

Malaysia

The Malaysian government's 1998 pledge not to censor the Internet rings hollow a decade later. Since an unprecedented loss of voter confidence in the 2008 Malaysian general elections that was partly attributable to online dissent, the Malaysian government is now attuned to the political costs of a relatively uncensored Internet. It has since employed all means of control short of an outright technical filter of the Internet against cyber dissidents.



RESULTS AT A GLANCE

Filtering	No Evidence of Filtering	Suspected Filtering	Selective Filtering	Substantial Filtering	Pervasive Filtering
Political	•				
Social	•				
Conflict and security	•				
Internet tools	•				

OTHER FACTORS

	Low	Medium	High	Not Applicable
Transparency				•
Consistency				•

KEY INDICATORS	
GDP per capita, PPP (constant 2005 international dollars)	12,678
Life expectancy at birth, total (years)	74
Literacy rate, adult total (percent of people age 15+)	92.1
Human Development Index (out of 169)	57
Rule of Law (out of 5)	3.0
Voice and Accountability (out of 5)	2.0
Democracy Index (out of 167)	71 (Flawed democracy)
Digital Opportunity Index (out of 181)	57
Internet penetration rate (percentage of population)	55.9

Source by indicator: World Bank 2009, World Bank 2008a, World Bank 2008b, UNDP 2010, World Bank Worldwide Governance Indicators 2009, Economist Intelligence Unit 2010, ITU 2007, ITU 2009. See Introduction to the Country Profiles, pp. 222–223.

Background

In 1998, the Malaysian government pledged to refrain from censorship of the Internet as part of a financial calculation to attract foreign investment. This pledge was statutorily enshrined in Section 3(3) of the Communications and Multimedia Act of 1998 (CMA), which regulates telecommunications in Malaysia.¹ The pledge was repeated in a bill of guarantees attached to the main Malaysian IT development project aimed at reassuring foreign investors.² Thus the Internet initially offered a relatively unconstrained medium for opposition voices to flourish, allowing for the nascence of the active, vibrant, and mostly antigovernment Malaysian sociopolitical blogosphere.³ This pledge of noncensorship of the Internet has been substantially eroded under the banner of preserving “racial harmony” in recent years, especially after a major political setback suffered by the ruling coalition in 2008.

Malaysia is an ethnically diverse country that has been governed by the same political coalition, Barisan Nasional (BN),⁴ since independence from British colonial rule in 1957.⁵ Malays make up 49.6 percent of the population, while 22.8 percent and 6.8 percent are Chinese and Indian, respectively.⁶ The strength of the Malaysian government’s appeal to “racial harmony” in justifying Internet regulation lies in the nation’s historical experience with race relations. Race forms the “most prominent and pervasive line of cleavage in Malaysian politics, economics and society.”⁷ Racial tension, especially between the majority Malays and minority races over affirmative action, has been the source of the two most severe disruptions to social stability in Malaysia.⁸

The first incident in 1964 carved out Singapore as a separate state from the newly created Federation of Malaysia,⁹ and the second, on May 13, 1969, led to at least 100 fatalities overnight.¹⁰

Given BN's uninterrupted rule since 1957, the litmus test of political strength in Malaysia's flawed constitutional democracy lies in a particular coalition's ability to maintain a two-thirds majority in the lower house of Parliament—the requisite majority for amending the Malaysian Federal Constitution.¹¹ Barisan Nasional has achieved this majority in almost every election since independence, in effect removing any real restriction on its legislative whims.¹² On the strength of this test, BN's political record is unblemished. It accounted for an unprecedented majority of 90.4 percent of all votes in the 2004 general elections.¹³ In this context, BN's failure in the 2008 elections to secure the necessary number of seats in Parliament is unsurprisingly considered "a debacle."¹⁴

Running on a savvy online campaign, the opposition coalition, Pakatan Rakyat (PR),¹⁵ became a meaningful political adversary to the incumbent BN for the first time in Malaysian history. In contrast to BN's three Web sites, PR was reported to have more than 7,500 Web sites and blogs, with little to no coverage in the mainstream media.¹⁶ Underlying PR's heavy reliance on the Internet for campaigning in 2008 is Malaysia's long history of state censorship of the mainstream media.

Three main mechanisms of censorship and media control coexist and are wielded by the government in tandem. First, the Printing Presses and Publications Act of 1984 (PPPA) and CMA subject all offline media (i.e., newspapers, television, and radio stations) to licensing regimes granted at the unfettered and unreviewable discretion of various ministers.¹⁷ Thus the mainstream media are forced to develop a norm of self-censorship to toe an opaque and undefined executive line. Also, the Malaysian government has not hesitated to employ coercive national security laws against critical publications and journalists.¹⁸ Second, BN spearheaded a privatization campaign in 1998, enabling its component parties to acquire significant corporate stakes in the four main Malaysian daily newspapers. Third, the Malaysian government has taken the view that the role of the press is to act as agents and proponents, not critics, of national development.¹⁹ Together, these factors restrict effective political campaigning against BN and create a deficit of objective, neutral reporting.

Internet in Malaysia

Since 1996, the Malaysian government has pursued an aggressive Internet implementation and development policy. The Multimedia Super Corridor (MSC) project was one of its most visible initiatives. The MSC is a strip of approximately 290 square miles of developed land meant to attract foreign IT research and development investors through tax breaks and infrastructural support—for example, connecting the area

with high-speed fiber optic wires.²⁰ Affiliated projects include training an IT-literate Malaysian workforce through specialized school programs and providing consumers with financial incentives to purchase personal computers. As of 2009, Malaysia had more than 15 million Internet users, with a national penetration rate of 55.90 percent.²¹ After Singapore and Brunei, Malaysia has the third-highest national penetration rate in Southeast Asia.²²

Recently, the Malaysian government announced its aim to achieve household broadband penetration rates of 50 percent by the end of 2010 under its National Broadband Initiative program.²³ However, as of 2009, the fixed broadband penetration rate in Malaysia stood at a mere 6.08 percent, second in the region to Singapore's 23.7 percent.²⁴ In spite of the relatively slow uptake of broadband among Malaysians, the government has recently granted Worldwide Interoperability for Microwave Access (WiMAX) licenses to local network providers in a bid to improve overall connectivity to the Internet.²⁵

The state maintains control over physical access to the Internet, requiring all Internet service providers (ISPs) to be licensed for operation. TMNet, a wholly owned subsidiary of a privatized branch of the state, dominates the ISP market with its 93 percent share.²⁶ By granting WiMAX licenses to four smaller, privately owned, and nonestablished ISP companies, the Malaysian government appeared to be reversing its trend of direct control over access to the Internet.²⁷ However, it would be premature to draw this conclusion. First, because WiMAX integrates telecommunication services onto a single platform with the result that a single state licensee provides fixed-line and mobile-phone coverage, television streaming, and broadband access, it is at least arguable that the need for direct state control through corporate stakeholding has been reduced. Second, YTL Communications, one of the four "independent" WiMAX licensees, is currently embroiled in controversy over an allegedly unfair governmental approval that enables it to operate in the "highly coveted 700MHz spectrum."²⁸

Legal and Regulatory Framework

Although the Malaysian federal constitution guarantees the right to free speech, this freedom is immediately qualified.²⁹ Parliament is constitutionally permitted to restrict the right as it deems "necessary or expedient" for reasons of public order and national security.³⁰ As mentioned, this right is formally reinforced, where online content is concerned, in the 1998 pledge. However, the 2008 election results have provided an impetus for stricter scrutiny, which was made evident by the government's brief but thorough attempt in 2009 to implement a national-level filter on the Internet. The Malaysian government reportedly issued tenders to software companies for an Internet filter,³¹ citing the need to "keep out pornographic materials and bloggers who inflame racial sentiments."³² This blatant repudiation of its 1998 pledge drew many domestic

and international objections, which led to the withdrawal of the proposal less than a week later.³³

Currently, online news portals and bloggers are not governed by the existing registration and licensing regimes applicable to the mainstream media. However, because of the continuing growth and popularity of online media, the Malaysian government is planning to close this loophole. It announced plans in 2008 to register all “political bloggers.”³⁴ This scheme has since been abandoned following vehement protests. However, on January 25, 2011, the Home Ministry revealed proposed amendments to the much-criticized Printing Presses and Publications Act that will bring online news Web sites within the act’s licensing regime.³⁵ Malaysian civil society, bloggers, and journalists have resoundingly condemned the move.³⁶ The government’s current position is unclear because statements from the Prime Minister’s Department contradict the Home Ministry’s claim of presenting these amendments to Parliament for its next sitting in March 2011.³⁷

In addition, there has been a dramatic upsurge in the number of proceedings launched against individual bloggers and the popular, award-winning, independent online news portal Malaysiakini. The state has relied on three main methods in persecuting online dissidents.

First, it has exercised its draconian detention powers under numerous national security laws. Nathaniel Tan was the first Malaysian blogger to be detained on July 13, 2007, under the 1972 Official Secrets Act following corruption allegations against a deputy minister made in an anonymous comment left on his blog.³⁸ Subsequently, Raja Petra Kamarudin, who maintains the popular Malaysia Today blog, was detained in 2008 under the Internal Security Act (ISA) of 1960 for a controversial post alleging the Malaysian prime minister’s complicity in the gruesome murder of a Mongolian model.³⁹ He has since fled the country after repeated threats of ISA incarceration and criminal prosecution for sedition.⁴⁰ Further, in December 2010 the government announced its intention to publish “cyber sedition guidelines” by January 2011. These guidelines are intended “to counter the rising trend in sedition and libel cases involving online media and social sites.”⁴¹ In response, free speech activists voiced concerns over the actual intention of these guidelines and their potential for increasing proceedings against cyber dissidents.⁴²

Second, the state has launched defamation suits to silence and persecute online dissidents. A landmark defamation suit was initiated in early 2007 against two prominent bloggers, Jeff Ooi (now a member of Parliament) and Ahiruddin Attan, for allegedly libelous content concerning the *New Straits Times* newspaper on their blogs.⁴³ This is the first known defamation suit against bloggers and is broadly connected to the state because BN has substantial corporate control over *New Straits Times*.⁴⁴ Recently, another defamation suit has been initiated by the Malaysian Information Minister in

his personal capacity against a political blogger who posted on rape allegations involving the Minister's former domestic help.⁴⁵

The third method utilized by the state in persecuting bloggers involves the broad investigative and enforcement powers of the Malaysian Communications and Multimedia Commission (MCMC), the main regulatory authority of information technology and communications industries.⁴⁶ Under the CMA, there are two relevant offenses: Section 211 establishes a broad prohibition of online content that is "indecent, obscene, false, menacing, or offensive in character with intent to annoy, abuse, threaten or harass any person."⁴⁷ The other offense, under Section 233, relates to "improper use of network facilities," and criminalizes knowing use or permission for use of the Internet to communicate prohibited content as defined earlier in Section 211.⁴⁸ Contravention of either section may result in prosecution, and, if convicted, violators may be liable for a fine of up to MYR 50,000 (just over USD 16,000) and/or a maximum prison term of one year.⁴⁹

The CMA grants MCMC power to conduct investigations, either upon receipt of complaints or on its own initiative, into potential commissions of both offenses, and it has wide discretion over the conduct of such investigations.⁵⁰ The number of MCMC investigations launched against online news portals and bloggers has increased more than tenfold from ten cases in 2005 to 133 in 2010.⁵¹ *Malaysiakini* is a focal point of much of the MCMC's investigatory work, as one of its stories illustrated particularly well in September 2009. *Malaysiakini* reported on and posted videos of a controversial rally staged against proposed plans for constructing a Hindu temple in a mainly Malay-Muslim residential area. The videos featured protestors stomping on a severed cow head.⁵² The incident has been considered offensive to racial and religious sensibilities,⁵³ in particular because of the sacred position reserved for cows in Hinduism, a belief held by many Malaysian Indians in lieu of the close identification of race and religion in Malaysia.⁵⁴ The organizers of this rally were subsequently charged under the Sedition Act for inciting racial hatred,⁵⁵ but ironically the MCMC saw fit to also initiate investigations and conduct "marathon" interview sessions lasting eight hours with *Malaysiakini* editors and staff on similar official grounds for publishing these videos.⁵⁶

Recently, *Malaysiakini* again came under MCMC scrutiny for reporting on the 2010 annual general meeting of UMNO, the leading party in BN.⁵⁷ BN is not alone in its reliance on MCMC's wide powers in launching proceedings against its online critics. In September 2010, a PR-controlled state filed a complaint with MCMC against a blogger who claimed that funding for senior citizens' support programs had been improperly obtained from gambling sources, contrary to Islamic laws and beliefs.⁵⁸

In response to increasing pressure to control online content, the MCMC has recently begun wielding its prosecutorial powers.⁵⁹ In March 2009, landmark court proceedings for "improper use of network facilities" were instigated by MCMC against

bloggers who allegedly made disparaging comments about the involvement of a royal head of state in a tussle between BN and PR for control of a state government.⁶⁰ Two bloggers have since pled guilty. They had to pay fines of MYR 10,000 and MYR 8,000 (approximately USD 3,260 and USD 2,600), respectively. The other suits are still pending.⁶¹ Similarly, in September 2010, Irwan Abdul Rahman, who started a satirical tongue-in-cheek blog mimicking The Onion News Network, was hauled up before the courts for the same offense after he posted a story highly critical of Tenaga Nasional Berhad, the country's main, state-owned energy provider.⁶²

In the years since the 2008 elections, the incumbent BN has avoided repeating its 2008 mistake of ignoring the Internet and losing the digital race for votes.⁶³ Numerous by-elections since 2008 have seen BN effectively mobilizing online support, and its followers, dubbed "cybertroopers," have allegedly launched smear campaigns against Pakatan Rakyat candidates.⁶⁴ These are strongly reminiscent of government-sponsored information campaigns launched in other countries, such as Russia, China, and Iran.⁶⁵ On a constructive front, there are also signs of the Malaysian government using the Internet to engage with its electorate: thousands of citizens responded to the prime minister's invitation for suggestions on the proposed 2011 national budget on his blog.⁶⁶

Surveillance

There is no express constitutional right to privacy in Malaysia, and the courts have declined to recognize it in common law.⁶⁷ Notwithstanding the absence of constitutional protection, the long-awaited Personal Data Protection Bill was passed in April 2010, prohibiting dissemination of personal information without consent in commercial transactions.⁶⁸ However, this act is severely limited because state action is expressly excluded from its scope.⁶⁹

On the flipside, there are a wide range of legislative provisions empowering unsupervised and unreviewable governmental seizure and detention of information. The CMA criminalizes unlawful interception of communications but in the same breath requires ISPs to implement interception capabilities if required by a minister.⁷⁰ It also permits the MCMC to seize and retain, for as long as deemed necessary, any documents obtained pursuant to its investigations.⁷¹ The Computer Crimes Act of 1997 and Anti-Corruption Act of the same year respectively permit a police inspector or the public prosecutor to dispense with judicial warrants in carrying out searches and seizures of electronic data for investigating cybercrimes or corruption where deemed reasonably necessary.⁷² No subsequent judicial warrant is required under either act. In addition to these computer- and Internet-specific powers, the ISA is always available as a legal backstop, justifying searches, seizures, and detention in the name of national security.⁷³

Evidence of ISP compliance with governmental interception requests stretches as far back as 1998, when the Malaysian government swiftly identified perpetrators behind an e-mail hoax with the cooperation of ISPs.⁷⁴ The government was spurred into action because the e-mail circulated a false but not implausible rumor that racial riots in neighboring Indonesia had spilled over to Malaysia, resulting in mass panic and binge buying of supplies in anticipation of a curfew.⁷⁵ More recently, a 2008 DNS block by the largest Malaysian ISP, TMNet, of the controversial Malaysia Today site demonstrates a degree of continued ISP compliance with governmental requests.⁷⁶ Subsequently, the site administrator, Raja Petra Kamarudin, has reported repeated distributed denial of service (DDoS) attacks between 2009 and 2010.⁷⁷ The most recent incident in September 2010 suggests pervasive (but unconfirmed) governmental monitoring—access to Malaysia Today was denied immediately after Raja Petra released documents illustrating rampant corruption within the federal government.⁷⁸ The rapid attack corroborates a 2010 announcement that the Malaysian government has created a specially designated cyber “task force” charged with monitoring the Internet for “blog postings deemed harmful to national unity.”⁷⁹

Although there are governmental plans to require ISPs to keep detailed records of their subscribers, as evidenced by a consultation paper and report issued by the MCMC, no rules appear to have been published to date.⁸⁰ In April 2011, the government announced the “1Malaysia” e-mail project, a “voluntary” service for all correspondence between the public and the state.⁸¹ This project has been heavily criticized as expensive, superfluous, and a potential tool for state surveillance.⁸² The public is well attuned to the government’s heightened interest in the Internet, especially after the successful online coordination of five large rallies by means of blogs in 2007. This awareness of governmental monitoring is exemplified in precautions taken in 2010 by administrators of a Facebook protest page against governmental plans to build a MYR 5 billion (approximately USD 1.6 billion) 100-story tower in Malaysia. In organizing cake parties to mark the 263,000-member-strong page’s one-month anniversary, they expressly advised against having banners, slogans, or leaders at each location to avoid arrest under the exceedingly broad Police Act.⁸³ These admonishments proved prescient, for university officials issued warnings to students who intended to host one such party, and security personnel dispersed another gathering.⁸⁴

In general, Malaysians are accustomed to monitoring and surveillance by the government. Registration requirements are pervasive—each citizen is required by law to carry an identification card at all times,⁸⁵ and in 2006 registration was made compulsory for all prepaid mobile phone users under the CMA.⁸⁶ In 1998 the Malaysian government briefly toyed with requiring registration of all Internet café users but lifted this rule in 1999.⁸⁷ Today, the rule is arguably unnecessary because the combined effect of closed circuit television cameras installed after a spate of violent crimes⁸⁸ and the

requirement of carrying one's identification card at all times renders it difficult to maintain anonymity in Malaysia without considerable effort.

ONI Testing Results

The OpenNet Initiative conducted testing over the course of September and October 2010 on two ISPs: TMNet, the main Malaysian ISP, and Macrolynx, a smaller specialist provider to Klang Valley, which has the highest density of Internet users and bloggers in Malaysia.⁸⁹ The tests revealed no evidence of filtering for any of the categories tested, which is unsurprising given the public climbdown of the Malaysian government from its 2009 filtering plans.

Conclusion

Malaysia has extended its practice of controlling all media of communication to the Internet. It joins a growing trend of state reliance on second- and third-generation control mechanisms through a complex combination of formal and informal methods, from applying existing laws to online content, to directly competing within cyber-informational space for voter attention. Significantly, the number of proceedings against individual bloggers has been increasing exponentially since the first cases in 2007 and is unlikely to abate. This trend is possibly the result of two factors. First, China has emerged as a model for controlling Internet content without sacrificing foreign investment interest. Second, the 2008 Malaysian elections unequivocally materialized BN's concerns over the destabilizing effect of cyber dissenters. Notably, the relatively tepid public response to 2010 official announcements of a governmental task force to scour the Internet may indicate a growing resignation to pervasive state monitoring and surveillance of the Internet in Malaysia.

Notes

1. Section 3(3), Malaysian Communications and Multimedia Act, 1998.
2. Point 7, Multimedia Super Corridor Bill of Guarantees, 1999.
3. This is self-defined by SoPoSentral, a directory of "sociopolitical" blogs in Malaysia, categorized as blogs on social, political, and financial issues pertaining to Malaysia.
4. Barisan Nasional translates to "National Front." BN is used here for readers who are accustomed to the regional abbreviation.
5. Malaysia has a federal government and 13 state governments. In this report, "Malaysian government" refers to the federal government unless indicated otherwise. Barisan Nasional is still in control of the federal government, though not of all 13 state governments.

6. Department of Statistics Malaysia, e-mail message to author on April 19, 2011 (based on 2010 census data).
7. Meredith L. Weiss, *Protest and Possibilities: Civil Society and Coalitions for Political Change in Malaysia* (Stanford, CA: Stanford University Press, 2006), 12.
8. Race-based affirmative action in favor of the majority Malays is constitutionally guaranteed in Malaysia and comes in the form of socioeconomic privileges. See Article 153, Malaysian Federal Constitution.
9. Richard Clutterbuck, *Conflict and Violence in Singapore and Malaysia, 1945–1983* (Singapore: Westview Press, 1985), 321.
10. The National Operations Council, *The May 13 Tragedy, A Report* (Kuala Lumpur, Malaysia: National Operations Council, 1969), 69.
11. See Article 159(3), Malaysian Federal Constitution.
12. Meredith L. Weiss, "Malaysia's 12th General Election: Causes and Consequences of the Opposition's Surge," *Asia Pacific Bulletin* 12 (2008): 1.
13. Abdul Rashid Moten and Tunku Mohar Mokhtar, "The 2004 General Elections in Malaysia," *Asian Survey* 46 (2004): 330.
14. Weiss, "Malaysia's 12th General Election," 1.
15. Translates from Malay as "people's pact" or "people's alliance." We use PR as an abbreviation to maintain regional consistency.
16. "How BN Lost the Media War," *New Straits Times*, April 2, 2008, http://findarticles.com/p/news-articles/new-straits-times/mi_8016/is_20080402/bn-lost-media-war/ai_n44396127/ (referring to a study conducted by Zentrum Future Studies Malaysia).
17. See Section 13(1), 13A, Malaysian Printing Presses and Publications Act.
18. *The Star* is the most widely read and circulated English national daily and was once a vocal critic of the Malaysian government. However, in 1987, *The Star* was one of the subjects of *Operasi Lalang* (i.e., "Operation Weeding Out"), an investigative campaign launched by the Malaysian government under its powers granted by the 1960 Internal Security Act. *The Star's* publication license was revoked briefly, but upon renewal of its license, *The Star* became far less politically attuned and has been criticized for being a pale version of its pre-1987 self. See Zaharom Nain and Wang Lay Kim, "Ownership, Control and the Malaysian Media," in *Who Owns the Media: Global Trends and Local Resistance*, ed. Pradip N. Thomas and Zaharom Nain (Penang, Malaysia: Zed Books, 2004), 249.
19. John Hillely, *Malaysia: Mahathirism, Hegemony and the New Opposition* (London: Zed Books, 2001), 123.
20. See MSC Malaysia National Rollout Phase 1, <http://www.mscomalaysia.my/topic/12073058488660>.

21. International Telecommunication Union (ITU), "Internet Indicators: Subscribers, Users and Broadband Subscribers," 2009 Figures, http://www.itu.int/ITU-D/icteye/Reporting/ShowReportFrame.aspx?ReportName=/WTI/InformationTechnologyPublic&ReportFormat=HTML4.0&RP_intYear=2009&RP_intLanguageID=1&RP_bitLiveData=False.
22. Ibid.
23. "Target: Broadband Penetration to Go Up to 50% by Next Year," *Malaysiakini*, November 10, 2009, <http://malaysiakini.com/news/117064>.
24. ITU, "Internet Indicators: Subscribers, Users and Broadband Subscribers."
25. "Government Believes Malaysia Will Become Major Hub for WiMAX Going Forward," *Bernama*, November 22, 2010, <http://www.bernama.com/bernama/v5/newsbusiness.php?id=544499>.
26. Telekom Malaysia is the "privatized branch of the state" referred to, the parent company of TMNet. The government maintains a 35.03 percent shareholding. See Telekom Malaysia, "TM—About TM—Background and Strength: Capital Structure," <http://www.tm.com.my/ap/about/background/Pages/capital-structure.aspx>; Telekom Malaysia, "TM—About TM—Background and Strength: Shareholding Structure," <http://www.tm.com.my/ap/about/background/Pages/GroupCorporateStructure.aspx>.
27. "Four Companies Successfully Obtain WiMAX Licences" [in Malay], *Utusan Malaysia*, March 16, 2007, http://www.skmm.gov.my/index.php?c=public&v=art_view&art_id=501.
28. "No Exclusive 700MHz Spectrum for YTL," *Malaysiakini*, November 30, 2010, <http://malaysiakini.com/news/149640>; Clara Chooi, "Rais Grilled in Parliament over YTL-700MH," *Malaysian Insider*, November 30, 2010, <http://www.themalaysianinsider.com/malaysia/article/rais-grilled-in-parliament-over-ytl-700mhz-saga>.
29. See Article 10(1)(a), Federal Constitution of Malaysia.
30. Ibid., Article 10(2)(a).
31. Yip Ai Tsin, "Rais Defends Internet Filter Plans," *Malaysiakini*, August 7, 2009, <http://malaysiakini.com/news/110085>.
32. "Gov't Mulls China-Style Net Censorship," *Malaysiakini*, August 6, 2009, <http://www.malaysiakini.com/news/110048>.
33. "No Plan to Filter Internet, Says Rais," *Malaysiakini*, August 12, 2009, <http://www.malaysiakini.com/news/110397>.
34. "Bloggers May Have to Reveal Identities," *Malaysiakini*, April 7, 2007, <http://www.malaysiakini.com/news/65558>.
35. "Online News Sites to Be Included under PPPA," *Malaysiakini*, January 25, 2011, <http://www.malaysiakini.com/news/154483>.
36. "Brickbats Hurlled at Move to Control Online Media," *Malaysiakini*, January 26, 2011, <http://www.malaysiakini.com/news/154520>.

37. Aidila Razak, "No Change to Publishing Law in March: Liew," *Malaysiakini*, January 27, 2011, <http://malaysiakini.com/news/154621>.
38. "OSA Probe: Police Detains PKR Webmaster," *Malaysiakini*, July 13, 2007, <http://www.malaysiakini.com/news/69917>.
39. Andrew Ong, "Raja Petra Arrested under ISA," *Malaysiakini*, September 12, 2008, <http://malaysiakini.com/news/89544>.
40. See Malaysian Sedition Act, 1948.
41. Hazlan Zakaria, "Sedition Guidelines Will Now Apply to Online Media," *Malaysiakini*, January 24, 2011, <http://www.malaysiakini.com/news/154301>.
42. Chuah Siew Eng, "Proposed Cyber Sedition Law Is Undemocratic," *Malaysiakini*, December 3, 2010, <http://www.malaysiakini.com/letters/149879>.
43. Soon Li Tsin, "Bloggers Sued for Defamation," *Malaysiakini*, January 18, 2007, <http://www.malaysiakini.com/news/62257>.
44. Ming Kuok Lim, "Blogging and Democracy: Blogs in Malaysian Political Discourse" (PhD dissertation, Pennsylvania State University, 2009), 110–116, http://etda.libraries.psu.edu/theses/approved/WorldWideFiles/ETD-3818/LIM_Doctoral_Dissertation_2009.pdf.
45. "PKR Activist Agrees Not to Blog Against Rais," *Malaysiakini*, March 21, 2011, <http://www.malaysiakini.com/news/159200>.
46. See Section 16, Malaysian Communications and Multimedia Commission Act, 1998.
47. Section 211(1), Malaysian Communications and Multimedia Act, 1998.
48. *Ibid.*, Section 233.
49. *Ibid.*, Sections 211(2) and 233(3).
50. *Ibid.*, Sections 68, 69, and 70.
51. See MCMC List of Cases Investigated in 2005, 2010, http://www.skmm.gov.my/index.php?c=public&v=art_view&art_id=92.
52. Andrew Ong, "Temple Demo: Residents March with Cow's Head," *Malaysiakini*, August 28, 2009, <http://malaysiakini.com/news/111628>.
53. "PM Furious, Tells IGP to Act," *Malaysiakini*, August 28, 2009, <http://malaysiakini.com/news/111669>.
54. The Malaysian federal constitution itself identifies race with religion. See Article 160(1): "Malay" means a person who professes the religion of Islam. Additionally, many Hindus are Indians. See Saw Swee-Hock, *The Population of Malaysia* (Singapore: Institute of Southeast Asian Studies, 2007), 78–83. In Malaysia, 84.1 percent of Indians are Hindus, 100 percent of Malays are Muslims, and 76 percent of Chinese are Buddhists.

55. Kuek Ser Kuang Keng, "12 Charged over Cow-Head Protest," *Malaysiakini*, September 9, 2009, <http://malaysiakini.com/news/112445>.
56. "MCMC Quizzes Editor over Cow-Head Videos," *Malaysiakini*, September 5, 2009, <http://malaysiakini.com/news/112204>; "Cow-Head video: MCMC Comes A-calling Again," *Malaysiakini*, September 10, 2009, <http://www.malaysiakini.com/news/112564>.
57. "MCMC Targets Malaysiakini Again," *Malaysiakini*, October 22, 2010, <http://malaysiakini.com/news/146121>.
58. Susan Loone, "Penang Submits Complaint to MCMC against Blogger," *Malaysiakini*, September 21, 2010, <http://www.malaysiakini.com/news/143210>.
59. See Section 249, *Malaysian Communications and Multimedia Act*, 1998.
60. Charles Lourdes, "Six to Be Charged for Insulting Perak Sultan via Blogs, Postings (Update 2)," *The Star*, March 12, 2009, <http://thestar.com.my/news/story.asp?sec=nation&file=/2009/3/12/nation/20090312194041>; but see MCMC List of Prosecutions 2009, http://www.skmm.gov.my/index.php?c=public&v=art_view&art_id=92, which lists nine individuals.
61. MCMC List of Prosecutions 2009, http://www.skmm.gov.my/index.php?c=public&v=art_view&art_id=92.
62. Nurul Huda Jamaluddin, "Blogger 'Hassan Skodeng' to Face Charge Tomorrow," *Malay Mail*, September 1, 2010, <http://www.mmail.com.my/content/48211-blogger-hassan-skodeng-face-charge-tomorrow>.
63. "Alternative Media: BN vs. PR—Who's Winning?" *Malaysian Digest*, March 15, 2010, <http://www.malaysiandigest.com/features/2541-alternative-media-bn-vs-pr-who-is-winning.html>. (The report states that BN has more Twitter and Facebook fans overall: at 19,596 and 164,335 as opposed to PR's 17,176 and 109,472.)
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65. Ronald J. Deibert and Rafal Rohozinski, "Control and Subversion in Russian Cyberspace," in *Access Controlled: The Shaping of Power, Rights, and Rule in Cyberspace*, ed. Ronald J. Deibert, John Palfrey, Rafal Rohozinski, and Jonathan Zittrain (Cambridge, MA: MIT Press, 2010); David Baudurski, "China's Guerrilla War for the Web," *Far Eastern Economic Review* 171, no. 6 (July 2008), 41.
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