

# Malaysia

	2014	2015		
<b>Internet Freedom Status</b>	Partly Free	Partly Free	Population:	30.1 million
Obstacles to Access (0-25)	8	8	Internet Penetration 2014:	68 percent
Limits on Content (0-35)	14	14	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	20	21	Political/Social Content Blocked:	Yes
<b>TOTAL* (0-100)</b>	<b>42</b>	<b>43</b>	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2015 Status:	Not Free

\* 0=most free, 100=least free

## Key Developments: June 2014 – May 2015

- Dozens of people, including politicians, activists, journalists, and a cartoonist, were questioned or arrested under the Sedition Act, which the government pledged to abolish in 2013 (see **Prosecutions and Detentions for Online Activities**).
- An April 2015 amendment to the Sedition Act allows the government to block electronic content considered seditious. The maximum jail term increased from three to seven years (see **Legal Environment**).
- Prime Minister Najib Razak sued popular online news portal *Malaysiakini* for defamation in 2014, and three other news websites in 2015 (see **Prosecutions and Detentions for Online Activities**).

## Introduction

Malaysia saw positive growth in internet usage in 2014 and 2015, with the Barisan Nasional coalition government pushing forward numerous policies to enable its citizens to become more IT savvy, including cheaper community internet access and affordable mobile phones for rural users. For Malaysians in urban areas, the internet has become a part of life.

This investment has fueled popular political participation and a challenge to the government's decades-long rule.<sup>1</sup> The internet has become the main tool to enforce checks and balances on government officials, who responded by adapting harsh traditional media laws to curtail criticism online. There were fewer of these measures in the run-up to the 2013 general elections, although critical websites faced cyberattacks and censorship. These abated during the coverage period, though the government has yet to investigate them.

After the opposition eroded the coalition's parliamentary majority, however, covert cyberattacks appear to have evolved into a legal crackdown on the government's political opponents. Police arrested bloggers and Facebook users for making sensitive comments online in 2014. Politicians, activists, journalists and academics were also questioned and charged. Worse, the government reneged on its 2013 promise to abolish the draconian Sedition Act and implemented it against dozens of opponents, even strengthening it to allow for official censorship of seditious content. The law was used to arrest dozens of internet users during this review period. In June 2014, Prime Minister Najib Razak filed defamation charges against the popular news portal *Malaysiakini*. He continued the trend in the first five months of 2015 by suing three other news portals.

Outside the coverage period, in July 2015, the government blocked access to the news portal *Sarawak Report* for reporting on "unverified contents which could create unrest and threaten national stability, public order and economic stability."<sup>2</sup> The portal had reported allegations that money linked to the state investment fund ended up in Prime Minister Najib's bank accounts.<sup>3</sup>

## Obstacles to Access

*Internet access in Malaysia is considered excellent for the region, despite a digital divide between rural and urban areas. Government policies that promote access are reducing this gap. Mobile phone access is also increasing, providing internet service for many young and rural users. An open market allows fierce competition among providers, resulting in attractive pricing and high quality service.*

## Availability and Ease of Access

Internet penetration stood at 68 percent in 2014, marking a slight increase from 67 percent in 2013.<sup>4</sup>

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1 In 1973, the Barisan Nasional, which translates as National Front, absorbed the Alliance Party coalition which had governed Malaysia since 1957. "Striving for meritocracy," *The Economist* (blog), May 6, 2013, <http://econ.st/1OCSa9w>.

2 M.Kumar, "MCMC blocks access to Sarawak Report website," *The Star Online*, July 19, 2015, <http://bit.ly/1DLUsAc>.

3 Beh Lih Yi, "Sarawak Report whistleblowing website blocked by Malaysia after PM allegations," *The Guardian*, July 20, 2015, <http://bit.ly/1CLd2rU>.

4 International Telecommunication Union (ITU), "Percentage of Individuals Using the Internet, 2000-2014," <http://bit.ly/1c-bLxxY>; Malaysian Communications and Multimedia Commission, *Communications and Multimedia Pocket Book of Statistics Q3 2014*, (Selangor: Off Persian Multimedia, 2014), <http://bit.ly/1DWjPMY>.

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This falls short of an ambitious official pledge in 2012 to increase it to 80 percent.<sup>5</sup> Yet those already connected are using the internet more. According to the Malaysian Internet Exchange (MyIX), Malaysia's internet traffic showed the biggest annual percentage increase in more than a decade in 2013—a 51 percent jump to 349,277 Megabits per second (Mbps) from 230,631 Mbps. Usage is expected to continue to rise in 2014 and 2015.<sup>6</sup>

Internet penetration is concentrated in developed or urban areas. Government statistics show that the highest internet penetration at the end of 2014 was in the highly developed Klang Valley area, which comprises the capital city Kuala Lumpur (71 percent), the nation's most developed state of Selangor (71 percent), and at the administrative capital Putrajaya (89 percent). Penetration remained low in the less populated states of Sabah (43 percent) and Sarawak (41 percent), situated in East Malaysia where most residents belong to indigenous groups. Negeri Sembilan, a state less than an hour's drive from Kuala Lumpur, had the lowest penetration rate in the country at 40 percent.<sup>7</sup>

The introduction of wireless WiMax technology in 2008 helped bring broadband to regions that are difficult to reach via cable; four WiMax providers were in operation as of mid-2015. Cybercafes also play an important role outside cities. More free Wi-Fi connections are available in many urban spaces including at malls, restaurants, hotels and other tourist spots.

A 2010 National Broadband Initiative expedited broadband and mobile expansion.<sup>8</sup> Around 250 community centers offering broadband internet were established nationwide and nearly 500,000 netbooks were distributed to students and low income citizens in rural and suburban areas in 2011.<sup>9</sup> In 2012, the "1Malaysia" affordable broadband package offered decent broadband speeds for under MYR38 (US\$12) per month in five states with lower penetration rates.<sup>10</sup> By 2013, internet centers were expanding to cities,<sup>11</sup> and the government and local councils had introduced schemes to provide free or inexpensive Wi-Fi nationwide.<sup>12</sup> The average monthly cost of fixed internet access is MYR99 (US\$30) per month.<sup>13</sup> As of September 2014, there were 437 1Malaysia internet centers nationwide with 433,539 registered users; 120 mini community broadband centers located at Information Departments in under-served areas nationwide; 99 community broadband libraries in rural areas, and 4,803 1Malaysia wireless villages, which bring wireless access to small, remote communities. There were also a total of 30,959 hotspot locations where internet access was available.<sup>14</sup>

Fiber connections are the standard for the fastest household internet connectivity and at present the fastest broadband provider is Time, which can provide connections as fast as 100 Mbps. Other internet service providers such as TM UniFi offer speeds as high as 20 Mbps. Fiber connections are also offered by Maxis, Celcom, and P1.<sup>15</sup>

5 Performance Mngmt and Delivery Unit, *Economic Transformation Programme Annual Report 2012*, 188, <http://bit.ly/1Ojrifi>.

6 "Malaysia's Internet usage rises 51% in 2013, says industry body," *The Malaysian Insider*, April 7, 2014, <http://bit.ly/1GxtusV>.

7 Malaysian Communications & Multimedia Commission, *Communications and Multimedia Pocket Book of Statistics Q3 2014*.

8 Sira Habu and Shaun Ho, "RM1bil initiative to promote high-speed broadband usage," *The Star Online*, March 25, 2010, <http://bit.ly/1ANKARp>.

9 Roshda Md Yunan, "Rural Broadband Initiatives in Malaysia" Ministry of Information Communication and Culture Malaysia, (ASEAN Rural Connectivity Conference for Education and Dev, Hanoi, Vietnam, September 21-23, 2011), <http://bit.ly/1iUMuvf>.

10 "1Malaysia Broadband Affordable Packages for 5 States," *Malaysian Wireless*, September 8, 2012, <http://bit.ly/17B08xE>.

11 *New Straits Times*, "1Malaysia Internet Centre Comes to KL," *World News*, March 26, 2013, <http://bit.ly/1NI1vx8>.

12 Choong Mek Zhin, "DBKL to make it a requirement for restaurants to provide Wi-Fi services," *The Star Online*, January 9, 2012, <http://bit.ly/1AvwYeE>.

13 Author's market survey.

14 Malaysian Communications & Multimedia Commission, *Communications and Multimedia Pocket Book of Statistics Q3 2014*.

15 Nick Davison, "What is the Fastest Broadband Internet Service...," *Expat Go Malaysia*, Aug 6, 2014, <http://bit.ly/1x3W1VA>.

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The average internet speed is still comparatively slow, however. A survey by global broadband testing and web-based network diagnostic applications company Ookla in May 2014 found that the average broadband speed in Malaysia was slower than Cambodia and barely ahead of Myanmar. Almost three times slower than Vietnam, Malaysia was ranked 126 out of 192 countries surveyed from May 2013 to April, 2014 at 5.48 Mbps.<sup>16</sup>

Mobile internet access is easily available, affordable, and popular among young people. Mobile penetration surpassed the country's total population in 2011 and was approaching 150 percent by late 2014, indicating that some individuals have multiple phone lines.<sup>17</sup>

In 2013, mobile operators such as Celcom and Maxis introduced 4G LTE wireless broadband service, which is faster than some fiber broadband services, with download speeds up to 75 Mbps. Older 3G and 3.5G connections offer speeds of up to 384kbps and up to 7.2 Mbps, respectively.

Continued growth during the coverage period was due to the spike in the number of smartphone users. The government offered a youth communication package including a MYR200 smartphone rebate for young adults aged 21-30 with a monthly income of MYR 3,000 or less. The government also introduced 25 new smartphones priced around MYR600 into the market.<sup>18</sup> The boom in social networking sites such as Facebook, Twitter and Instagram, and data messaging applications such as WhatsApp, WeChat, Viber, LINE and others, have also increased smartphone usage. There was also an increase in IPTV subscribers in 2014, with 742,000 users compared to 658,000 in 2013.

The most recently available government statistics from 2012 showed a slight gender imbalance in access rates, with men representing 56 percent of both internet and mobile users. The most prolific users were aged 20 to 29 (21 percent).

### Restrictions on Connectivity

The primary options for broadband internet connectivity in Malaysia are fiber, ADSL, and wireless. Telekom Malaysia, the country's largest—and formerly state-owned—telecommunications company, retains a monopoly over the fixed-line network.

Malaysia's internet backbones were operated by Jaring and TMNet during the coverage period.<sup>19</sup> The formerly Ministry of Finance-owned Jaring was Malaysia's first internet service provider, installing its first international satellite leased-circuit at 64 Kbps, connecting Kuala Lumpur to Stockton in the United States. Jaring became a private entity in 2014, but went into liquidation in 2015.<sup>20</sup> TMNet is a subsidiary of the now-privatized Telekom Malaysia, Malaysia's largest internet service provider, and the owner of the nation's last mile connections. Since there is no local loop unbundling, TMNet enjoys a virtual monopoly of the broadband market.<sup>21</sup>

16 Christina Chin, "Speed slower than Vietnam and Cambodia," *The Star Online*, May 4, 2014, <http://bit.ly/1fGw2wm>.

17 Malaysian Communications and Multimedia Commission, *Communications and Multimedia Pocket Book of Statistics Q3 2014*; Malaysian Communications and Multimedia Commission, *Communications and Multimedia Pocket Book of Statistics 2013*, <http://bit.ly/1NI2cqt>; ITU, "Mobile cellular Telephone Subscriptions, 2000-2012," <http://bit.ly/1cblxxY>.

18 "Malaysia's Internet usage rises 51% in 2013, says industry body".

19 "The Internet Backbone and Service Markets in Malaysia," <http://studentsrepo.um.edu.my/1937/7/CHAP4.pdf>

20 Steven Patrick, "Jaring, the first Malaysian ISP, winds up," *The Star Online*, May 4, 2015, <http://www.thestar.com.my/Tech/Tech-News/2015/05/04/Jaring-the-first-Malaysian-ISP-winds-up/>.

21 Telekom Malaysia website, <http://www.123helpme.com/telekom-malaysia-expansion-view.asp?id=159596>.

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There are no known cases of any government-imposed restrictions on access to the internet for political reasons during this coverage period, though in the past there were reports of mobile phone jammers being used by the authorities during political rallies. (This was denied by the government.<sup>22</sup>) In recent years, some local authorities have introduced restrictions on cybercafes to curb illegal on-line activities, particularly gambling, which can result in closure if detected on cafe premises. Select states have capped the number of cybercafe licenses available, making it difficult for legitimate new venues to open.<sup>23</sup>

## ICT Market

TMNet and Jaring were the largest ISPs during the coverage period. The largest mobile provider, Maxis Communications, was founded by Ananda Krishnan, who also owns Malaysia's biggest satellite broadcaster and enjoys close ties to former Prime Minister Mahathir Mohamad.<sup>24</sup> Two new mobile phone providers, YTL Communications and Umobile, have joined the market since 2008. Though ostensibly unrelated to the government, observers believe they benefit from political connections.

As of September 30, 2014, the government had issued 161 Network Facilities Provider licences; 158 Network Service Provider licences; 399 Application Service Provider licences; and 62 Contents Applications Service Provider licences.<sup>25</sup>

## Regulatory Bodies

Regulation of the internet falls under the purview of the Malaysian Communications and Multimedia Commission (MCMC), which is overseen by the Minister of Information, Communications, and Culture. The 1998 Communication and Multimedia Act (CMA) gives the information minister a range of powers, including licensing the ownership and operation of network facilities. Similar rules serve as a means of controlling the traditional media,<sup>26</sup> though this has not been documented among internet companies.

The CMA provides for the ministry to appoint the MCMC chairman and three government commissioners, plus two to five commissioners from nongovernmental entities.<sup>27</sup> The current three are all from the private sector. Since 2008, the process for appointing members of the MCMC advisory board has become more transparent and participatory, involving consultations with diverse stakeholders and the inclusion of civil society members on the board. Yet the MCMC remains a driving force in efforts to curtail online speech, including investigations into online portals and bloggers.

## Limits on Content

*Online content is not restricted in general, but the government is known to have blocked sites perceived as critical. While the digital news media has established a stake in the information market, some news sites have been excluded from government press conferences during the coverage period, at*

22 Patrick Lee, "Rais: We did not jam networks during Bersih," *Free Malaysia Today*, June 14, 2012, <http://bit.ly/1vBS8HM>.

23 Peter Boon, "Cyber cafe licences not issued anymore—Ministry," *Borneo Post Online*, Oct 15, 2012, <http://bit.ly/1wj3DiD>.

24 Colin Kruger, "Billionaire eyes Australian media," *The Sydney Morning Herald*, May 28, 2011, <http://bit.ly/1DZAsJk>.

25 Malaysian Communications & Multimedia Commission, *Communications and Multimedia Pocket Book of Statistics Q3 2014*.

26 Karin Deutsch Karlekar, ed., "Pakistan," in *Freedom of the Press 2013*, <http://bit.ly/18p34yr>.

27 Malaysian Communications & Multimedia Commission Act 1998, <http://www.agc.gov.my/Akta/Vol.%202012/Act%20589.pdf>.

*a time when online journalists are also being targeted for rights violations.*

## Blocking and Filtering

A provision of the CMA explicitly states that none of its wording “shall be construed as permitting the censorship of the Internet.” The Multimedia Super Corridor, an information technology development project, includes a 10-point Bill of Guarantees that promises no censorship to member ICT businesses,<sup>28</sup> though former Prime Minister Mahathir Mohamad told a reporter in 2013 that he regretted that promise.<sup>29</sup>

Generally there are no government blocks or filters on websites except for sites which violate national laws governing pornography.<sup>30</sup> The government has not systematically targeted political content in the past. In 2009, Information, Communications, and Culture Minister Dr. Rais Yatim sought to “evaluate the readiness and feasibility of the implementation of the Internet filter at [the] Internet gateway level,” but backtracked following opposition.<sup>31</sup> In 2013, officials said a total 6,640 sites had been blocked since 2008.<sup>32</sup> However in October 2014, the government said the Malaysian Communication and Multimedia Commission (MCMC) had shut down or blocked at least another 1,400 websites that were deemed inappropriate.<sup>33</sup> No list of affected content is available, but site owners can appeal if mistakenly blocked.

Many government-linked companies and public universities restrict access to Malaysiakini and other sites perceived as politically sensitive.

In 2013, the Federal Department of Islamic Development urged the government to strengthen internet censorship on the grounds that “hundreds of websites on the internet are being used to confuse and weaken those of the Islamic faith.”<sup>34</sup> Google blocked access to the infamous anti-Islamic video, “Innocence of Muslims,” at the MCMC’s request in September 2012.<sup>35</sup> In November 2014, MCMC said that it planned to meet Google and Facebook to seek their help in restricting terrorism content originating from outside the country. However, no terrorism sites were reported to have been blocked during this review period.<sup>36</sup> In July 2015, after the review period ended, the government blocked access to the UK-based whistleblower site *Sarawak Report* over articles on misallocation of state investment funds, which the government called detrimental to national security.<sup>37</sup>

## Content Removal

28 Malaysia National ICT Initiative, “MSC Malaysia 10-Point Bill of Guarantees,” accessed August 2013, <http://bit.ly/1UZZ6xb>; Malaysian Communications and Multimedia Commission, “Communications and Multimedia Act 1998,” accessed August 2013, <http://bit.ly/1zKz77k>.

29 Md Izwan, “Dr Mahathir regrets Internet freedom,” *The Malaysian Insider*, June 18, 2013, <http://bit.ly/1FxtFD>.

30 “Internet providers need time to block porn site RedTube,...”, *The Malaysian Insider*, Dec 22, 2014, <http://bit.ly/1LIWqiG>.

31 Rebekah Heacock, “Malaysia considers, backs down from national Internet filter,” OpenNet Initiative (blog), August 13, 2009, <http://bit.ly/1aoXmNN>.

32 Bernama, “More than 6,000 websites blocked for violations since 2008,” *Malay Mail Online*, July 5, 13, <http://bit.ly/181FRRO>.

33 Elizabeth Zachariah, “Malaysia has blocked 1,400 ‘inappropriate’ websites, says Ahmad Shabery,” *The Malaysian Insider*, Oct 14, 2014, <http://bit.ly/1ANQFNX>.

34 Hasbullah Awang Chik, “Jakim calls for internet censorship to ward off attacks on Islam,” *The Malaysian Insider*, November 15, 2013, <http://bit.ly/1Ojz7BZ>.

35 Tashny Sukumaran, “Google Malaysia blocks ‘Innocence of Muslims’ video clip,” *The Star Online*, September 17, 2012, <http://bit.ly/1Du1LZq>.

36 Bernama, “MCMC wants to meet Google, Facebook to restrict militant content,” *The Malay Mail Online*, Nov 27, 2014, <http://bit.ly/1JQrNfO>.

37 Human Rights Watch, “Malaysia: End Website Blocking, Politicized Investigations,” July 22, 2015, <http://bit.ly/1EoEOFL>.

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The MCMC periodically instructs websites to remove content, including some perceived as critical of the government,<sup>38</sup> although no such instructions were made publicly in the review period. Requests are generally nontransparent and lack judicial oversight or avenues for appeal.

There have been unpublicized cases of blog owners and Facebook users who have been told to remove their contents by the MCMC, especially when the contents touch on sensitive issues involving race, religion and royalty. Religion is particularly sensitive. In 2009, the MCMC directed *Malaysiakini* to take down two videos containing sensitive religious and political content. When *Malaysiakini* Editor-in-Chief Steven Gan refused, the MCMC urged the attorney general to prosecute him. As of 2015 the attorney general had yet to pursue the case, although Gan still risks a potential fine of up to MYR 50,000 (US\$14,300) and up to one year in prison in the first reported case of its kind.<sup>39</sup>

### Media, Diversity, and Content Manipulation

Online news outlets represent an increasingly serious challenge to traditional media, with several among the nation's most popular websites.<sup>40</sup> In 2013, a judge ordered the home ministry to grant *Malaysiakini* the right to reapply for a print license.<sup>41</sup> The ministry repeatedly refused to grant the license, and challenged a 2012 appeals court ruling which characterized *Malaysiakini's* right to publish a newspaper as fundamental.<sup>42</sup>

The home ministry granted another online outlet, *FZ Daily*, permission to print a publication in 2013, but deferred the approval required for a license. The daily won the right to challenge the deferral in court in February 2014. The same day, the ministry revoked the publishing permit altogether. In March, the home minister justified the decision on grounds that both *FZ Daily* and *Malaysiakini* are "inclined to publish sensational and controversial news."<sup>43</sup>

Combative political reporting online may have caused the government or its supporters to try to censor a handful of news websites in the lead-up to 2013 elections. The sites were simultaneously targeted by hackers, and the exact nature of the interference remains unclear.<sup>44</sup> At least two outlets filed a complaint with the MCMC, which never responded.

During this review period, while there were no cyberattacks on news portals, some journalists working for them were subjected to informal, inconsistent bans from select government press conferences.<sup>45</sup> An uptick in police reports filed against journalists contributed to a sense of official harassment.<sup>46</sup> In June 2014, Prime Minister Najib and his party Umno sued *Malaysiakini* for defamation,

38 The Malaysians Communications and Multimedia Content Code, <http://bit.ly/1DWt2Vm>.

39 One showed Muslim demonstrators desecrating the head of a cow—an animal Hindus consider sacred—to protest the relocation of a Hindu temple; the second showed a political speech. See Reporters Without Borders, "Malaysiakini Website Refuses to Bow to Censorship," September 24, 2009, <http://bit.ly/1DZHRbB>.

40 Akil Yunus, "The Star Online ranks as top news portal in Malaysia," *The Star Online*, December 22, 2014, <http://bit.ly/1J-Ga6gb>; "Top Sites in Malaysia," Alexa Web Information Company, accessed January 29, 2013, <http://bit.ly/1JQCKOt>.

41 RSF "Court Rejects Government Appeal Against Print Version For News Website," October 31, 2013, <http://bit.ly/1wjDgJm>.

42 Hafiz Yatim, "Malaysiakini wins court battle over print licence," *Malaysiakini*, October 1, 2012, <http://bit.ly/V5bcKG>; Human Rights Watch, "Malaysia," in *World Report 2013*, January 31, 2013, <http://bit.ly/ZbdTes>.

43 Chen Shaua Fui, "Permits rejected to avoid flooding of "sensational & controversial news";," *The Malaysian Insider*, March 27, 2014, <http://bit.ly/1FxO3Ey>.

44 Oiwan Lam and Leila Nachawati, "Malaysia: News Sites Face Attacks on Eve of Elections," *Global Voices Advocacy*, May 4, 2013, <http://bit.ly/1AvO2kY>.

45 "Malaysiakini & The Malaysian Insider banned from covering PMO," *Selangor Kini*, July 8, 2014, <http://bit.ly/1De24Fa>; Nigel Aw, "Mkini barred from PM's office twice in two weeks," *Malaysiakini*, July 8, 2014, <http://bit.ly/1wjpy9c>.

46 Mohamad Fadli, "Police report against FMT columnist," *Free Malaysia Today*, January 26, 2015, <http://bit.ly/181MWC4>.

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and three additional news websites in 2015 (see Prosecutions and Detentions for Online Activities).<sup>47</sup>

Issues considered potentially sensitive include Islam's official status, race, royalty, and the special rights enjoyed by Bumiputera, who are ethnic Malays and other indigenous people, as opposed to the ethnic Chinese and Indian minorities. Discussing these topics can lead to prosecution, and some internet users exercise self-censorship.

YouTube, Facebook, Twitter, and international blog-hosting services, as well as other social media platforms, are freely available. In August 2014, the government briefly considered proposals to ban Facebook to curb online abuse. However, this proposal was shot down in October 2014 following complaints from civil society.<sup>48</sup>

Expanded internet access has led to the emergence of a vibrant blogosphere. English and Malay are the dominant languages, and many civil society groups, including those representing ethnic minorities, have a dynamic online presence. Prime Minister Najib leads the way with his own blog and almost three million followers on both Facebook and Twitter.<sup>49</sup> Other government representatives are embracing ICTs. The police force has Facebook and Twitter accounts where officers provide updates on policing activities and occasionally respond to accusations of abuse by members of the public.<sup>50</sup> The police chief came under fire in February 2014 for using his tweets to warn off government critics.<sup>51</sup>

Some of this engagement is manipulative in nature. Both government and opposition figures are known to pay online commentators, known as "cyber troopers," to generate favorable content and denigrate their opponents.<sup>52</sup> Since traditional media restrictions caused opposition groups to embrace online platforms relatively early, the government has struggled to catch up. The Barisan Nasional's dedicated bloggers, Unit Media Baru, deny accepting payment for their efforts.<sup>53</sup> The ruling party, Umno, also maintains paid bloggers. In December 2014, Prime Minister Najib expressed his disappointment when some of them publicly criticized government policies.<sup>54</sup>

In 2012, the government admitted paying international public relations firm FBC Media MYR 83.8 million (US\$26.5 million) between 2008 and 2010 to boost Prime Minister Najib's image abroad.<sup>55</sup> Opposition news website *Sarawak Report* also said Abdul Taib Mahmud, the chief minister in the state of Sarawak, had separately contracted FBC Media for online publicity campaigns.<sup>56</sup> FBC Media, which denied wrongdoing, collapsed in 2011.<sup>57</sup> In February 2015, *Sarawak Report* said that at least

47 "Najib and Umno sue Malaysiakini," *The Star Online*, June 4, 2014, <http://bit.ly/1EuzNOR>.

48 Karen Arukesamy, Bernard Cheah, "Govt not in favour of Facebook ban," *The Sun Daily*, Oct 1, 2014, <http://bit.ly/ZrAS8H>.

49 Najib Razak, Facebook page, accessed Feb 26, 2015, <http://on.fb.me/1CSMPmi>; *NajibRazak* (blog), <http://bit.ly/1FxF5HI>

50 Polis Diraja, Facebook page, <http://on.fb.me/1yWkBtd>.

51 V Shuman, "PDRM, why not change your name to Polis Raja di Social Media (PRdSM)?" *The Ant Daily*, February 12, 2015, <http://bit.ly/1LMd9Um>; "Top cop's use of Twitter to issue sedition warnings raises eyebrows," *The Malaysian Insider*, February 12, 2015, <http://bit.ly/1wjvzHc>.

52 Joanna Yap, "PRS' Cyber-Troopers Ready for Coming Polls," *Borneo Post Online*, March 22, 2012, <http://bit.ly/1EuCcsR>; Lim Guan Eng, "Najib's new army of cyber troopers with a history of dirty tricks is proof that the 13th general election will be the dirtiest election yet," *DapMalaysia*, November 21, 2011, <http://bit.ly/1MUPTib>.

53 Yu Ji, "Taking the battle online," *The Star Online*, February 8, 2012, <http://bit.ly/1FYNhEn>.

54 Hasbullah Awang Chik, "Umno bloggers defend 'friendly fire' after Najib's 'bangang' label," *The Malaysian Insider*, December 1, 2014, <http://bit.ly/1A00QIF>.

55 Mariam Mokhtar, "Sorry no cure, BBC," *Free Malaysia Today*, February 17, 2012, <http://bit.ly/1vCc51h>; *Harakah Daily*, "BBC's Worldwide Apology Exposes Malaysian Govt's Image," *Malaysia Today*, February 13, 2012, <http://bit.ly/1Ducumz>.

56 "New Revelations Link FBC Media to BN's Dirty Tricks Blogging Campaigns—Latest Expose!" *Sarawak Report*, August 7, 2011, <http://bit.ly/1zhPRgo>.

57 Ian Burrell, "TV comp at centre of global news fixing row goes into administration," Oct 28, 2011, <http://ind.pn/1FYNTd8>.



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one former FBC media expert was still in the government's employment.<sup>58</sup>

### Digital Activism

Online tools have been effective for political mobilization and exposing the government's grip on traditional media. Social media tools were used effectively by opposition supporters to mobilize following the jailing of opposition leader Anwar Ibrahim for five years in February 2015 for sodomy, a charge his supporters say was politically motivated.<sup>59</sup>

The Coalition for Free and Fair Elections, which organize for political reform, leveraged online platforms to bring tens of thousands of supporters to the streets during the "Bersih 2.0" and "Bersih 3.0" political rallies in 2011 and 2012, respectively. During the 2013 general election, digital campaigns to get out the vote contributed to a record 80 percent turnout of registered voters, in what observers described as the most closely fought election since independence.<sup>60</sup>

## Violations of User Rights

*Two bloggers were jailed in the first quarter of 2015, while two others escaped court action by seeking political asylum elsewhere. A number of civil society activists, politicians, and a journalist have been hauled up over their online remarks. The police continue with their crackdown, armed with the government's promise of a sedition law with harsher penalties, all creating a chilling effect on social media users. At the same time, there were fewer distributed denial-of-service (DDoS) attacks targeting alternate news portals and opposition websites.*

### Legal Environment

Malaysia's constitution provides citizens with "the right to freedom of speech and expression," but allows for limitations on this right. While some court decisions have disappointed freedom of expression advocates,<sup>61</sup> others show more independence. The government exercises tight control over online as well as print and broadcast media through laws like the Official Secrets Act and the Sedition Act. Violations are punishable by fines and several years in prison. In November 2014, Prime Minister Najib reneged on his reform vows made in 2013 to abolish the Sedition Act. In fact, the government widened the scope of the sedition law with new amendments in April 2015, allowing the government to block electronic content considered seditious,<sup>62</sup> and strengthening penalties. Under the amended law, the penalty for sedition is now seven years in prison, up from three years previously. A new provision allows for a penalty of up to 20 years for seditious activities that result in

58 "Too Much Partying By Najib's PR Guru Paul Stadlen?" *Sarawak Report*, Feb 11, 2015, <http://bit.ly/1z8M6e4>.

59 Elizabeth Zachariah, "Hundreds join Nurul Izzah for Pakatan solidarity rally in KL," *The Malaysian Insider*, February 14, 2015, <http://bit.ly/1DWBe87>.

60 Jonathan Head, "Malaysia election sees record turnout," *BBC News*, May 5, 2013, <http://bbc.in/1JQFTxN>.

61 Reporters Without Borders, "Court's Ruling on Cartoonist's Suit Sets Disturbing Precedent for Media Freedom," July 31, 2012, <http://bit.ly/1EVNG6M>.

62 Anisah Shukry and Eileen Ng, "Sedition Act stays, says Najib," November 27, 2014, <http://bit.ly/1uKsQQF>; Trinna Leong and Al-Zaquan Amer Hamzah, "Malaysia toughens sedition law to include online media ban, mandatory jail," ed. Paul Tait, *Reuters*, April 10, 2015, <http://reut.rs/1Ykub33>; "Amendments to Sedition Act passed with several changes," *New Straits Times*, April 10, 2015, <http://bit.ly/1acd664>; Marie Harf, "Malaysia's Sedition Act Amendments", US Department of State, press statement, April 14, 2015, <http://1.usa.gov/1OQB6ii>.

physical harm or destruction of property.<sup>63</sup>

Defamation is a criminal offence under Sections 499 to 520 of Malaysia's penal code. Media outlets benefit from stronger privileges under the Defamation Act 1957 if they can prove allegedly libelous content is accurate and was published without malice,<sup>64</sup> lacking this protection, bloggers risk punitive damages.

In 2012, parliament passed an amendment to the 1950 Evidence Act that holds intermediaries liable for seditious content posted anonymously on their networks or websites.<sup>65</sup> This would include hosts of online forums, news outlets, and blogging services, as well as businesses providing Wi-Fi services.<sup>66</sup> The amendment also holds someone liable if their name is attributed to the content or if the computer it was sent from belongs to them, whether or not they were the author.<sup>67</sup> The legal change was pushed through hurriedly, but garnered significant public backlash after its passage, which failed to prevent it going into effect.<sup>68</sup> No implementation has been reported.

The government has also pursued prosecutions for online content based on the CMA's broadly worded Section 211, which bans content deemed "indecent, obscene, false, threatening, or offensive," and Section 233.<sup>69</sup> Amendments to the CMA and the related Communications and Multimedia Commission Act (CMCA) 1998 are expected to be tabled in October,<sup>70</sup> including measures to curb "social media misuse, that infringe, among others, on religious and racial sensitivities, or for recruitment of terrorists."<sup>71</sup> Critics say the intention is to stop online criticism against the government.<sup>72</sup>

## Prosecutions and Detentions for Online Activities

During this review period, police arrested numerous online users under the sedition law for remarks against the government and its policies, royalty, or Islam.<sup>73</sup> Some also faced charges for allegedly stoking racial tensions in the country through their tweets or Facebook postings. Among the more prominent arrests under the Sedition Act during this review period are the following:<sup>74</sup>

- In June 2014, Facebook users Gopinath Jayaratnam and Hidayat Muhamad were charged for allegedly insulting Islam and Hinduism. Their cases are pending.<sup>75</sup>

63 Mong Palatino, "Malaysia strengthens Sedition Act," *The Diplomat*, April 13, 2015, <http://bit.ly/1UcBJg>.

64 Abdul Latiff Ahmad et al., "Regulating Blogs in Malaysia," *The Innovation Journal: The Public Sector Innovation Journal* 16, no. 3 (2011) <http://bit.ly/1BMUO8r>.

65 Eva Galperin and Katrina Kaiser, "This Week in Internet Censorship: Points system for Weibo, Activist Released in Bahrain, Censorship in Malaysia, Ethiopia, and More," Electronic Frontier Foundation, May 31, 2012, <http://bit.ly/1C8CXIG>.

66 Teoh El Sen, "Pakatan seeks to halt new evidence act," *Free Malaysia Today*, June 28, 2012, <http://bit.ly/1JZ9sxc>.

67 Laws of Malaysia, "Evidence (Amendment) (no. 2) Act 2012," [http://www.federalgazette.agc.gov.my/putaktab/20120622\\_A1432\\_BI\\_Act%20A1432%20BI-evidence%20\(amendment\)%20\(no.%202\).pdf](http://www.federalgazette.agc.gov.my/putaktab/20120622_A1432_BI_Act%20A1432%20BI-evidence%20(amendment)%20(no.%202).pdf).

68 A. Asohan, "Govt Stealthily Gazettes Evidence Act Amendment, Law is Now in Operation," *Digital News Asia*, August 8, 2012, <http://bit.ly/1JZ9KUF>.

69 OpenNet Initiative, "Malaysia," in *Country Profiles*, <https://opennet.net/research/profiles/malaysia>.

70 "Regulation for social media in proposed amendments to communication acts," *The Malaysian Insider*, June 8, 2015, <http://bit.ly/1TsbtkR>.

71 S. Neishasa, "Proposal to control social media desperate," *Berita Daily*, August 3, 2015, <http://bit.ly/1Emnhyb>.

72 S. Neishasa, "Proposal to register online news portals ridiculous," *Berita Daily*, August 6, 2015, <http://bit.ly/1N2cCkb>.

73 "Malaysian government must stop ongoing crackdown & honour its pledge to repeal Sedition Act," Suaram, Sept 12, 2014, <http://bit.ly/1EzqaOW>.

74 "Unprecedented crackdown on freedom of expression a threat to democratic government," Centre for Independent Journalism, February 13, 2015, <http://bit.ly/1wxanz5>.

75 Bernama, "Two claim trial over seditious FB postings," *The Star Online*, June 20, 2014, <http://bit.ly/1Ezr9i3>.

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- In August 2014, a 15-year-old student was investigated for “liking” a Facebook page called “I Love Israel.” No further action has been taken against him.<sup>76</sup>
- On September 2, 2014, academic Dr. Azmi Sharom was charged over his online article in a news portal relating to a political crisis in the country. His trial is ongoing. He faces a jail term of up to seven years or maximum MYR 5,000 (US\$1,040) fine or both if found guilty.<sup>77</sup>
- On September 3, 2014, opposition politician David Orok was charged with sedition for allegedly insulting Islam and the Prophet Mohamed on his social media page.<sup>78</sup>
- On February 5, 2015, lawyer and activist Eric Paulsen was arrested over a tweet stating that the Malaysian Islamic Development Department (Jakim) was spreading extremism through their Friday sermons. He is now out on bail, but his trial is ongoing.<sup>79</sup> Paulsen was detained for the second time for sedition on March 22, 2015, but released without charge after questioning.<sup>80</sup>
- A handful of political leaders were questioned over tweets criticizing opposition leader Anwar Ibrahim’s five year jail sentence on sodomy charges in February.<sup>81</sup>
- Popular cartoonist Zunar was arrested and charged with sedition over his pro-Anwar tweet which questioned the Malaysian judiciary. He was released on bail but the charge is pending.<sup>82</sup>
- On March 30, 2015, the police arrested three editors from *The Malaysian Insider* news portal, along with the publisher and the chief executive the following day, over a report on Islamic criminal laws.<sup>83</sup> The police investigation centered on complaints that the news portal had carried a false report about the Malay Rulers, hereditary monarchs of the nine Malay states, objecting against the implementation of Islamic laws in a state in Malaysia. The rulers denied objecting, and the five journalists were held overnight for questioning before being released without charge. The news portal subsequently apologized for the report, which was attributed to an unnamed source.<sup>84</sup>

The government separately implemented the penal code to punish online commentators. On January 19, 2015, pro-opposition blogger Yusuf Siddique Al-Suratman was jailed for two years under Section 505 (b) of the penal code on a charge of causing fear and public alarm in a 2013 blog post

76 Looi Sue-Chern, “Teen traumatised by controversy over Israel FB page like,” *The Malaysian Insider*, August 16, 2014, <http://bit.ly/XocFQz>.

77 V Anbalagan, “Azmi Sharom’s Sedition Act challenge referred to Federal Court,” *The Malaysian Insider*, November 5, 2014, <http://bit.ly/18xIADG>.

78 Ruben Sario, “Sabah politician charged with allegedly insulting Islam on Facebook,” *The Star Online*, September 3, 2014, <http://bit.ly/1wx9qXm>.

79 Jennifer Gomez, “Human rights lawyer Eric Paulsen charged with sedition,” *The Malaysian Insider*, February 5, 2015, <http://bit.ly/1v5jNkb>.

80 “Activist Eric Paulsen detained again for sedition, lawyer says,” *The Malay Mail Online*, Mar 22, 2015, <http://bit.ly/1AwFGGp>.

81 “Cops to quiz Rafizi, Nga in sedition probe over Anwar verdict remarks,” *The Malay Mail Online*, February 23, 2015, <http://bit.ly/1BpZOhv>.

82 Diyana Ibrahim, “Cartoonist Zunar hauled up for sedition after tweet criticising Malaysian judiciary,” February 11, 2015, *The Malaysian Insider*, <http://bit.ly/1Bq03ZQ>.

83 Austin Ramzy, “Editors and Executives of News Website Malaysian Insider Are Arrested,” *The New York Times*, March 31, 2015, <http://nyti.ms/1IMvYVw>; and “Police arrest Edge, TMI executives for sedition,” *The Malaysian Insider*, March 31, 2015, <http://bit.ly/1yumAQi>.

84 “Clarification and apology,” *The Malaysian Insider*, April 4, 2015, <http://bit.ly/1I7vxYQ>

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about a police anti-terrorism operation.<sup>85</sup> On January 11, 2015, a couple was arrested for disseminating false information about flooding via WhatsApp, and were remanded under Section 233 of the Communications and Multimedia Act 1998.<sup>86</sup> No further action was taken against them. In February 2015, Ismail Sabri Yaakob, then minister of agriculture and related industries, was asked to give a statement to police after calling for Malay consumers to boycott Chinese traders on Facebook.<sup>87</sup> He did not face further action during this review period.

Trials related to sensitive comments made in the social media platform during the previous coverage period were ongoing. Police outside Kuala Lumpur detained a Facebook user they identified as “Man Namblast” in February 2014 for allegedly posting seditious remarks about Hindus.<sup>88</sup> He was charged with sedition on June 19.<sup>89</sup> His trial is ongoing. On May 6, 2014, opposition politician Teresa Kok was charged with sedition for allegedly insulting Islam and the nation’s leaders, four months after sharing an 11-minute video that used invented Chinese New Year predictions to satirize government policies. The video sparked outrage among a group of Muslim NGOs, who staged protests saying Kok was using politics to fan racial hatred. One group slaughtered chickens, smeared the blood on a poster of opposition leaders, and offered a financial reward for slapping Kok in retaliation for the video.<sup>90</sup> Kok’s trial was pending during this coverage period. During the review period, Facebook users Alvin Tan and Ali Abdul Jalil had also left the country to seek asylum elsewhere. They were both facing jail terms in Malaysia for charges under the sedition law over allegedly sensitive remarks posted in the social media.<sup>91</sup>

Politically motivated defamation suits seeking damages disproportionate to the offense have become another threat to online expression since a landmark 2007 blogger prosecution by a government-linked newspaper.<sup>92</sup> In August 2012, a Kuala Lumpur court sentenced blogger and opposition People’s Justice Party member Amizudin Ahmat to three months in jail on charges of contempt for blogging about Dr. Rais Yatim, Malaysia’s information and culture minister, after being banned from doing so in a 2011 defamation ruling against him.<sup>93</sup> He lost his appeal in January 2015 and was sent to prison.<sup>94</sup>

In June 2014, Prime Minister Najib filed a defamation suit against *Malaysiakini* for two allegedly defamatory articles published in May that compiled readers’ comments.<sup>95</sup> The case had not been heard as of May 2015. Najib subsequently filed suit against two other news portals, the opposition party

85 “Blogger Milosuam jailed two years for posting ‘leaked’ police memo,” *Free Malaysia Today*, January 19, 2015, <http://bit.ly/1Bq0fUJ>.

86 Bernama, “False WhatsApp message on floods lands couple in trouble,” *The Malay Mail Online*, January 11, 2015, <http://bit.ly/1FpAww>.

87 Ida Lim, “Ismail Sabri gives police statement over controversial boycott call,” *The Malay Mail Online*, February 9, 2015, <http://bit.ly/1G3669f>.

88 “FB user held over seditious remarks,” *The Star Online*, February 12, 2014, <http://bit.ly/1LVXjES>.

89 M. Mageswari, “Teacher pleads not guilty to sedition over Facebook posting,” *The Star Online*, June 19, 2014, <http://bit.ly/1I4CoG9>.

90 P. Ramani, “Teresa Kok charged with sedition over CNY video,” *Free Malaysia Today*, May 6, 2014, <http://bit.ly/188NUMT>.

91 “Fugitive sex blogger Alvin Tan again under sedition scope,” *The Malay Mail Online*, September 29, 2014, <http://bit.ly/1GAepH2>; “Second Malaysian Seeking Political Asylum This Year – Proof Of Police State?” *Finance Twitter* (blog), October 26, 2014, <http://bit.ly/1N2qyt3>.

92 Soon Li Tsin, “Bloggers sued for defamation,” *Malaysiakini*, January 18, 2007, <http://bit.ly/1N2scuK>.

93 Reporters Without Borders, “Opposition Blogger Ordered to Pay Exorbitant Damages to Minister,” *International Freedom of Expression eXchange*, news alert, July 22, 2011, <http://bit.ly/1aBt4Yd>; Reporters Without Borders, “Prison Sentence Deferred,” August 20, 2012, <http://bit.ly/1zNSMyy>.

94 Bernama, “Blogger jailed three months for contempt of court,” *Free Malaysia Today*, January 8, 2015, <http://bit.ly/1Bq15VJ>.

95 “Najib, Umno sue Mkini over readers’ comments,” *Malaysiakini*, June 3, 2014, <http://bit.ly/1AUi1BP>.

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organ *Harakah Online* and the pro-opposition *Media Rakyat*, claiming that they had defamed him. The two charges against *Media Rakyat* also name two opposition lawmakers.<sup>96</sup> If defeated, the web-sites could be forced to pay the prime minister significant damages.

Separately, *Malaysiakini* journalist Susan Loone was arrested on September 4, 2014 over an article which allegedly defamed the police. Her article stated that an arrested opposition lawmaker was treated like a criminal by the police; the lawmaker himself said that he was well-treated under custody. She was released the next day, and so far no charges have been filed.<sup>97</sup>

In March 2015, journalist Aisyah Tajuddin and independent radio station BFM were hauled up for mocking Islam in a video posted in YouTube. BFM Radio then removed the video from its YouTube page, but Aisyah is now being investigated by police for blasphemy, and could face up to a year in jail if convicted. She also received death and rape threats over the video. There were no developments in the investigation as of May 2015.<sup>98</sup>

## Surveillance, Privacy, and Anonymity

Real-name registration is not required for participation in Malaysia's blogosphere, nor is it required to use a cybercafe. Beginning in 2007, all mobile phone owners, including the roughly 18 million customers using prepaid service at the time, were required to register as part of an effort to decrease rumor mongering.<sup>99</sup> The rule appears to have been weakly enforced.

The extent of government surveillance of ICT content is not known, but privacy protections are generally poor.<sup>100</sup> In 2008, the MCMC formed a panel composed of representatives from the police, the attorney general's office, and the Home Ministry to monitor websites and blogs. Although it still appears to be active, it has not publicly intervened in internet freedom issues. Court documents indicate that police regularly gain access to the content of text messages from telecommunications companies, sometimes without judicial oversight. SOSMA, which allows for the interception of communications without a judicial order in poorly defined security investigations, also contains scope for abuse.<sup>101</sup>

The Malaysian Personal Data Protection Act 2010, which regulates the processing of personal data in commercial transactions, came into effect in November 2013. The law makes it illegal for commercial organizations to sell personal information or allow third parties to use it, with penalties up to MYR 100,000 (US\$27,400) or one year imprisonment. Federal and state governments are exempted from the law, as is data processed outside Malaysia.<sup>102</sup> But the act requires that information about Ma-

96 V Anbalagan, "Najib, Rosmah sue Rafizi, portal owner over diamond ring remark," *The Malaysian Insider*, April 17, 2015, <http://bit.ly/1GS1t2Q>; M Mageswari, "Najib sues Tony Pua, portal owner for defamation," *The Star Online*, March 6, 2015, <http://bit.ly/1E6lTy>; Maizatul Nazlina, "Najib sues Harakahdaily for defamation," *The Star Online*, March 20, 2015, <http://bit.ly/1OQDuWl>.

97 "Mkini journo arrested for sedition, quizzed for 9hrs," *Malaysiakini*, September 4, 2014, <http://bit.ly/1GAdEhh>.

98 Tse Yin Lee, "The perils of speaking out against Islamic law in Malaysia," *BBC News*, March 29, 2015, <http://bbc.in/1aaMJhU>; Boo Su-Lyn, "BFM journalist gets death, rape threats over video questioning hudud," *The Malay Mail Online*, March 20, 2015, <http://bit.ly/1I7udF9>.

99 "Dec 15 Registration Deadline Stays: MCMC," *Bernama*, August 18, 2006, <http://bit.ly/1zq73QJ>.

100 Privacy International, *Final Report for "Privacy in Asia" Scoping Project*, November 2009, <https://idl-bnc.idrc.ca/dspace/handle/10625/40000>.

101 Mickey Spiegel, "Smoke and Mirrors: Malaysia's "New" Internal Security Act," *Asia Pacific Bulletin*, no. 167, (June 2012), <http://bit.ly/1Amz9N8>.

102 Barry Ooi, "How the Personal Data Protection Act Impacts the Market Research Industry," December 29, 2012.

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Malaysians be stored locally, and limits conditions under which the data can be transferred abroad. No implementation was reported during the coverage period.<sup>103</sup>

In 2013, the University of Toronto-based research group Citizen Lab reported detecting software known as FinFisher, described by its distributor Gamma International as “governmental IT intrusion and remote monitoring solutions,” on 36 servers worldwide, including one in Malaysia.<sup>104</sup> The software potentially allows the server to steal passwords, tap Skype calls, or record audio and video without permission from other computers, according to Citizen Lab. The same month, the *Malaysian Insider* documented FinFisher’s presence in Malaysia, based on a *New York Times* report.<sup>105</sup> In response, the MCMC threatened the site with a fine of up to MYR 50,000 (US\$15,200) or one year imprisonment for false reporting under the CMA. No charges were filed against the website or its staff. However, Citizen Lab subsequently reported they had further identified “a Malaysian election-related document” they characterized as a “booby-trapped candidate list” containing surveillance spyware.<sup>106</sup> Because the spyware is only marketed to governments, “it is reasonable to assume that some government actor is responsible,” the group concluded. A separate Citizen Lab report published in 2014 said a Malaysian government agency was a “current or former user” of Remote Control System spyware marketed by the Milan-based Hacking Team.<sup>107</sup>

## Intimidation and Violence

Physical violence sporadically affects traditional and online journalists in Malaysia.<sup>108</sup> No incidents were documented during the coverage period of this report.

## Technical Attacks

Independent online news outlets and some opposition-related websites have faced intense DDoS attacks, which force sites to crash sites by overloading the host server with requests for content, often at moments of political importance. Some observers believe such attacks are either sponsored or condoned by Malaysian security agencies, since they often align with government priorities. *Malaysiakini* was one of many sites reporting on the opposition which were subjected to an apparently coordinated assault before the May 2013 elections.<sup>109</sup> Though attacks are known to continue, no severe or crippling incidents were reported by news portals and opposition websites during this review period.

103 Anupam Chander and Uyen P. Le, “Breaking the Web: Data Localization vs. the Global Internet,” (UC Davis Legal Studies Research Paper No. 378, *Emory Law Journal*, April 2014) <http://bit.ly/1Bq2KuA>.

104 Morgan Marquis-Boire et al., “You Only Click Twice: FinFisher’s Global Proliferation,” Citizen Lab, March 13, 2013, <http://bit.ly/1grgVFd>.

105 Boo Su-Lyn, “Malaysia uses spyware against own citizens, NYT reports,” *The Malaysian Insider*, March 14, 2013, <http://bit.ly/1E52SSf>; The original *New York Times* article: Nicole Perloth, “Researchers Find 25 Countries Using Surveillance Software,” *The Business of Technology* (blog), *The New York Times* March 13, 2013, <http://nyti.ms/1G2XSQv>.

106 “Short Background: Citizen Lab Research on FinFisher Presence in Malaysia,” Citizen Lab, May 2013, <http://bit.ly/1zNT7Bo>.

107 Bill Marczak et al, “Mapping Hacking Team’s “Untraceable” Spyware,” Citizen Lab, February 17, 2014, <http://bit.ly/1kPD00Y>.

108 CPJ, “Journalists assaulted, detained during rally in Malaysia,” April 30, 2012, <http://cpj.org/x/4b4a>.

109 Human Rights Watch, “Malaysia: Violence, Cyber Attacks Threaten Elections,” May 1, 2013, <http://bit.ly/1Ezugqi>; Shawn Crispin, “In Asia, Three Nations Clip Once-Budding Online Freedom,” in *Attacks on the Press*, Committee to Protect Journalists (New York: Wiley, February 2013), <http://bit.ly/1wxdbax>.