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Asia - Malaysia

Poor ruling

Court's ruling on cartoonist's suit sets disturbing precedent for media freedom

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Reporters Without Borders is disappointed by the Kuala Lumpur High Court's ruling today in the civil suit that **Zulkiflee Anwar Haque**, the political cartoonist better known as **Zunar**, brought against the Malaysian authorities. The suit accused them of acting illegally and causing him material losses in September 2010 by arresting him and confiscating copies of the book of cartoons he was about to publish.

Judge Vazeer Alam Mydin ruled that the authorities acted unlawfully by confiscating and keeping Zunar's books but that his arrest was lawful.

"This decision sends a warning to all of Malaysia's journalists," Reporters Without Borders said. "It could set a disturbing precedent for the fundamental principles of freedom of the media and expression, which should have prevailed in the High Court's decision. If the court thought that the confiscation of 66 copies of Zunar's book 'Cartoon-o-phobia' was unlawful, it should have taken the same view of his detention.

"Cartoons can in no way be regarded as tools of 'sedition.' They are journalistic and artistic works that play a necessary role in Malaysian democracy. We call on the authorities to lift the ban on all of Zunar's works and to scrap the ban on cartoons that Prime Minister Najib Razak's government intends to impose during the upcoming elections."

While ruling that Zunar's arrest was legal, Judge Vazeer said: "The law does not allow the authorities to keep the materials for a long time. The continued confiscation of the books will affect the plaintiff's livelihood."

The ruling was "comical" and "contradictory," Zunar told Reporters Without Borders. "My cartoons and me are one and the same thing," he said. "And on what basis did the authorities have the 'reasonable doubts' required by the Sedition Act if they had never even seen the contents of 'Cartoon-o-phobia' before my arrest."

Zunar's lawyer, N. Surendran, added: "The detention showed that the government wanted to foil the launch of Zunar's book. They had an ulterior motive and acted with malice."

In a [press release](#), Lawyers for Liberty said: "The High Court has failed to look objectively into the facts surrounding Zunar's arrest and detention which clearly show mala fide [bad faith] on the part of the police and the government in sabotaging Zunar's book launch, which was scheduled on the night of the arrest."

Brought jointly by Zunar and his publishing house, Sepakat Efektif Sdn Bhd, the lawsuit named the home ministry (interior ministry), police inspector-general Ismail Omar and police officers Arikrishna Apparau and Marina Hashim as defendants.

As well as accusing them of acting illegally, the suit sought compensation for the material losses caused by the confiscation of a painting and the confiscation of the books that were due to have been published on the day he was arrested, 24 September 2010.

As grounds for arresting Zunar, the authorities initially cited the Sedition Act and then the Printing Presses and Publications Act. Reporters Without Borders has repeatedly condemned both laws as

draconian ([LINK](#)).

The Sedition Act provides for sentences of up to five years in prison and a fine of 5,000 ringgits for criticizing the government, questioning the established order or questioning Malaysia's sovereignty. The 1984 Printing Presses and Publications Act is one of about 30 laws that can be used to control the media and Internet.
