempt proceedings, ruling that Malaysiakini had facilitated the publication of the comments and therefore was presumed in law to have published them.

Moderating comment threads is a significant challenge for news organisations as they seek to strike a balance between providing a place for free expression and robust debate while ensuring a civil and constructive dialogue. There is no proof that Malaysiakini or its editor-in-chief, Steven Gan, knowingly published the offending comments.

We echo the statement made by the Centre for Independent Journalism (CIJ) that by attempting to punish a news portal over comments left by their readers - comments which were removed when requested by the police - is grossly disproportionate to any legitimate aim of protecting public order.



We respectfully remind you that freedom of speech is protected under Article 19 of both the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights, which states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Any limitation or restriction to these essential freedoms must be clearly defined and narrowly prescribed in law.

We believe freedom of the press and freedom of expression online is greatly threatened by the decision to proceed with these contempt hearings, and risks creating a chilling effect for online publishers and internet users. We call on the Malaysian authorities to cease efforts to threaten media freedom and intimidate independent outlets and urge you to dismiss the case against Malaysiakini and its editor-in-chief, Steven Gan at the earliest opportunity.

We look forward to a response at your earliest convenience.

Most respectfully,

A handwritten signature in black ink, appearing to read "F. De Yarza", with a horizontal line above the first name.

**Fernando De Yarza Lopez-Madrado**  
President, WAN-IFRA

A handwritten signature in black ink, appearing to read "Warren Fernandez", with a long horizontal line extending from the end of the name.

**Warren Fernandez**  
President, World Editors Forum

Via email: [faridahmsalleh@kehakiman.gov.my](mailto:faridahmsalleh@kehakiman.gov.my); [normastura@kehakiman.gov.my](mailto:normastura@kehakiman.gov.my); [ruhizat@kehakiman.gov.my](mailto:ruhizat@kehakiman.gov.my); [saif@kehakiman.gov.my](mailto:saif@kehakiman.gov.my)