



kpum
EST. 1979

ANNUAL REPORT 2017/18

A YEAR OF ACCOMPLISHMENTS

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FOREWORD

KPUM has always been a place for the dissemination and execution of brilliant ideas. This year is no different, with our usual projects such as the Law Career Convention, Q&A and KPUMoots taking place, as well as new projects such as the online discussion platform Legal Academy, the career-focused publication Communique, pre-Law Career Convention and the many human rights campaigns spearheaded. Special mention and thanks must be made out to the Malaysian Division led by Sebastian Sim and his team, having successfully took off upon the motion passed for devolved powers in 2016/2017. With immense spirit and mind they took on projects new and old, from Strategic Litigation Camp to the essay bank The First Initiative to numerous Lawatans and Firm Tours to the legal conference LEXiCON.

With passion and the right mindset, no dream is beyond our reach. For we are such stuff as dreams are made on (Prospero, Act 4, scene 1, The Tempest by William Shakespeare.)

Moving forward, there is much to do. We need to constantly rethink Why we do things and always re-strategize the How in an effort to serve our members to the best of our abilities. If any of us are feeling it, we know that regret is a bittersweet friend. It reminds one that one has done badly but also that one knows that one can do better. It is with that forward-thinking mindset that KPUM can premise itself on and grow.

However, that is not to say that we do not celebrate what has been done. As a preliminary matter, allow me to extend my deepest gratitude to those who have chosen to be part of the KPUM working committee. KPUM is not without its people, I have said it once and will say it again. I hope you have had ups and downs (yes, even the downs! The downs are how we grow) and that when you look back, your year in KPUM would be one to remember.

To those who are future KPUM members and future working committee members, I would like to extend an invitation to you to what may be one of your best university experiences ever: Come, join us; and together, let us continue to empower future lawyers, unite law students and uphold the rule of law.



OUR NETWORK

Sponsors
Memorandum of Understanding
Partners

Main Sponsors

General Sponsor



RAJA, DARRYL & LOH
advocates and solicitors

Raja, Darryl & Loh currently ranks as one of the larger law firms in Malaysia. Our client base includes financial institutions, multinationals, public-listed companies, corporations, small & medium enterprises and individuals. Presently, we have more than 65 legal practitioners.

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Main Sponsors

Diamond Sponsor



Established in 1991, Brickfields Asia College (BAC) offers students the “Fastest and Smartest Way” to over 200 world-class law and business degrees. BAC provides its students with an unrivalled educational experience along with graduate recognition and mobility as its innovative programmes offer them a choice to graduate from over 25 UK universities.

In line with its mission of providing quality education that meets international standards, BAC has consistently been lauded for its excellence in the field. The college has received numerous industry awards including Global Business Outlook’s Best Brand in Education in Malaysia 2015 and the Best Brand in Legal Education for five consecutive years.

Gold Sponsor



Shearn Delamore & Co’s rich history and heritage reflects the story of Malaysia over the past century. The seeds of the firm were planted around the beginning of the twentieth century, the time that professional lawyers were allowed to appear as advocates before the courts of the Federated Malay States (FMS). Our clients comprise multinational conglomerates, public-listed companies, industrial and commercial corporations, professional firms and organisations, multilateral agencies, domestic and international institutions, governments and individuals, and social and welfare entities. We are also frequently appointed as counsel and consulted by other legal firms. Today, Shearn Delamore & Co is one of the largest award-winning full-service law firms in the country with over 100 lawyers and 300 support staff.

Memorandum of Understanding



The Malaysian Bar



Malaysian Centre for
Constitutionalism and
Human Rights (MCCHR)



e-Lawyer



Teach for Malaysia

PARTNERS

30 days of Summer Internship Programme

Albar & Partners
Advocates & Solicitors

Albar & Partners

A R
& C

Ariff Rozhan & Co

CECIL ABRAHAM & PARTNERS
ADVOCATES & SOLICITORS

Cecil Abraham & Partners



Dee, Netto Fatimah & Ng

LH
ADVOCATES
AND SOLICITORS | Lee Hishammuddin Allen & Gledhill
AG

Lee Hishammuddin
Allen & Gledhill

PARTNERS

30 days of Summer Internship Programme



RAJA, DARRYL & LOH
advocates and solicitors

Raja, Darryl & Loh

Shearn Delamore & Co.

Shearn Delamore & Co

SHOOK LIN & BOK

EST 1918
KUALA LUMPUR

Shook Lin & Bok

SKRINE

Skrine



TAY & PARTNERS

Tay & Partners

Wong &
Partners.

Member Firm of
Baker & McKenzie International

Wong & Partners

PARTNERS

Beyond the Bar Internship Programme



Air Asia



Can Law



Digi X



Ideas



Nestlé



PWC



Teach for Malaysia



Unilever

PARTNERS

ASASI Internship Programme



Asylum Access



The Centre to Combat
Corruption and Cronyism



Centre for Orang Asli
Concerns (COAC)



Empower



Justice for Sisters

PARTNERS

ASASI Internship Programme



MCCHR



Penang Institute



Sisters in Islam



Suaram



SUHAKAM



Women's Aid Organisation

OUR TEAM



EXECUTIVE COMMITTEE

PRESIDENT

Jinghann Hong
Year 3
University of Warwick

**DEPUTY
PRESIDENT**

Lian May Tan
Year 2
King's College London

**VICE
PRESIDENT
(MALAYSIA)**

Sebastian Sim
Year 3
Advance Tertiary College

**VICE
PRESIDENT
(PMDU)**

Rui Ci Lee
Year 3
University of Leeds

OUR TEAM

YEAR 2017/2018

EXECUTIVE COMMITTEE

**GENERAL
SECRETARY**

Xiang Yen Foo
Year 3
University of Kent

**FINANCE
DIRECTOR**

Wye Shaun Tan
Year 3
University of Reading

**CORPORATE
RELATIONS
DIRECTOR**

Zhi Tong Yap
Year 3
University of
Warwick

**CAREERS
DEVELOPMENT
DIRECTOR**

Choo Kelly
Year 2
University of
Warwick

**SKILLS
ENHANCEMENT
DIRECTOR**

Tham Zhi Jun
Year 2
University of
Warwick

**HUMAN
RIGHTS &
ACTIVISM
DIRECTOR**

Michelle Liu
Year 3
University of Essex

**MEDIA &
COMMUNI-
CATIONS
DIRECTOR**

Nelynn Ng
Year 2
Cardiff University

**STUDENT
RELATIONS
&
OUTREACH
DIRECTOR**

Vincent Kow
Year 2
Queen Mary
University of London

MALAYSIAN DIVISION BOARD

SECRETARY

Ooi Hui Tian
Year 3
Brickfields Asia College

TREASURER

Stitch Lee Heng Wah
Year 3
Advance Tertiary College

**DEPUTY
DIRECTOR OF
CAREERS
DEVELOPMENT**

Sivran Singh
CLP
Advance Tertiary College

**DEPUTY
DIRECTOR OF
STUDENT
RELATIONS
&
OUTREACH**

Simerpreet Kaur
Year 3
Advance Tertiary College

**DEPUTY
DIRECTOR OF
MEDIA &
COMMUNICA-
TIONS**

Yap Xiu Hui
Year 3
Advance Tertiary College

PROJECT DIRECTORS

**STRATEGIC
LITIGATION
CAMP**

**Thivagar Paramasivam
(Brickfields Asia College)**

**Anisha Challappan
(Brickfields Asia College)**

LEXiCON

**THE
FIRST
INITIATIVE**

**Aw Yee Chen
(Brickfields Asia College)**

EXECUTIVES



**PERFORMANCE
MANAGEMENT
&
DELIVERY UNIT**

Amanda Rayhel John (University of Manchester)

Lianne Low (Queen Mary University of London)

Marcus Chen Guan Yu (University of Warwick)

Ryan Heng Tzen Wen (King's College London)

Sarah Tiong Jie Jun (University of Leeds)

Kang Ren Lam (University of Kent)



SECRETARIAT



FINANCE

Kylene Woo (University of East Anglia)

EXECUTIVES



Max Chee Yoong Kong (Taylor's University)

Chi Hong Chua (City, University of London)

Chun Ho Wong (University of Warwick)

Chia Yen Low (King's College London)

Rowena Ng (King's College London)

Alex Kong (Advance Tertiary College)

Hanis Khairuddin (Inti International University)

Joel Bato (Brickfields Asia College)

Kimberley Ang (University of Warwick)

Nicole Choong Yie Hern (University of Leeds)

Tze Yuan Ng (University of Warwick)

Isaac Jong (Queen Mary, University of London)

Ping Yin Ho (University of Bristol)



Simone Chua (King's College London)

June Ong (University of Warwick)

Hui Xing Kong (University of Warwick)

Yih Xiang Ng (University of Bristol)



EXECUTIVES



Nivetha Sri Shanker (Advance Tertiary College)

Allyna Ng Ming Yi (Oxford University)

Dhanya Laxmi Sivanantham
(University of Manchester)

Eunice Su Hui Siew (University of Bristol)

Jessica Chew Harn Hwei (University of Reading)

Jaclyn Wong Jin Han (Inti International University)

Nur Zafirah Nizam Shah (Inti International University)

Charissa Wong Joo June (University of Kent)

Chloe Yip Wei Yee (University of Bristol)

Kuah Voon Shien (University of East Anglia)

Niki Lim Hui Min (Aberystwyth University)

Noor Amalina Binti Aziz (University of Essex)



Ching Wei Tong, Vuitton (Taylor's University)

Jing Yi Ng (Brickfields Asia College)

Stanley Chong (University of Edinburgh)

Xian Hui Lim (Cardiff University)

Sheng En Wong (University of Warwick)

Nicholas Wong (University of Reading)

Jason Kang Zheng Tao (Queen's University Belfast)

Zhi Ern Tan (University of Birmingham)



STUDENT REPRESENTATIVES (UK)

Ezra Ravin Ponnudurai (University of Aberystwyth)

Dylan Claudius Undan Dumpangol (Keele University)

Xin Jae Lee (University of Kent)

Lee Yvonne Bianca (University of Leeds)

Crystal Wong (University of Leeds)

Sue Peng Chew (University of Manchester)

Mendy Ong Sze Yen (University of Nottingham)

Adlyn Jayne Andrew (University of Reading)

Jie Xin Tan (University of Sheffield)

Jia Wen Ho (University of Birmingham)

Alicia Tay Yi Jing (University of Bristol)

Aina Nadiyah Ahmad Haniz (University of Bristol)

Bin Jer Han Bryan (University of Warwick)

Hui Wen Lee (Cardiff University)

Suanne Lim (City, University of London)

Aaron Vern Foo Tan (King's College London)

Guan An Tan (Queen Mary, University of London)

Yi Huan Cheah (Queen's University Belfast)

Chi Hoe Tan (Queen's University Belfast)

Shereen Goh Minn Yee (London School of Economics)

Josiah Tea (University of East Anglia)

STUDENT REPRESENTATIVES (MALAYSIA)

Renise Yap Huey Zhie (Brickfields Asia College)

Huey Leng Yong (Brickfields Asia College)

Sharon Gan Hui Yee (Brickfields Asia College)

Zheng Yang Leong (Brickfields Asia College)

Ji Ann Lai (Brickfields Asia College)

A tall, lattice-structured communication tower stands against a cloudy sky. The tower is equipped with several antenna arrays and a central mast. The word "PUBLICITY" is overlaid in large, white, bold, sans-serif capital letters across the lower portion of the tower.

PUBLICITY

kpum.org



Home About Us Meet the Team Our Projects Publications and Resources



Website



www.facebook.com/KPUM79

Facebook



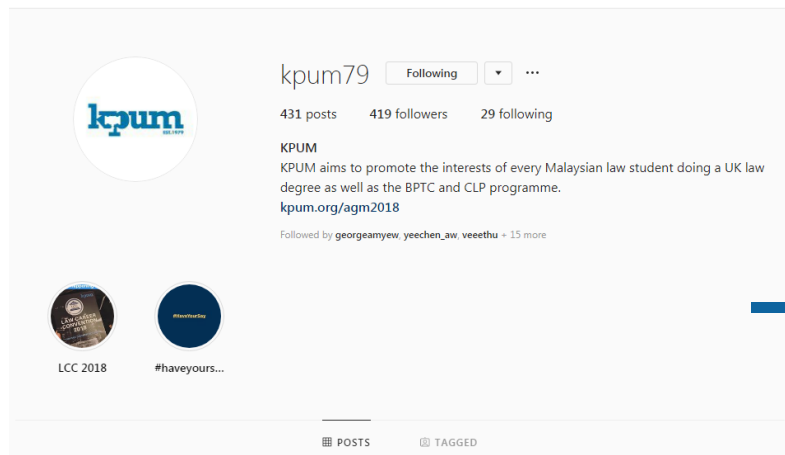
www.twitter.com/KPUM79

Twitter



www.instagram.com/KPUM79

Instagram





Flagship Events



Law Career Convention (LCC) 2018



On the 24th of March 2018, the fourth Law Career Convention was held at CCT Venues, Canary Wharf, with 86 participants.

The event started off with opening speeches by Jinghann, President of KPUM and Nicole Choong, Project Director of LCC. It was then followed by firm's general description presented by Mr Chew Phye Keat from Raja Darryl Loh (RDL) and Mr Anand Raj from Shearn Delamore & Co. A video presentation on Lee Hishammuddin Allen & Gledhill (LHAG) was also played before the hall was rearranged into exhibition-style in conjunction with a series of workshops and talks.

The Exhibition included SD, RDL, City law School, Cardiff Law School, BPP Law School and Education Review. Concurrently, the workshop and talks include Advocacy Workshop: Foundational Steps in Cross Examination by Mr. Dominic De Saulles from Cardiff Law School, Commercial Awareness Workshop: Preparation for Commercial Awareness by Mr Zhi. Ong from Aspiring Solicitors and Practice Area talks on General Litigation, Tax, Corporate and Commercial Practice, Real Estate & Probate.

The Corporate Luncheon was an extended opportunity for participants to network with our sponsoring firm and bar school representatives. The Bar School presentation which includes Q&A 1 session was held to provide insights to those who are interested to pursue the BPTC after graduation. Ms Mohammad Fara from Foot Antsey LLP was also invited to share her experience as a Malaysian Solicitor in the UK.

The event ended with a panel discussion on how technology affected the legal market in Malaysia - Lawyers of the Future.

Questions were as follows :

1. In light of a Malaysian economy becoming more digitised; In your opinion, how has the legal sector shifted in line with these changes?
2. Will these developments through legal tech startups have long-run implications on lawyers in Malaysia?
3. Will these proposed D-I-Y circumvent the demand for lawyers in the future?
4. Will this affect the job scope of a lawyer in the future?
5. Has the introduction of modern information transfer systems like cloud storage systems affected the way law firms in Malaysia operate?

6. Are things more convenient or systematic now?

7. Is the transposition of case law in Malaysia into the internet complete or are online Malaysian law databases still insufficient?


Pupillage interviews for Shearn Delamore were conducted on University College London campus grounds on the following day, moderated by Kelly Choo, KPUM Careers Development Director.

Pre-LCC - What's Next



On the 23rd March 2018, the first ever Pre-LCC was held at the Institute of Structural Engineers. Working committees gathered at the venue early at 8 00am to prepare for registration. There were a total of 35 participants for this event.

At 9am, we had two opening speeches; one by the president of KPUM, Hong Jinghann and another by the project director, Isaac Jong. Following that was the first session by Mr Anand Raj, entitled 'The World is your Oyster'. Mr Anand spoke about his life experiences and how he worked at different sectors before setting his mind on pursuing the legal profession.



The second session was a commercial awareness talk by Firdaus Husni, who is currently pursuing her LLM in the School of African Studies (SOAS), London. She gave several useful tips on how students can improve their commercial awareness in order to have meaningful conversations with professionals during networking events. The day continued with a case study skills session by a silver circle law firm, Herbert Smith Freehills. Many students found this activity very engaging and useful as it would help in their applications for Training Contracts or Vacation Schemes.

Lastly, we had a panel discussion about the economy of the future and the possibility of it going cashless. The panelists involved were Mr Anand Raj (Shearn Delamore & Co), Dato Faiz (PwC Executive Chairman), Nor Farhan (Head of Human Capital US & UK, Maybank) and Peter James (Head of Regulatory Policy, ICAEW).

KPUM Mooting Competition 2018



MOOTING COMPETITION

Date: March 23, 2018

Time: TBC

Venue: London (TBC)

Application Deadline: February 23, 2018

For further information, please head over to: www.kpum.org/moot18

KPUM Moot is an annual event organised to promote advocacy culture amongst Malaysian law students.

Prior to the semi-finals and finals of the competition that took place on the 23rd March 2018, the preliminary rounds were held online. Applications for the sign-up of the competition opened on the 9th February 2018, with its deadline set on the 23rd February 2018. A total of 15 teams signed up. The preliminary moot question was released on the 26th February 2018. It required the teams to submit a 4-page detailed skeleton argument by the 7th March 2018. Of the 15 teams, only one team withdrew their application as they could not submit it on time. The top 4 teams were chosen to proceed to the semi-finals, which took place on the 23rd March 2018 at UCL.

For the finals, we had Mr Chew Phye Keat from Raja, Darryl and Loh, Mr Anand Raj and Mr Jimmy Liew from Shearn Delamore who served on our panel of judges. The finals were live-streamed on Facebook. After a two-hour long intense debate and constructive feedback session, the winners were announced. Janice Tay and Nelynn Ng were crowned champions of the KPUM Moot 2018.

Law Reform Competition (PRU) 2018



#PRU18 

LAW REFORM COMPETITION 
(PERTANDINGAN REFORMASI UNDANG-UNDANG)

Date: 25th August 2018 Time: 9a.m. - 5p.m. Venue: Brickfields Asia College

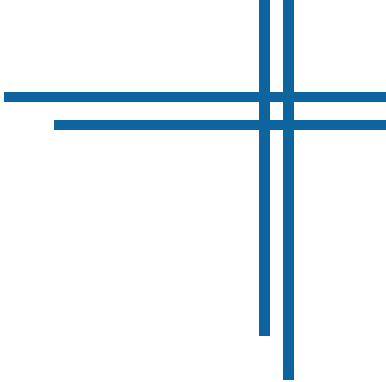
Knowledge Partners    

Venue Partner 

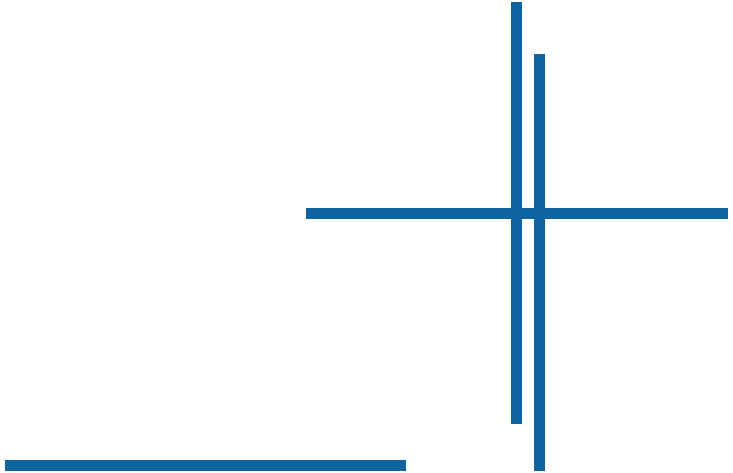
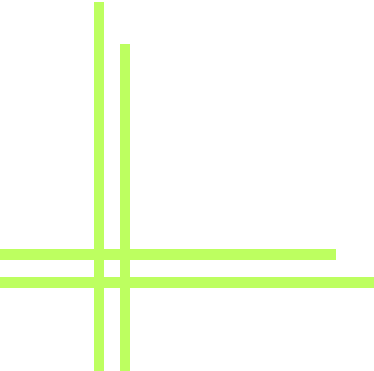
For more information please visit kpum.org/pru

PRU is a legislative reform competition aimed towards offering a platform for students to translate ideas into tangible actions. This year, PRU 2017 sought to explore the theme of women's rights, with participants given the choice between the topic of discrimination against women and abuse against migrant domestic workers. There were a total of 16 teams, with 8 teams proceeding to the finals that were held on 25th August 2018 at Brickfields Asia College. Participants were given guidance in the form of 4 workshops from esteemed individuals such as Mr Charles Hector Fernandez, Miss Tan Heang Lee, YB Steven Lim, and Miss Glorene Das.

The finals were separated into two sessions based on topics, with Miss Suguna Papachan, Mr Rizal Roshan, Mr Yu Ren Chung, and Miss Mayna Patel acting as esteemed judges for the topic of discrimination against women. This was followed by the second topic of abuse against migrant domestic workers which was judged by Mr Yu Ren Chung, Miss Mayna Patel, Miss Irene Xavier, and Mr Rizal Roshan. The event was concluded at 15:30PM.



Corporate Events



Firm Tour Series - Raja, Darryl & Loh



FIRM TOUR SERIES FIRST STATION:

LH ADVOCATES AND SOLICITORS | **Lee Hishammuddin
Allen & Gledhill**
AG

DATE: 12 JANUARY 2017 | TIME: 12 PM - 3 PM



KPUM Malaysia launched its first ever Firm tour series in 2018 with five law firms in Malaysia lined up throughout the year. It is a structured initiative to not only provide law students with a better understanding of the daily operations and working environment of a law firm,

On 12th January 2017, the first stop of Firm tour series was held at Lee Hishammuddin Allen & Gledhill. A total of 39 law students participated in the firm tour. The firm tour began by Mr Lim Tse Wei, an Associate of the firm who provided a preview to the firm followed by an introduction to lawyers and associates of the firm each from a different area of practice.

Subsequently, a “speed-dating” session was conducted where participants were divided into groups and were given opportunity to speak with lawyers from different areas of practice. The groups rotated every 15 minutes as it enable participants to have the opportunity to meet and gain insight from every practitioner. Shortly after that, the participants given a tour around the firm. it also seeks to provide them an opportunity to network with established law practitioners.

Firm Tour Series - MahWengKwai & Associates



FIRM TOUR SERIES

NEXT STATION:

MahWengKwai & Associates

ADVOCATES AND SOLICITORS

DATE: 16 JANUARY 2017 | TIME: 4 PM - 6 PM



On 16th of January 2018, 34 students from various law schools attended the second firm tour as part of the Series.

The firm tour began with an introduction to the firm by Mr Raymond Mah, one of the firm Partners. The session was then followed by Mr Richard Wee, another Partner of the firm who gave an insight to fellow participants on one of his area of expertise, namely sports law as well as sharing his vast experience in the profession. During the Q&A session, participants asked questions on various topics relating to the industry. After that, participants were divided into smaller groups for a tour to have an insight of the firm up close. Later, participants were also given the opportunity to mingle and network with members of the firm.

Firm Tour Series - Raja, Darryl & Loh



FIRM TOUR SERIES NEXT STATION:



DATE: 25 JANUARY 2017 | TIME: 11 AM - 1 PM



On 25th of January 2018, the next firm tour was held at Raja, Darryl & Loh and was attended by 27 participants from several universities.

The firm tour kicked off with a session by Senior Partner of the firm, Mr. Chang Wei Mun on the topic of General Litigation. Mr. Chang shared his previous vast experience in the industry ever since he began his career prior to becoming a senior partner at the firm. Later, another Senior Partner of the firm, Mr. Christopher Foo had an interactive quiz session in relation to court etiquette pertinent to the legal practice.

After an engaging Q&A session, the agenda of the day continued where participants had the opportunity to network with partners, associates and pupils whilst helping themselves to refreshments.

Firm Tour Series - Shearn Delamore & Co



FIRM TOUR SERIES NEXT STATION:

SHEARN DELAMORE & CO

DATE: 9 FEBRUARY 2018 | TIME: 3.30 PM - 5.30PM



On 9th of February 2018, 29 law students participated in a firm tour to Shearn Delamore & Co.

The firm tour began with an introduction by Mr. Anand Raj, who is a Partner of the firm. Subsequently, Mr. Anand gave a special lecture on the practice area of Competition Law. Subsequently, participants were also introduced to other areas of law; including Aviation Law and Intellectual Property. It was noted that the event was highly anticipated as many questions were directed to the lawyers .

After that, the lawyers and the participants had refreshments during a networking session. It was a lively session as participants had the opportunity to networking with lawyers of the firm.

Firm Tour Series - Skrine



FIRM TOUR SERIES FINAL STATION: SKRINE

DATE: 27 MARCH 2018 | TIME: 4 PM - 6 PM



The finale of Firm Tour Series was held on 27th of March 2018 where 37 participants attended the firm tour.

The event started with Mr Lee Shih giving a welcoming speech to the participants. In his welcoming speech, Mr Lee Shih shared his journey as from becoming a pupil, an associate and eventually becoming a partner which shaped him into the lawyer that he is today. He also emphasized the importance of incorporating good values and a friendly working culture in the firm.

Subsequently, participants were divided into a few groups for an opportunity to meet and discuss with lawyers on respective areas of law. This is to ensure that participants were exposed to the three main areas of practice of the firm.

After that, a networking session was held between participants and members of the firm. At the same time, the firm initiated fun and interactive games for participants to get meaningful insights from the lawyers.

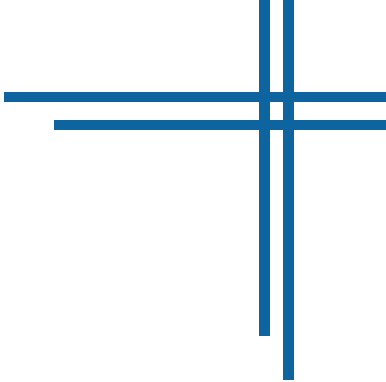
"Opportunities for Law Student under The Belt & Road Initiative" Talk



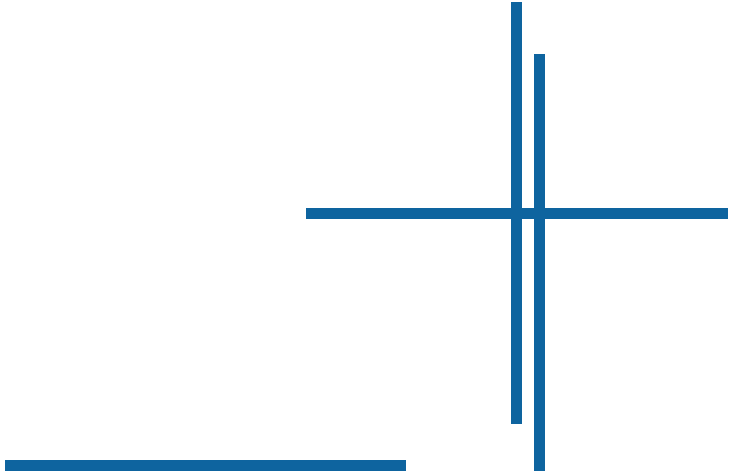
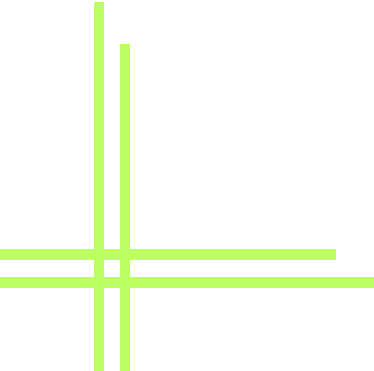
On 14th April 2018, the talk on "Opportunities for Law Student under The Belt & Road Initiative (BRI) " took place at the Moot Court of BAC PJ campus which began around 5pm and was attended by 42 students.

BRI is a relatively new area that many law students have never encountered before, thus we come about the idea of reaching out to them. The talk focused on providing an insight on the opportunities for Malaysian law students under the BRI initiated by the President of China, Mr. Xi Jinping. This is to provide law students with insights as to how this initiative is correlated to the growth of Malaysia and China's economic relationship, as this strategy underlines China's commitment to take on a larger role in global affairs with its trading networks.

The event began with welcoming of Mr. Loh Chang Woo, President of MCLCS who is also a practising lawyer himself, and Dr. Oh Ei Sun, an expert adviser on international relations for MCLCS. Dr. Oh began by explaining the objectives of the BRI initiatives and was then further elaborated by Mr. Loh as to the opportunities available for law students under BRI. Undoubtedly, the realm of BRI deserves more of our attention among law students in the society today.



Malaysia Division



KPUM Lawatan Edisi 2018

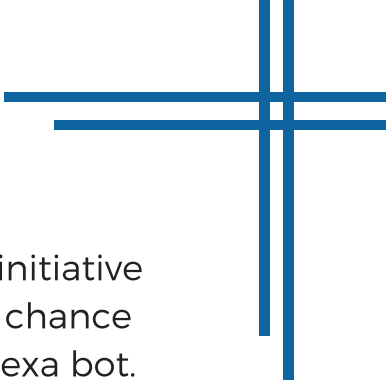


On 7th March 2018, 15 KPUM members of the Union went on a study trip to Putrajaya and Cyberjaya. The main purpose of the study trip is to enable law students to gain exposure from direct and refreshing experience that law school alone could not provide.

Our first stop was a visit to the Malaysian Communications and Multimedia Commission (MCMC). The visit kicked off with welcoming remarks from Ms. Siti Hazrah Hasan, followed by introductory remarks by Ms. Siti Sabariah Yusof, both of whom are from the Strategic & Stakeholder Relations Department at MCMC.

Amongst the contents of the presentation were the roles & functions, history and achievements of MCMC.

Next, participants were introduced to the field of Digital Forensics followed by a tour to Digital Forensics Laboratory. During the tour, explanation were given as to how the department disassembles electronic devices such as computers, mobile phones and tablets to collect valuable datas to be presented as evidence in court.



Participants were later invited to participate in an ongoing initiative at MCMC called the 'myMaker IoT Lab' where they had the chance to learn about the Internet of things, a 3D printer and an Alexa bot. At the end of the tour, the participants were given a chance to have a quick Q&A with the Head of the Investigation Department, YBHG. Datin Mai Zairani Zainal Abidin.

The second stop was the Malaysian Anti-Corruption Commission (MACC). We were welcomed warmly by the officers of MACC and a brief introduction about MACC was given. All students were required to switch off their electronic devices and store them in a locker since no photo can be taken during the tour at Video Interviewing Room (Bilik VIR) and Identification Parade Room (Bilik Kawad Cam).

Later, participants were led to a studio from where MACC runs their own radio channel, My Anti-Corruption Channel. Sebastian, our Vice President Malaysia was invited to sign their guest book and during the last leg of the tour, we were brought to a conference room where Mr. Jayantha Kumar Sen Gupta from the Community Education Division briefed us on the functions and jurisdiction of MACC and our roles in combating corruption together.

LexisNexis Tour



Special thanks to:



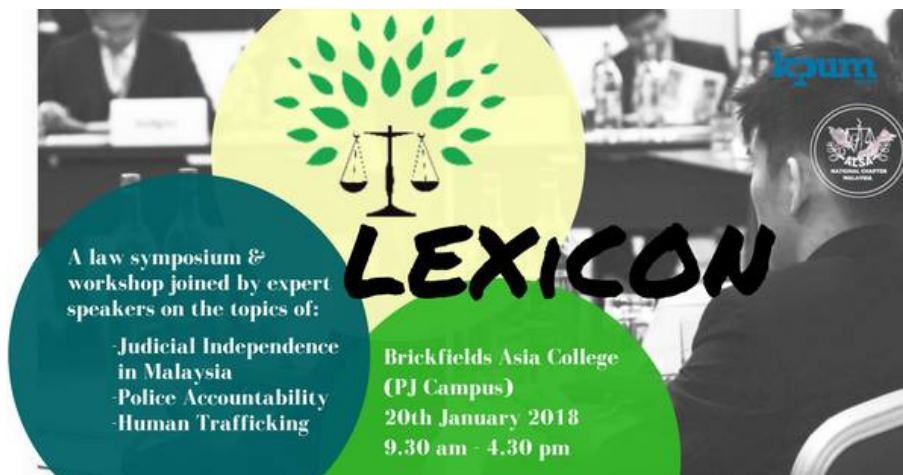
The LexisNexis Tour was held on the 2nd of March 2018. This event was a collaboration between KPUM Malaysia and LexisNexis Malaysia, with the aim to enhance students' ability to conduct legal research in an effective manner.

This tour drew a crowd of 21 participants, all of whom were law students from different institutions in Malaysia. The event began with a welcome speech by Ms. Gayathri Raman, the Managing Director of Southeast Asia Region and a brief introduction of the flow of event by Ms. Katherine Leong.

A workshop was conducted by Ms. Malar and her team which focused on the most effective ways of conducting legal research using keywords, research connectors and commands. Ms. Malar also explained the history of LexisNexis around the world. This was then followed by a Q&A session.


Later, participants were then introduced to the publications by LexisNexis Malaysia, such as Malayan Law Journal. After an invaluable sharing session by the members of the editorial board, attendees were brought on a tour around the office to provide a first hand experience on the working environment of LexisNexis.

LEXiCON



On the 20th of January 2018, KPUM, in collaboration with ALSA Malaysia, organized LEXiCON 2018 at Brickfields Asia College's Petaling Jaya campus. This law symposium was held with the aim to bring together Malaysian law students to gain insight on selected topics pertinent to Malaysian legal landscape. The event took place from 9.30am to 5.00pm which brought together 103 law students in attendance, all of whom are from various institutions across the country.

Vice President Malaysia of KPUM and President of ALSA Malaysia kicked off the event with a brief introduction to KPUM and ALSA, followed by sessions that focused on three topics: Judicial Independence, Rule of law and Police Accountability, and Human trafficking in Malaysia; the sessions were conducted in that order.



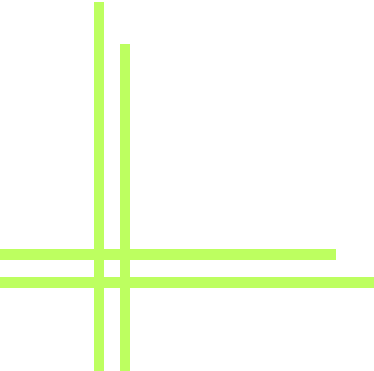
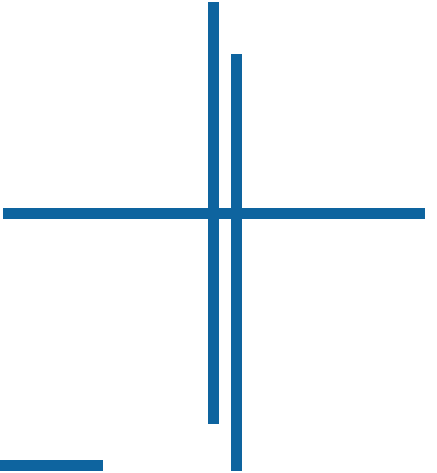
The first session of the day was on the topic of Judicial Independence in Malaysia. The session was attended by Yang Amat Mulia Tunku Zain Al-'Abidin, the Founding President of the Institute for Democracy and Economic Affairs (IDEAS) who was the guest speaker, and Surendra Ananth from Malik Imtiaz Sarwar Advocates & Solicitors, who is also a former President of ALSA International.


Among the issues discussed include the independence of the judiciary, the role of the rule of law, and the doctrine of separation of powers from a politically neutral point of view. The learned speakers also addressed several questions from the floor.

The second session on Rule of Law and Police Accountability began after lunch and featured three speakers: Executive Director of Suara Rakyat Malaysia (SUARAM) Sevan Doraisamy; criminal lawyer and member of the Malaysian Bar Council's Task Force on the Independent Police Complaints and Misconduct Commission (IPCMC) Sivaraj Retinasekharan, and M. Visvanathan, founder of Eliminating Deaths and Abuse in Custody Together (EDICT), Malaysia's first NGO focused solely on combating abuse and deaths in custody. The moderator for the session was Rajsurian Pillai, a member of the Task Force on IPCMC and a human rights lawyer.

The speakers, all of whom have worked extensively on areas relating to personal liberty and freedom of expression, shared their experiences when dealing with cases of deaths in police custody.

This was followed by an illustration of actual cases through a slideshow presentation. The participants were heartened by the tenacity of the human rights defenders and the growing public awareness on fundamental rights issues.





The third and final session explored the issue of human trafficking in Malaysia, including student trafficking. Elroi Yee, a senior producer of the R.A.G.E team at The Star, shared an original documentary series called STUDENT/TRAFFICKED, in which the journalists infiltrated an international human trafficking ring and provided insight into the student trafficking trade. The investigative journalism piece uncovered a network of deceit and exploitation that robbed Bangladeshi students of their money and education, and the cruel reality of their daily lives as trafficking victims. The team also went undercover to experience and expose the desperate living conditions of migrant workers in Malaysia.

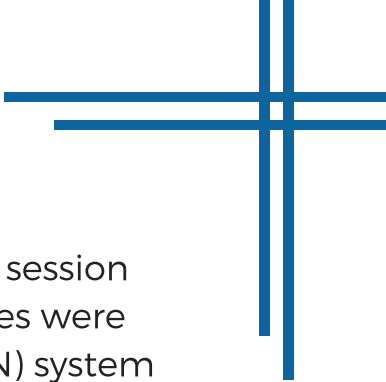
The session was followed by a talk on human trafficking by C. R. Selva, a former Prosecutor who has vast experience with the Malaysian Immigration Department. He covered a wide range of immigration issues and highlighted the complex problem of human trafficking and migrant smuggling, emphasizing that these issues deserve more attention from the community.

At the close of the event, the emcees for the day thanked the participants for attending and the working committee of LEXiCON 2018 for ensuring the success of the symposium. Future instalments of the symposium aim to continue empowering law students with strong knowledge of Malaysian law and provide more opportunities for similar collaborations.

KPUM - MCCHR Strategic Litigation Camp



The annual KPUM - MCCHR Strategic Litigation Camp 2018 was held from 27th to 29th July 2018 at Balik Pulau Hotel, Melaka. The knowledge provider, MCCHR, had gathered a group of high caliber trainers from the legal fraternity to conduct the sessions. They are Ms. Sharizad Razak, Mr. Khairil Zhafri, Ms. Aisya Abdul Rahman, Mr. Rajsurian Pillai and Ms. Priscilla Chin. Prior to the camp a podcast prepared by MCCHR on Strategic Litigation have been distributed to the 17 participants of the camp.




On the first day of the camp, upon arrival, an ice-breaking session followed by expectation checks and setting of ground rules were held. The first session on introduction to United Nations (UN) system was conducted by Ms. Aisya. She also elaborated further on the functions of the various bodies in the UN and also the characteristics of UDHR and compared it to the local system of human rights protection. Mr. Khairil, then conducted the next session on introduction to strategic litigation and gave a detailed explanation on the tri-factor of human rights advocacy (litigate, demonstrate and legislate). After dinner, the session was continued by Mr. Rajsurian and Ms. Priscilla on the Federal Constitution. Activities such as a drafting a constitution and bingo based on the Articles of the Constitution was done interactively. The final session for the day was conducted by Ms. Sharizad by portraying a documentary titled 'Viral Sial!' which encompassed various human rights issues and followed by a critical discourse.



The second day of the camp was initiated with a lightning recap in an interactive way using the Kahoot! application by Ms. Priscilla. Mr.

Khairil then conducted the next session on the international standard of freedom of expression law. Article 19 of the ICCPR was dissected thoroughly with the extrinsic aid of General Comments published by UN officials. Participants were required to find newspaper clippings which manifest the right to impart, seek and receive information and present on them. The next session was conducted by Ms. Sharizad and Ms. Priscilla which focused on Malaysian case laws that raises questions on the constitutional protection offered by the courts towards the freedom of expression. After lunch, the session continued with Mr. Rajsurian unpacking the Legal Profession Act 1976. Participants presented on what do simple noun and adjectives meant to them and ultimately linking it to the statutory provision, s.42, which lays the duty of acting in the interest of justice without fear or favour. Ms. Sharizad on the other hand introduced the participants to the Malaysian Bar Council and the importance of it upholding the rule of law in Malaysia. Subsequently, Mr. Khairil and Ms. Sharizad conducted the Action Pyramid session which focuses on the essence of public advocacy and participants presented their strategy in tackling various issues. The evening was continued with project briefing for advocacy submission and sharing of litigant's experience. Mr. Fahmi Reza, a human rights activist, was invited to share the ordeals and struggles he had to face in the journey to obtain justice and assertion of the right to freedom of expression. Participants were moved by the human touch of the session which made the learning process holistic.



The third and last day of the camp featured the advocacy submission where participants were given to set cases on the topic of freedom of expression and had to represent their respective clients to the court. Participants prepared written submissions and presented the moot court their arguments based on case laws and international standards of human rights. The trainers who were the judges gave various constructive feedback to the participants on how they could improve their advocacy skills. They also shared lots of intricate details on court experiences and how to structure the written submissions well. The day was then continued with closing remarks by the trainers and presentation of token of appreciations to the trainers. An evaluation on the camp was conducted through online evaluation form and after lunch, participants departed from Melaka back to MCCHR, KL.

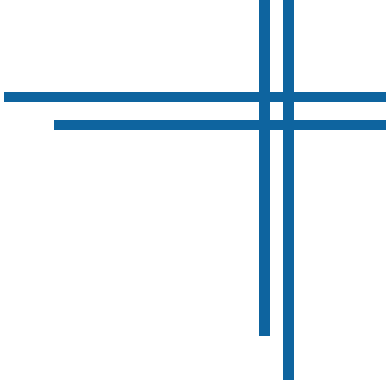
The First Initiative (TFI)



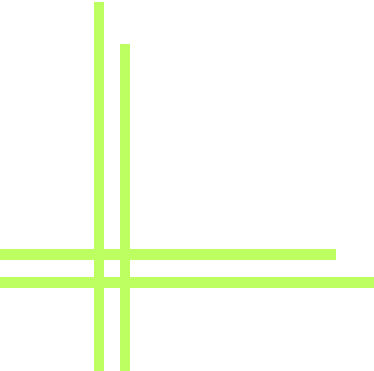
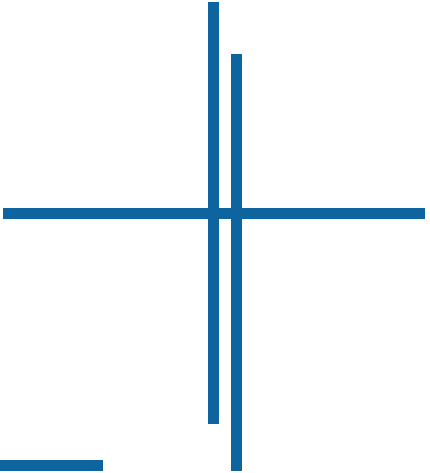
This project is a compilation of both essays and problem questions with a first class grade that is intended to enhance the academic writing content of our members by providing essays as a guide whilst recognizing that students desire the best for themselves in terms of their writing.

The submission period opened on the 10th of December last year. All essays received were vetted by the team and was then published on 6th of April. Members of the Union can subsequently access the essay bank upon having their request approved. In order to validate the quality of the essays submitted, submitters were required to attach the results of the essay along with any feedbacks given. Steps were taken in order to protect the content of the much-valued essays.

Over the 4 months, we have received over 49 accepted essays submitted by the students and 240 students from UK and Malaysia have requested access to the essay bank.



Student Relations & Outreach



KPUM Student Representative Programme



The KPUM Student Ambassador Programme has been running since the 2014/16 term. The programme is designed to allow student ambassadors to act as the 'bridge' between the union and our members. They are the best channel for us to understand our members better, thus we aim to leverage the unique position of student ambassadors to create a more inclusive union. With such aims, we had organised various KPUM Lepak sessions across the UK and Malaysia.

KPUM Lepak Sessions

Lepak has been one of KPUM's annual events which requires each and every one of the student ambassadors to hold an event in their respective universities. The event may be either formal or informal, hence the word "Lepak". The objectives of Lepak are to introduce what KPUM is, what KPUM offers and to promote KPUM events. One example being the joint lepak session held by representatives from London School of Economics and Political Science, King's College London, City, University of London and Queen Mary University of London. There were also further lepak sessions organised by representatives from universities such as Cardiff University, University of Kent, and more.

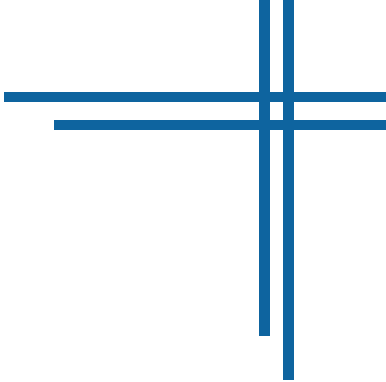
List of Universities with Lepak Sessions:

- University of Kent
- London School of Economics and Political Science
- King's College London
- City, University of London
- Queen Mary University of London
- Keele University
- Aberystwyth University
- University of Birmingham
- University of Nottingham
- University of Manchester
- University of Sheffield
- University of Warwick
- University of East Anglia
- Queen's University Belfast
- University of Bristol
- Cardiff University


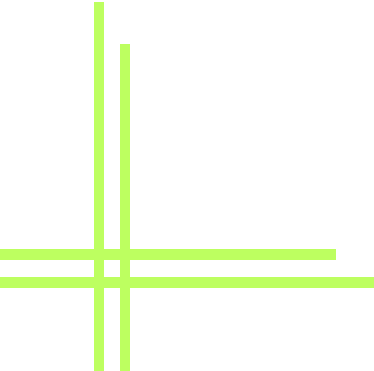
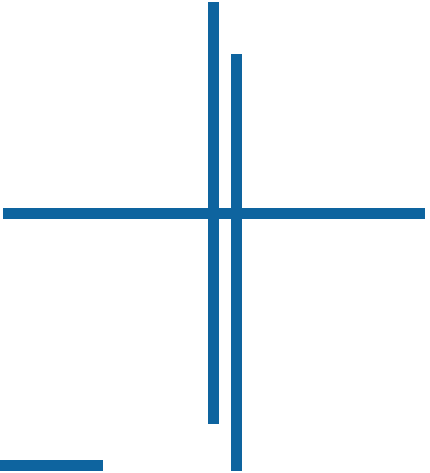
KPUM Q&A

The KPUM Q&A - Inns of Court and the BPTC are annual publications prepared by the Students Relations and Outreach Department. Planning for the Q&As was projected from October 2018 to December 2018. Information was sourced from but not limited to webpages, telephone calls and emails. The Inns of Court Q&A had a viewership count of 3500 while the BPTC Q&A had a viewership count of 7400.





Careers Development Department



KPUM Legal Academy - Malaysia's Legal Industry



The KPUM Legal Academy was started by KPUM in the year 2016 with the objective of empowering Malaysian students prior to them entering the workforce. The Legal Academy aims to implement a new mode of engagement to ensure constant engagement with all stakeholders through webinars, designed to provide valuable insight/career advice while also improving the skills of participants. There were a total of 3 webinars that were organised in 2017/2018.

This was Legal Academy's first webinar for the year. It was held on October 7th through the use of Adobe Connect. The invited speaker was Mr Eddie Law, from eLawyer which is a popular law portal launched with the aim of serving the legal industry in Malaysia and to create legal awareness amongst the general public via technology. Mr Eddie spoke about the various practice areas and elaborated on the content of work and requisite skills/personality types for each. The unique selling point of the event was the discussion on the link between personality types and practice areas. As usual, the event concluded with a Question and Answer session.

KPUM Legal Academy - The Million Dollar Question: LPC or the Bar



A panel discussion consisting of a Managing Partner, Senior Associate and Junior Associate whom each had different experiences. The unique selling point of this event was to assist third-year students to make an informed choice about which qualification route to take. As usual, the event concluded with a Question and Answer session. The panel discussion which is available on KPUM's Facebook page garnered 3,000 views as of 30/7/2018.

KPUM Legal Academy - Tax and Competition Law



A panel discussion with Mr Anand Raj and 2 junior associates from Shearn Delamore & Co. This was a webinar designed specifically for the firm, hence the discussion was targeted at the area of tax and competition law. As usual, the event concluded with a Question and Answer session. The panel discussion which is available on KPUM's Facebook page garnered 1,500 views as of 30/7/2018.

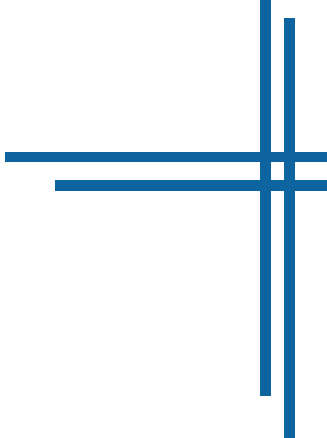
30 Days of Summer Internship Programme



30 Days of Summer Internship Programme (SIP) is a structured, 2-month long internship aimed to connect Malaysian law students to our legal partners. Participants were rotated between two firms, spending one month at each firm. In addition to this, a series of side events were organised in collaboration with our various partners.

Our legal partners this year includes:

Raja, Darryl & Loh
Shook Lin & Bok
Ariff Rozhan & Co
Cecil Abraham & Parnters
Albar & Partners'
Dee, Netto, Fatimah & Ng
Lee Hishamuddin Allen & Gledhill
Shearn Delamore & Co
Thomas Philip



Wong & Partners
Skrine
Tay & Partners

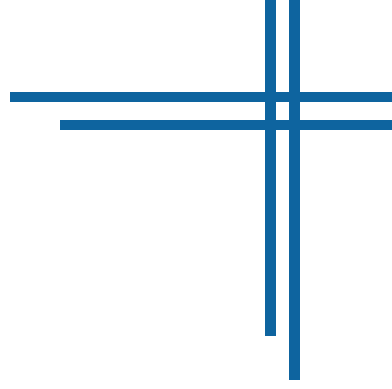
We had 155 applicants (an increase of 43 applicants from last year). 50% of the applicants were shortlisted for interview based on their submitted CVs and essays and a final list of 53 candidates was sent to our legal partners for their own review. Candidates were allocated to the firms based on their preferences and a balance between the preferences of both firms and applicants was struck whenever a clear match between the two parties could not be achieved. An online portal system (Hirelah) was also implemented this year to increase the efficiency of the application process. It allowed us to compile and view all the applications easily and also made for easy finding for our legal partners.

Moreover, side events were organised throughout the Internship Programmes in a number of partner firms such as Shearn Delamore & Co, Albar and Partners, and Tay and Partners. The main activities in these side events include firm tours and presentation followed by networking opportunities with recruitment team and partners.

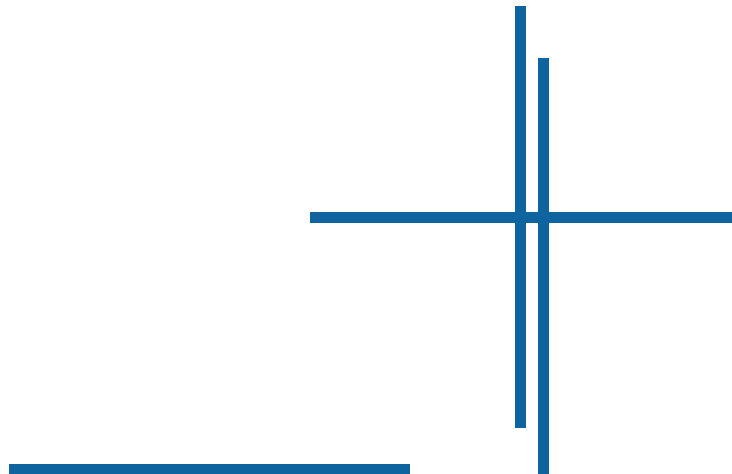
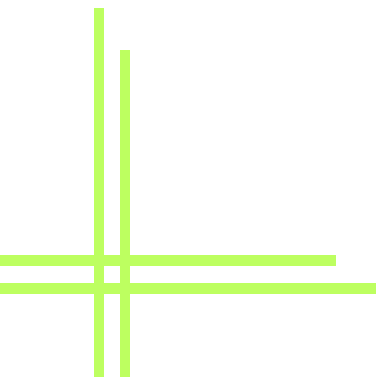
Beyond the Bar Internship Programme



On 2nd July 2018, Beyond the Bar Internship Programme 2018 has commenced and most of the 9 students have started their internship in respective firms. This year we have a total of 9 partners which are AirAsia, Axiata, CanLaw, Digi-X, Nestle, Institute for Democracy and Economic Affairs (IDEAS), Unilever, Teach For Malaysia and PricewaterhouseCoopers (PwC). However, due to unavailability of internship slots able to be offered from AirAsia and Axiata. We can only allocate our applicants to the final 7 partners. As a result, we have a total of 9 students under Beyond the Bar Internship Programme this year.



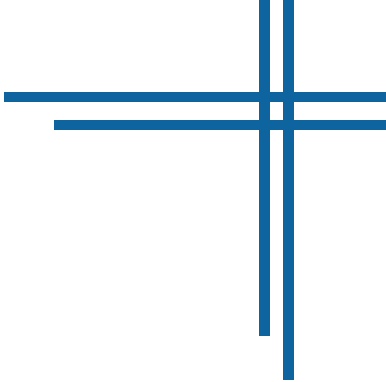
Skills
Enhancement
Department



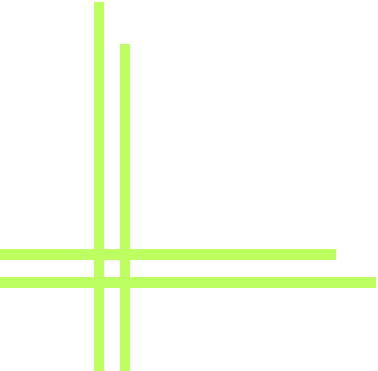
KPUM TV and Weekly Updates

The KPUM TV project was introduced to allow students to be able to understand the details of certain news through watching video rather than reading off a huge chunk of articles. The key points were extracted and formatted into video. 4 videos have been produced so far, including topics such as Rohingya crisis, Brexit, US sex scandal and refugee crisis. The videos can be found at :
www.facebook.com/KPUM79

On the other hand, the Weekly Updates this year had added business news and also included international news rather than just Malaysia legal news like past years. The news were often sourced from Malaysiakini, Malay Mail, Financial Times and The Guardian. There has been 17 weekly updates thus far. Both projects have been published on Facebook, KPUM official website and often incorporated as a link in the KPUM emails. The Weekly Updates can be found at : <http://www.kpum.org/weekly-updates/>



ASASI



ASASI Internship



The two-months ASASI Internship Programme commenced on 2nd July 2018. All 12 interns under the programme started their internship at around the same time in early July. This year, we had 11 partners on board. They are Sisters in Islam, Women's Aid Organisation (WAO), Center of Orang Asli Concerns (COAC), Empower, MCCHR, Penang Institute, SUHAKAM, Justice for Sisters, C4 Centre, SUARAM and Asylum Access.

On 6th July, an induction was held at Peranakan Place Restaurant (NU Sentral Branch) jointly with the other two internship programmes under KPUM. 3 interns from ASASI Internship Programme attended the induction. Our interns also got the opportunity to mingle with interns from the other two internship programmes. All those who were present had a wonderful time chatting and sharing with one another about our internship experiences. By 10 p.m., the induction ended.

Throughout the internship period, various side events were also held with the goal of enriching and empowering our interns. These events are:

1) Inclusivity of Women and LGBT Community in Society Forum
On the 13th July 2018, the first side event under ASASI+ was held at MCCHR Pusat Rakyat LB. It was conducted in the form of a forum with the title “Inclusivity of Women and LGBTQ Community in Society.” The forum was open to the public as it aims to raise awareness and encourage discourse on the issue of representation of women and the LGBTQ+ community in politics, government as well as in the Malaysian society as a whole.

All working committees arrived at Pusat Rakyat by 6.30 p.m. to set up the venue. By 8.10 p.m. the forum was started. Our panellist included women representative, Ms Goh Siu Lin; LGBT activists, Mr Pang Khee Theik and Mr Dorian Wilde; and Ms. Rozana Isa from Sisters in Islam.

The areas of topic discussed included:

1. Gender-specific/identity specific discrimination at work and society
2. The necessity of inclusivity for women and the LGBTQ+ community in politics
3. Women and LGBTQ+ from the perspective of Islam
4. The direction to be taken in moving forward

Recent cases such as the resignation of Numan Afifi and the child marriage case in Kelantan were also brought up during the discussion. The event ended with participants talking and networking with one another and with the speakers. By 10.30 p.m., the venue was cleared.

2) Indigenous People's Rights: An Online Forum

On the 30th July 2018, the second side event under ASASI+ was held on Facebook LIVE. The forum was conducted together with our esteemed speakers, YB Baru Bian (Minister of Works) and Dr. Colin Joseph (Co-founder of Centre of Orang Asli Concerns (COAC)).

The organising committees set up a video call prior to the forum at 7.45 p.m. By 8.00 p.m. the forum was started. With the title of "Indigenous People's Rights: An Online Forum," our invited guests discussed the topic of the native community and the challenges facing them. The audience was encouraged to send in their questions through our feedback form and by commenting below the live video.

Upon the end of the forum discussion, a Q & A session was conducted. Several questions were directed to the speakers. The discussion was wrapped up by the moderator after that. By 10.00 p.m., the live video ended.

3) Let's Talk: Child Marriage & PH's Promises on Human Rights

On the 24th July 2018, the last side event under ASASI+ was held at MCCHR Pusat Rakyat LB. The event was conducted in a slightly different manner compared to our past events. It was modelled after the Un-conferencing: World Café Concept where participants sat in groups of 16 to discuss on a particular topic. After the first discussion session, participants swapped group for discussion on another topic.

With the title of “Let's Talk: Child Marriage & PH's Promises for Human Rights,” our invited guests engaged with the audience on the topics of child marriage and Pakatan Harapan's Manifesto for Human Rights. Our featured guests included Dr. Hartini Zainudin & Mr. Lim Wei Jiet for the topic of child marriage; and Mr. Jerald Joseph & YB Lim Yi Wei who chaired the discussion on PH's Manifesto. The event was open to the public as it aims to raise awareness and encourage discourse on the aforementioned issues though majority of the participants were made up of students.

Among some of the topics being discussed are:

1. Pakatan Harapan's performance in the first 100 days in terms of human rights;
2. Difficulties faced by Pakatan Harapan in advancing human rights;
3. Child marriage and the legislative complication surrounding it;
4. How can Malaysians move forward as a nation in terms of human rights in Malaysia Baharu; and
5. How does the normal citizen participate in this movement?

Upon the end of both discussion sessions, participants gathered around together for a short forum. The speakers wrapped up the discussion by summarising 3 points they wish to see in Malaysia Baharu. By the end of the forum, tokens of appreciation were presented to all the speakers by the Human Rights & Activism Officer.

A group photo was also taken with all the participants for remembrance. The event ended with participants talking and networking with one another and with the speakers. By 10.30 p.m., the venue was cleared.

On 24th August, the internship programme officially ended together with our last event under ASASI+.

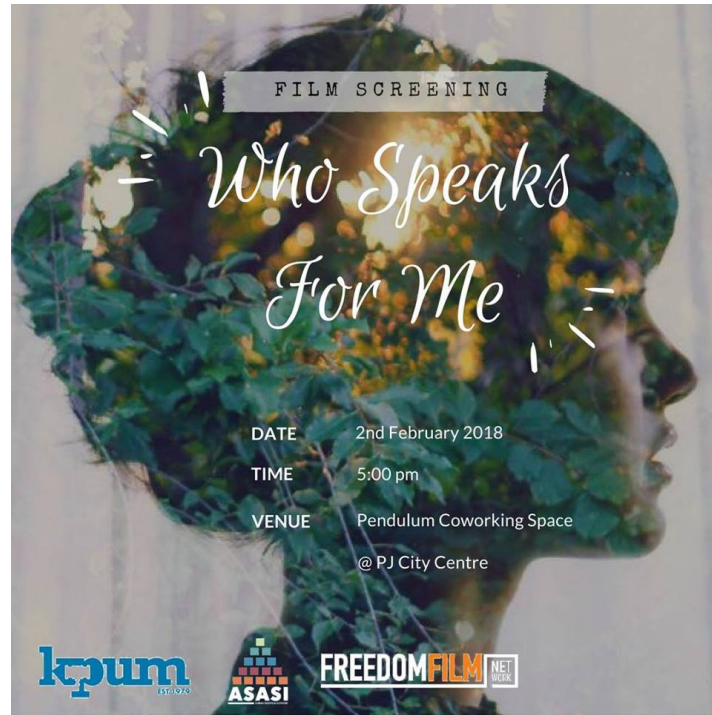
Projek Amanat Negara XV



KPUM was invited by the UKECatalyst Vice Chairperson, Vikneswaran Raj, to consider leading a breakout session in UKEC's annual student conference aimed at promoting intellectual discourse among Malaysian students - Projek Amanat Negara XV. Discussion on the topic for the session in December 2017 -- considered other topics i.e. Malaysia's Constitution: Upholding the Rule of Law and Advancing Democracy, Women's Empowerment: Shaping and Developing Young Malaysian Women Leaders, and Mind The Gap: Race Relations & Diversity in Malaysia. After discussion with the ASASI team and also UKECatalyst Office, the topic of race relations and diversity in Malaysia was chosen as it was considered to be the most relevant.

PAN XV was held in the University of Sheffield Students' Union on the 10th of February. Present on that day was the ASASI team members Michelle Liu, Eunice Su, Allyna Ng and members from the other departments of KPUM, Hong Jinghann, Nelynn Ng, Lee Rui Ci and Tan Jie Xin. KPUM, like many other student societies, had opened a booth at the main area of the building before the commencement of PAN to collect responses for ASASI's Freedom of Expression Survey as well as to promote the KPUM's internship programmes. 52 participants had signed up for the breakout session but 42 participants turned up on that day. The breakout session was intended to run for the duration of 1 hour and 30 minutes where 10 minutes are spent on introduction and explaining the ground rules to the participants; 15 minutes are spent on watching a short film titled, "1957.1969.2006"; 15 minute on an icebreaker game; and the other 50 minutes on discussion and activities related to implicit bias, race-based discrimination and equality. Due to delays on that day, the session started a little later and ended earlier than usual, cutting our last activity (designed by ASASI) - "Fair and Square" - short. A follow-up email explaining the rules of the game and debrief of the session was sent to the participants after the event.

'Who Speaks For Me' Film Screening



On 2nd February 2018, a “Who Speaks for Me” film screening was held at Pendulum Coworking Space, Petaling Jaya and was attended by 23 participants. This event was organised with the aim to raise awareness and exposures with regards to freedom of speech and expression. It has adopted a more relaxed and informal approach to discuss issues pertinent to freedom of expression.

The event began with the welcoming of Syahredzan Johan, an experienced civil liberties lawyer, Justin Johari who is also the director of the film and Huey Shin, a representative from Freedom Film Network Malaysia. The film screening began at 5.30pm and lasted for around 30 minutes. The film was a mix of news and interview excerpts, music videos/rap, narratives and discussions. This was followed by a question and answer session between participants and our guests. The discussion was in regard to, inter alia content of the film, the current state of freedom of expression in Malaysia and how far we have come since 2008 when the film was first produced.

ASASI-Kini Blog

As a brand for human rights and student activism for the United Kingdom & Eire Malaysian Law Students' Union (KPUM), ASASI seeks to further the rule of law through various means and platforms. Asasikini is a step forward in that direction. As students of the law and as future members of the Malaysian Bar we seek to uphold the rule of law and the cause of justice, uninfluenced by fear or favour as stated in the Legal Profession Act. The blog serves as a platform for Malaysian students to exercise their voice in the protection of the fundamental rights that are enshrined in our Federal Constitution.

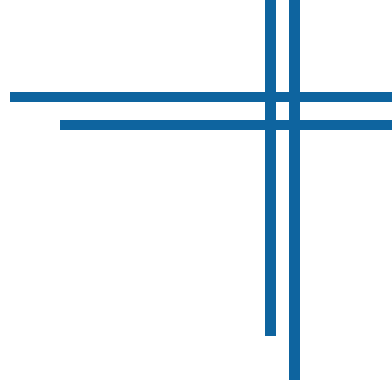
Planning for the blog was projected over the term October 2017 to August 2018. Articles would be published fortnightly in accordance with the theme for each month. Monthly themes included socioeconomic rights, LGBTQ+, the refugee crisis and racial relations in Malaysia. Authors for articles were sourced, with an active attempt to reach writers from different backgrounds, cultures and perspectives. Besides thematic articles, writings were also published on an ad hoc basis in conjunction with campaigns run by the ASASI Human Rights and Activism Division, as well as in response to current issues. These included the campaign on police brutality, the Student Declaration, and the controversy surrounding Imperial's MNight.

From December 2017 to July 2018, 12 articles were published on various issues. The theme of socioeconomic rights in December featured an introductory article on the debate surrounding recognition of these rights, and a focus piece on rights and challenges of the disabled community in Malaysia. Two write-ups on police powers were published - the first highlighting the problem of police brutality in Malaysia, and the second depicting conditions and struggles of prisoners in detention camps. Further posts were made on the topic of freedom of expression, one contributor being a representative from Malaysian Progressives in Australia.

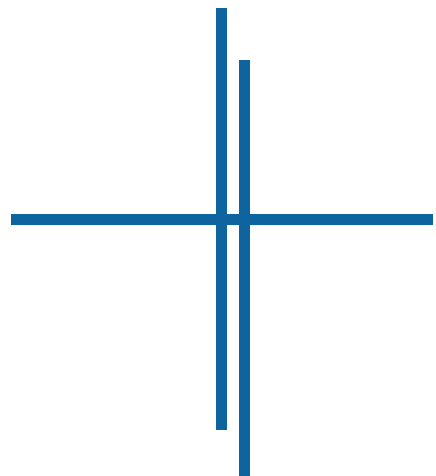
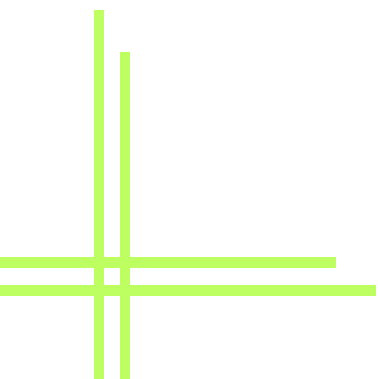
In the run-up to the General Election, articles on the debate surrounding the #UndiRosak movement as well as the impact of the NEP and the possibility of a future for meritocracy in Malaysia were featured on the blog. Independent ad hoc pieces were also written on student activism and representation by Badan Perhubungan Negara and the Women's March.

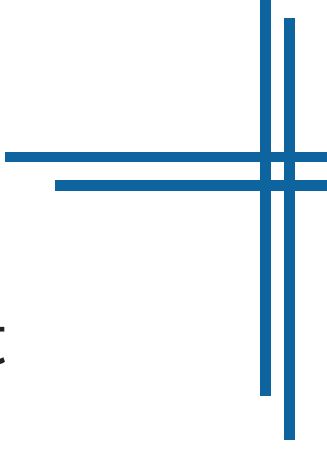
Stats for All Time

Title	Views
The long and frustrating week with Najib's 'portrait'. (Final Story)	View 2,737
The long and frustrating week with Najib's 'portrait'. (Story #1)	View 1,627
The long and frustrating week with Najib's 'portrait'. (Story #2)	View 1,367
Home page / Archives	View 1,045
Imperious Imperial Impetuous Instead?	View 657
LGBT in Malaysia p.1 – focus on homosexuality	View 247
ABOUT ASASIKINI	View 233
The importance of the Students' Declaration	View 170
Enabling the disabled	View 147
Is Malaysia Free From Its Past?	View 128
Child prisoner rights in Palestine	View 116
A book, a house, and a meal: Rights for all?	View 116
Film censorship in Malaysia - from Beauty and the Beast to Lena Hendry (part 1)	View 116
#WomensMarchMY: Marching towards an inclusive and intersectional future	View 106
Our Initiatives & Campaigns	View 97
The Status of Refugees in Malaysia	View 95
LGBTQ in Malaysia p.2 - Focus on transgender people	View 90
Is the Constitution religious or secular?	View 85
The Three Elements of Student Activism	View 81
Human Trafficking and Modern Slavery in Malaysia	View 75
BPN: Behind the Pretence of Neutrality?	View 73
These 5 people died in custody. And they're not the only ones.	View 73
"We had to drink toilet water"	View 60
Do we really have free speech?	View 45
Contact Us	View 43
They can't fight you all at once	View 41
To vote or not to vote?	View 40
The problems refugees face in Malaysia – and how we can solve them	View 39
So, Are We Getting Serious? (TN50)	View 38
Here comes the (child) bride	View 17



Official Statements





Human Rights Day 2017: An Open Letter to PDRM // Surat Terbuka kepada Polis DiRaja Malaysia (PDRM)

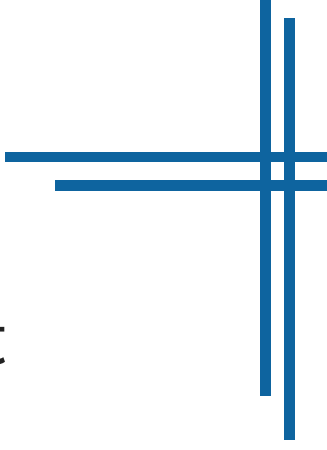
English version

We, the Malaysian law students in the United Kingdom and Eire, are concerned with the state of law and enforcement of the criminal justice system in Malaysia.

About a month ago, Malaysians were surprised by the statement from Home Minister Datuk Seri Ahmad Zahid Hamidi on the arrest of 159 children under the Security Offences (Special Measures) Act 2012. [1] This highlights the systemic problems such as death in custody and abuse of powers that have shrouded our country's criminal justice system for a long time.

The police must carry out their duties in accordance with the law and due process.

According to a written Parliamentary reply by Home Minister Datuk Seri Ahmad Zahid Hamidi dated February 2017, 1,654 people have died while in custody since 2010. [2] One of the most recent custodial deaths is the case of S. Balamurugan who died at the Klang North Police Station on 7 February 2017.



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image from The Malay Mail Online, "EAIC to call 55 witnesses to public hearing on Balamurugan's death in custody" (20 April 2017)

According to the Human Rights Commission of Malaysia (SUHAKAM), the victim who was detained on 6 February was beaten in the ears and legs, as well as punched and kicked in the chest. The victim was also alleged to be shivering and was unable to walk when sent to Shah Alam Lockup Centre the next day. When brought before the Klang Magistrate's Court with other suspects, the eyes and faces of the victim were swollen. He was unable to sit, stand or lift his head when his name was called in court. The magistrate denied the remand application for the victim after reviewing his condition and ordered the police to get the victim immediate medical treatment. However, the police had defied the court order and returned the deceased to the Klang Police Station instead. As a result, the victim's health deteriorated and fell unconscious afterwards. [3]

A post-mortem report from the hospital revealed that the main cause of S. Balamurugan's death was an artery coronary disease with blunt injuries. SUHAKAM was of the opinion that the outcome of the report supports allegations of torture and negligence by the police.

[4]



Image from The Malay Mail Online, "Court agrees to use amended charge in Dharmendran's murder trial" (26 May 2016)

There are numerous custodial deaths which resemble the case of S. Balamurugan, where unfairness was left without recourse. The death of N. Dharmendran in 2013 is another example. Pathologist reports reveal 52 bruising marks on Dharmendran's body resulting from blunt shock which caused severe blood loss and eventually hypovolemic shock. Staple and staple lesions are also found in the ears of the victim. [5]

Although the Enforcement Agency Integrity Commission (EAIC) report revealed that the police officers had beaten up Dharmendran in a violent interrogation and fabricated evidence to cover the incident, the four accused policemen remain free and unpunished until today. [6] It is worth noting that the same report also revealed that there is an Inspector-General Standing Order (IGSO) in force which prohibited the use of physical force against any detainee. [7]

It seems that what is lacking here is not proper procedures but compliance. PDRM should take steps to ensure that proper procedures are followed through. However, it cannot do so without effective oversight mechanisms to ensure that detention and investigations are carried out in full accountability and transparency.

Access to healthcare and medical facilities needs to be improved. The most common infectious diseases among detainees include fever, colds, coughs and fatigue. Slightly more serious illnesses include tuberculosis, HIV/AIDS. Chronic illnesses such as heart disease, diabetes, and kidney disease are also no stranger to them.

However, the Human Rights Commission of Malaysia (SUHAKAM) found that only 1/3 of the interviewed detainees were given health checks upon their arrival at the lock-up. Another 2/3 stated that they had never received any health checks during the course of their detention. The report also found that the 'health screenings', which only included verbal examinations, were conducted by the police instead of qualified health officials due to the absence of healthcare personnel. [8]

Nelson Mandela

"It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones."

Nelson Rolihlahla Mandela

18 July

Nelson Mandela International Day

To honour the legacy of Nelson Mandela, who spent 27 years in prison, the rules are known as **the Nelson Mandela Rules.**

- Promote humane conditions of imprisonment
- Raise awareness about prisoners being a continuous part of society
- Value the work of prison staff as an important social service

The Nelson Mandela Rules also applies to detainees in lockups. In a reported incident to SUHAKAM, a detainee who was locked up in Johor was only aware of the fact that he had contracted tuberculosis when he was taken to the hospital after complaining of prolonged coughing. The detainee died after two weeks later during his treatment in the hospital. Rule 27 in the Nelson Mandela Rules ('Nelson Mandela Rules') states that every detainee has the right to access access to health facilities as soon as possible in an emergency. [9] Hence, health checks should be given when a person is detained and admitted to the lockup in order to begin an early detection of the disease. It is only then can a detainee be sent to the hospital as soon as possible and receive proper diagnosis and treatment. [10]

Losing lives due to neglect and apathy towards the human life is a great shame to the criminal justice system. The police must consider this matter seriously if it decides that the protection of human life and dignity should be the centrality of justice. It must take measures to improve access to medical care for arrested persons under their custody in accordance with the international standards outlined in the UN Minimum Standards for Treatment of Prisoners (the Nelson Mandela Rules).

Juvenile suspects are not hardcore criminals; end their detention under security laws.



Image from The Malaysian Insight "Rights groups demand release of 159 juveniles" (8 November 2017)

Malaysians were taken aback when it was revealed that 159 juveniles have been detained under the Security Offences (Special Measures) Act (SOSMA) 2012 and the Prevention of Crime Act (POCA) 1959. [11] Detaining juvenile suspects under security laws which deprive one's right to fair trial (if any trial at all) is a serious violation of human rights in itself, not to mention it being used on juvenile suspects.

Those arrested under SOSMA 2012 cannot be granted bail (Section 13) and anyone detained under the law will remain in detention until all legal proceedings, including appeal, have concluded (Section 30). This means that child suspects can be detained for an extensive period of time with limited access to legal advice or communication with family members. [12]

Article 3 of the Convention on the Rights of the Child, of which Malaysia is a party to, states that "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.”

Furthermore, Article 19 of the Convention on the Rights of the Child states that “States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.” [13]

Therefore, the State and the force must take action in the best interests and welfare of children held in their custody in which detaining children under harsh security laws is not. Juvenile suspects are not hardcore criminals and the police must end all detention of children under any security laws.

Following the issues raised in the above, we urge the Royal Malaysian Police Force (PDRM) to carry out the following:

1. To perform all duties with respect to the fundamental rights of all Malaysians stipulated in the Universal Declaration of Human Rights, the Federal Constitution of Malaysia and the norms of international human rights;
2. Improve detention facilities and ensure access to medical facilities for detainees in accordance with international standards outlined in the UN Minimum Standards for Treatment of Prisoners (the Nelson Mandela Rules);
3. Release all juveniles detained under security laws such as the Security Offences (Special Measures) Act 2012 (SOSMA), the Prevention of Crime Act 1959 (POCA) and Prevention of Terrorism Act 2010 (POTA);

4. Review the use of detention procedures and laws which allow for arbitrary arrests such as the Security Offences (Special Measures) Act 2012 (SOSMA), the Prevention of Crime Act 1959 (POCA), the Prevention of Terrorism Act 2010 (POTA), and the Dangerous Drugs Act (Special Measures) 1985 (DDA) which are opposed to the right to fair trial;

5. Take serious action against police personnel responsible for custodial deaths and bring them to justice immediately;

6. Establish independent bodies such as the Royal Commission of Inquiry and the Independent Police Complaints and Misconduct Commission to ease the monitoring workload on the Royal Malaysian Police (PDRM) and carry out investigations into custodial deaths and police torture in a transparent manner.

In the spirit of Human Rights Day, let us remember the core of human rights -- that all human beings are born free and equal in dignity and rights. Human rights is for all and they extend to those behind bars.

What is justice, if impunity reigns within our criminal justice system; if human lives are not given the respect and dignity it deserve; if the basic rights of detainees to fair trial and equal treatment of the law are not protected? As citizens of Malaysia, we ought to decide if this is the kind of justice system we want for the country, or a better one. Let us defend human rights.

In service of the Union,
Hong Jinghann
President
KPUM 2017/18
Michelle Liu Jo Yee
Human Rights & Activism Officer
KPUM 2017/18
Dhanya Laxmi Sivanantham
Human Rights & Activism Executive
KPUM 2017/18

Versi Bahasa Malaysia

Kami, pelajar undang-undang Malaysia di United Kingdom dan Eire, amat kesal dengan penguatkuasaan undang-undang dan pelaksanaan sistem keadilan jenayah di Malaysia yang semakin memburuk.

Sebulan yang lalu, rakyat serta anggota masyarakat sivil dikejutkan dengan kenyataan dari Menteri Dalam Negeri Datuk Seri Ahmad Zahid Hamidi berkaitan penahanan 159 orang kanak-kanak di bawah undang-undang keselamatan yang jelas diperuntukkan untuk menangani penjenayah tegar. [1] Hal ini menyerlahkan masalah sistemik seperti kematian dalam tahanan dan penyalahgunaan kuasa polis yang sudah lama membelenggu sistem keadilan jenayah negara kita.

Pihak polis perlu menjalankan tugas mereka mengikut undang-undang dan proses yang sah.

Menurut jawapan bertulis yang dikemukakan oleh Menteri Dalam Negeri Datuk Seri Ahmad Zahid Hamidi dalam sidang Parlimen bertarikh Februari 2017, sebanyak 1,654 orang telah meninggal sewaktu berada dalam tahanan sejak tahun 2010. [2] Antara kematian dalam tahanan yang terkini ialah kes S. Balamurugan yang meninggal dunia di Balai Polis Klang Utara pada 7 Februari yang lalu.

Imej daripada The Malay Mail Online, "EAIC to call 55 witnesses to public hearing on Balamurugan's death in custody" (20 April 2017)

Menurut siasatan Suruhanjaya Hak Asasi Manusia Malaysia (SUHAKAM), mangsa yang ditahan pada 6 Februari itu dipukul di bahagian telinga dan kaki, serta ditinju dan ditendang di bahagian dada. Mangsa juga didakwa menggigil dan tidak mampu berjalan apabila dihantar ke Pusat Lokap Shah Alam pada hari yang berikutnya. Ketika dihadapkan ke Mahkamah Majistret Klang bersama suspek-suspek yang lain pada hari yang sama, mata dan muka mangsa didapati bengkak. Beliau juga tidak mampu duduk, berdiri atau mengangkat kepalanya apabila namanya dipanggil di mahkamah. Majistret menolak permohonan reman untuk mangsa selepas meneliti keadaannya dan mengarahkan rawatan segera oleh pihak polis. Namun begitu, pihak polis berkaitan mengingkari arahan mahkamah dan mengembalikan mangsa ke Balai Polis Klang Utara. Akibatnya, kesihatan mangsa semakin merosot dan akhirnya tidak sedar diri selepas itu. [3]

Laporan bedah siasat hospital mendedahkan bahawa punca utama kematian S. Balamurugan ialah penyakit arteri koronari dengan kecederaan akibat hentakan tumpul ('coronary artery disease with multiple blunt force injuries'). Pihak SUHAKAM berpendapat bahawa hasil laporan tersebut menyokong dakwaan penyeksaan dan kecuaihan pihak polis. [4]

Imej daripada The Malay Mail Online, "Court agrees to use amended charge in Dharmendran's murder trial" (26 May 2016)

Terdapat banyak kes kematian dalam tahanan yang menyerupai kes S. Balamurugan, di mana ketidakadilan yang berlaku di sebalik bilik sel dibiarkan begitu sahaja. Misalnya, kes kematian N. Dharmendran pada tahun 2013. Laporan pakar patologi mendedahkan 52 tanda lebam di badan mangsa dan kehilangan darah yang teruk akibat hentakan tumpul dan akhirnya membawa kepada kejutan hipovolemik ('hypovolemic shock'). Kesan luka 'staple' juga dijumpai di kedua-dua telinga mangsa. [5]

Walaupun laporan Suruhanjaya Integriti Agensi Penguatkuasaan (EAIC) mendedahkan bahawa pegawai polis telah mendera Dharmendran ketika soal siasat dan kemudiannya cuba menutup bukti kejadian tersebut, empat anggota polis tertuduh bebas dan tidak dihukum sehingga hari ini. [6] Laporan yang sama juga menunjukkan suatu Perintah Tetap

Ketua Polis Negara (IGSO) yang masih berkuat kuasa yang melarang kekerasan fizikal terhadap mana-mana tahanan. [7] Kekurangan di sini bukanlah prosedur tetapi pematuhan prosedur-prosedur tersebut. PDRM perlu mengambil langkah untuk memastikan prosedur yang betul diikuti. Walau bagaimanapun, ia tidak mampu berbuat demikian tanpa mekanisma pengawasan yang berkesan dalam memastikan setiap penahanan dan penyiasatan dijalankan dengan penuh akauntabiliti dan ketelusan.

Akses kepada kemudahan perubatan perlu ditambahbaik. Penyakit berjangkit yang paling biasa di kalangan tahanan termasuklah demam, selsema, batuk dan keletihan. Penyakit yang sedikit lebih serius termasuk tuberkulosis, HIV / AIDS. Penyakit kronik seperti penyakit jantung, diabetes, dan penyakit buah pinggang juga tidak asing dalam kalangan mereka.

Namun begitu, Suruhanjaya Hak Asasi Malaysia (SUHAKAM) mendapati bahawa hanya 1/3 daripada orang kena tangkap (OKT) yang ditemubual telah diberi pemeriksaan kesihatan ketika ketibaan mereka di lokap. 2/3 yang lain pula menyatakan bahawa mereka tidak pernah menerima sebarang pemeriksaan kesihatan sepanjang penahanan mereka. 'Pemeriksaan kesihatan' yang dijalankan hanya merangkumi pemeriksaan secara lisan, dan pemeriksaan tersebut dijalankan oleh pihak polis dan bukan pegawai kesihatan yang bertauliah. Situasi ini disebabkan oleh kekurangan pegawai kesihatan di pusat lokap. [8]

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Rakyat Malaysia amat terkejut dengan tindakan yang diambil oleh pihak polis untuk menahan 159 orang juvenil di bawah Akta Kesalahan Keselamatan (Langkah-langkah Khas) 2012 dan Akta Pencegahan Jenayah 1959. [11] Menahan suspek juvana di bawah undang-undang keselamatan yang menafikan hak seseorang untuk mendapat perbicaraan yang adil adalah pelanggaran hak asasi manusia yang serius, apatah lagi digunakan ke atas suspek juvana.

Mereka yang ditahan di bawah SOSMA 2012 tidak diberi ikat jamin (Seksyen 13) dan sesiapa yang ditahan di bawah akta ini akan kekal dalam tahanan sehingga semua prosiding undang-undang, termasuk rayuan, diselesaikan (Seksyen 30). Ini bermakna suspek juvana boleh ditahan untuk tempoh masa yang panjang dengan akses terhadap kepada nasihat undang-undang atau komunikasi dengan ahli keluarga. [12]

Malaysia merupakan salah satu parti kepada Konvensyen Mengenai Hak Kanak-kanak. Perkara 13 menyatakan bahawa "Dalam semua tindakan yang berkaitan dengan kanak-kanak, sama ada yang dijalankan oleh institusi kebajikan sosial awam atau swasta, mahkamah undang-undang, pihak berkuasa pentadbiran atau badan perundangan, kepentingan terbaik kanak-kanak hendaklah menjadi pertimbangan utama. Negara-negara Pihak berjanji untuk memastikan kanak-kanak perlindungan dan penjagaan sedemikian yang perlu untuk kesejahteraannya, dengan mengambil kira hak dan kewajipan ibu bapanya, penjaga sah, atau individu lain yang bertanggungjawab secara sah untuknya, dan, untuk tujuan ini, akan mengambil semua langkah perundangan dan pentadbiran yang sesuai."

Tambahan pula, Perkara 19 dalam Konvensyen Mengenai Hak Kanak-kanak ("Convention on the Rights of the Child) menyatakan bahawa, "Negara-Negara Pihak hendaklah mengambil segala langkah perundangan, pentadbiran, sosial dan pendidikan yang sewajarnya untuk melindungi kanak-kanak daripada semua bentuk keganasan fizikal atau mental, kecederaan atau penderaan, pengabaian atau pelakuan cuai, penganiayaan atau eksploitasi, termasuk penderaan seksual, semasa dalam jagaan ibu bapa (ibu bapa-ibu bapa), penjaga di sisi undang-undang (penjaga-penjaga di sisi undang-undang) atau mana-mana orang yang menjaga kanak-kanak itu." [13]

Oleh itu, setiap keputusan dan langkah yang diambil oleh pihak kerajaan dan polis mesti mempertimbangkan kepentingan dan kebajikan kanak-kanak yang diletakkan di bawah jagaan mereka. Suspek juvana bukan penjenayah tegar dan polis harus menamatkan semua tahanan kanak-kanak di bawah undang-undang keselamatan.

Susulan daripada isu-isu yang dikemukakan di atas, kami menggesa pihak Polis Diraja Malaysia (PDRM) untuk melaksanakan perkara-perkara yang berikut:

1. Melaksanakan segala tugas dengan menghormati hak asasi semua warga Malaysia yang termaktub dalam Deklarasi Universal Hak Asasi Manusia, Perlembagaan Persekutuan Malaysia dan norma hak asasi manusia antarabangsa;

2. Menambahbaikkan kemudahan lokap tahanan dan memastikan akses kepada kemudahan perubatan bagi orang yang kena tangkap (OKT) selaras dengan piawaian antarabangsa yang digariskan dalam Kaedah Nelson Mandela ('Nelson Mandela Rules');
3. Melepaskan semua juvenil yang ditahan di bawah undang-undang keselamatan seperti Akta Kesalahan Keselamatan (Langkah-langkah Khas) 2012, Akta Pencegahan Jenayah 1959 dan Akta Pencegahan Keganasan 2015 (POTA);
4. Mengkaji semula prosedur penahanan serta penggunaan akta-akta yang membenarkan penahanan tanpa bicara seperti Akta Kesalahan Keselamatan (Langkah-langkah Khas) 2012 (SOSMA), Akta Pencegahan Jenayah 1959 (POCA), Akta Pencegahan Keganasan 2015 (POTA), dan Akta Dadah Merbahaya (Langkah-langkah Khas) 1985 (DDA) yang bertentangan dengan hak kepada perbicaraan yang adil;
5. Mengambil tindakan serius terhadap anggota polis yang bertanggungjawab atas kematian orang kena tangkap (OKT) dalam tahanan serta membawa mereka ke muka keadilan dengan segera;
6. Menubuhkan badan bebas seperti Suruhanjaya Siasatan Diraja ('Royal Commission of Inquiry') dan Suruhanjaya Bebas Aduan dan Salah Laku Polis ('Independent Police Complaints and Misconduct Commission') untuk meringankan kerja pemantauan ke atas Polis Diraja Malaysia (PDRM) dan menjalankan penyiasatan ke atas isu kematian dalam tahanan akibat penyeksaan oleh anggota polis secara telus.

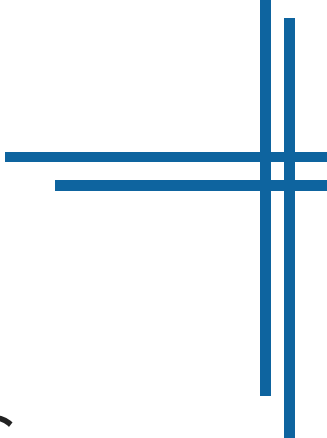
Sempena Hari Hak Asasi Manusia, marilah kita mengingati konsep hak asasi manusia - bahawa semua manusia dilahirkan bebas dan sama dengan martabat dan hak. Hak asasi manusia adalah untuk semua, termasuk mereka yang ditahan.

Apakah itu keadilan, jika undang-undang boleh dilanggar sewenang-wenangnya; jika kehidupan manusia tidak dihormati dan dihargai; jika hak asasi yang asas seperti hak kepada perbicaraan yang adil dan kesaksamaan di bawah undang-undang tidak dilindungi? Sebagai rakyat Malaysia, kita harus berputus sama ada sistem keadilan yang sedia ada adalah sistem yang kita mahu untuk negara ini atau suatu sistem lebih baik. Marilah kita lindungi hak asasi manusia.

Yang berkhidmat untuk Kesatuan,
Hong Jinghann
Presiden
KPUM 2017/18

Michelle Liu Jo Yee
Pegawai Hak Asasi Manusia & Aktivisme
KPUM 2017/18

Dhanya Laxmi Sivanantham
Eksekutif Hak Asasi Manusia & Aktivisme
KPUM 2017/18



Official Statement - 15 December 2017

Allow Law Students with UEC To Take CLP Examination

The United Kingdom & Eire Malaysian Law Students Union (KPUM) stands with fellow law students holding the Unified Examination Certificate (UEC) who are affected by the recent change to the recognition of UEC as a qualification to sit for Certificate of Legal Practice (CLP) examination. The Union disagrees with the change and we urge the Legal Profession Qualifying Board (LPQB), otherwise known as the Lembaga Kelayakan Profesion Undang-Undang, Malaysia, to provide a reasonable explanation or appropriate response to the affected law students immediately. The Union also urge the Malaysian Bar to assist in resolving this matter.

Background

Generally, UK law degree holders must possess a recognised law degree, a minimum of 3 credits at Sijil Pelajaran Malaysia (SPM) or its equivalent in one sitting, together with a minimum of 2 principal passes at Sijil Tinggi Persekolahan Malaysia (STPM) or its equivalent in one sitting to qualify as a candidate for the Certificate of Legal Practice (CLP) examination in Malaysia.

In 2005, the Legal Profession Qualifying Board (LPQB) decided that the Unified Examination Certificate (UEC) is to be no longer recognised as a qualification equivalent to SPM and STPM. This means that UEC holders are not qualified to sit for the CLP examination and instead would be required to possess a minimum of 2 principal passes at STPM or A-Level. [1]

However, to the knowledge of many, this decision has never been implemented despite the note on the Board's website until it was made known in a press conference convened by chairs of SUPP Dudong and the Advocates Association of Sarawak Sibiu on the 20th of November 2017. [2] It was mentioned at the same press conference that a reputable local legal education provider had received an official letter from the Board in relation to the implementation of the decision.

Subsequently, on the 22th of November 2017, Malaysian Bar President George Varughese confirmed that the decision to not recognise UEC as a qualification is not limited to those in Peninsular Malaysia but applies to all law students. [3]

KPUM's response

The Union had attempted to obtain a response from the Board via email but has yet to receive a reply. The Union had also collected responses from affected members of the Union as well as other law students through the members' personal networks and had passed them onto a member of the Bar. Four weeks have passed since the news but there has not been any official statement or response from the Legal Profession Qualifying Board (LPQB) or the Malaysian Bar.

The effect of the decision should not be taken lightly. The lack of information surrounding the matter has added to the confusion and anxiety of law students. There are valid concerns that the decision may have a retrospective effect on UEC holders who have just completed their law degree and are intending to register themselves for the CLP course by the 31th of December 2017. [4]

The Union is against a retrospective decision and we ask the Board to exempt current UEC students from the decision should it take effect immediately. Albeit the Board's powers to 'make rules and do all things which are necessary and incidental' to carry out its functions as per the Legal Profession Act 1976 [5], it must not do so arbitrarily but in adherence to the common law principle of fairness.


“It has been 12 years since this rule had been drawn up and it never came into effect within these years. I was only 11 years old in 2005. How can LPQB expect an 11 year-old child to acknowledge that he ‘must’ not take UEC as this will indirectly affect his future path of becoming a lawyer?”

- A third year law student who is also a UEC holder.

It is unfair to subject current UEC students to such a decision which would only serve to exclude them from the prospects of practicing law in Malaysia. The decision is discriminatory given that UEC caters to students from Chinese education background. The Union is of the opinion that all candidates should be treated equally which includes granting equal access to their legal education and that no one should be barred from that on grounds of race, religion, political views including education background. It is illogical if the decision was made on the basis of language proficiency as CLP candidates are already required to obtain a minimum credit in Bahasa Malaysia at SPM or pass the BM Qualifying Exam by the Board [6]. The Board must provide a reasonable explanation to this limiting decision.

In addition, implementing a decision without prior notice or consultation is neither transparent nor accountable. We therefore urge the Board to consult with respective student bodies, education institutions and UEC students before implementing such a decision. It is only fair for these parties to be informed and take part in making an incredible decision that would affect them greatly.

“ A year before this, the University of London provided a scheme where students could choose not to take the subjects of European Union Law and Equity & Trust together on the condition that he/she will not be allowed to take the UK Bar exam thereafter. I am one of the students who did not take EU law so I had no other choice but the CLP. I am in the worst position now with LPQB’s decision.”



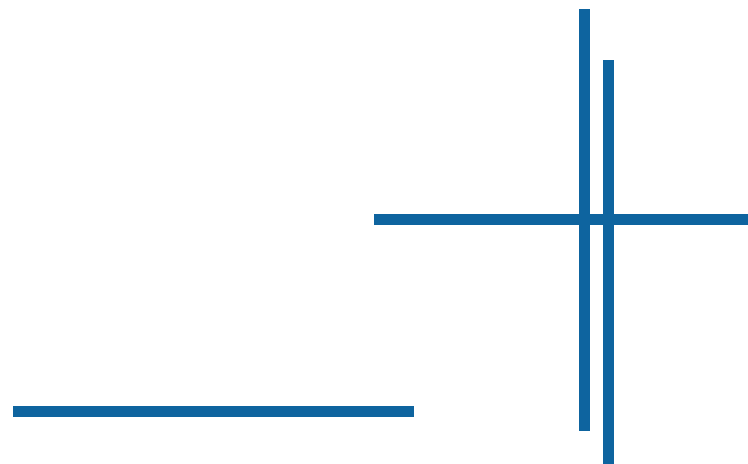
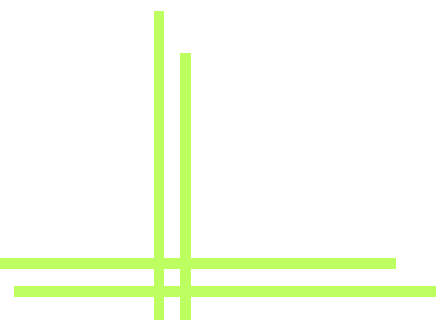
Last but not least, we urge the Malaysian Bar to consider this matter seriously and help resolve the matter on behalf of the students who will eventually become future members of the Bar. It must 'uphold the cause of justice without fear or favour' [7] and the Union supports the Malaysian Bar to challenge the decision.

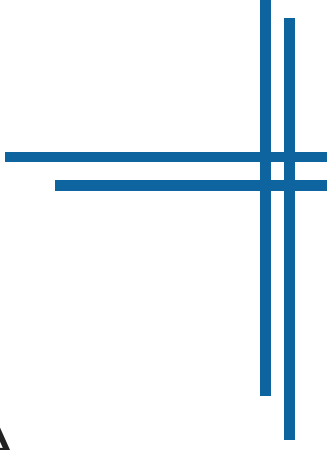
The Board and the Malaysian Bar must respond to the matter immediately as the development affects the welfare of law students and the future of the legal profession.

On behalf of the Union,
Hong Jinghann
President 2017/2018,

Michelle Liu Jo Yee
Human Rights & Activism Officer 2017/18,

Kesatuan Penuntut Undang-Undang Malaysia di United Kingdom dan Eire (KPUM)/United Kingdom and Eire Malaysian Law Students Union.





Official Statement (Re Suspension of UKM Student Asheeq Ali): Stop Using UUCA 1971 To Curtail Students' Right to Freedom of Expression

The United Kingdom & Eire Malaysian Law Students' Union (KPUM) condemns the suspension of student, Asheeq Ali, by Universiti Kebangsaan Malaysia (UKM) for his participation in the 2016 TangkapMO1 rally. We strongly believe that all Malaysians, including students, are afforded the freedom of speech, assembly and association under Article 10 of the Federal Constitution. We call upon the university to lift the suspension on Asheeq immediately.

Background

On the 29 September 2016, Asheeq was requested by the Universiti Kebangsaan Malaysia (UKM) administration to submit a show cause letter explaining his involvement in the TangkapMO1 rally which took place on 27 August 2016. Upon the submission of his show cause letter, he was summoned to a disciplinary proceeding due to take place on 15 November 2016. Prior to the disciplinary proceeding, Asheeq had filed an injunction against it to the court. The court hearing was scheduled to take place on 1 December 2016.

Despite the lifting of injunction, the disciplinary hearing took place on 15 November 2016 in which Asheeque received a one-semester suspension and a RM200 fine. The reason for the decision was that he had embarrassed the university and had committed an offence under the Peaceful Assembly Act 2012 by participating in an illegal rally. Asheeque appealed the decision.

After being suspended for 3 weeks, Asheeque was called to resume his studies while waiting for his appeal to be heard. His appeal was heard by the university board without his knowledge on 11 January 2017 and decided to put Asheeque on a one-month suspension with a RM200 fine. However, the sentence was put on hold pending court proceedings.

Asheeque filed a suit seeking a declaration against UKM that Section 15 (3) of the Universities and University Colleges Act (UUCA) and Rules 3 & 13 of UKM Disciplinary Rules 1999 were unconstitutional for preventing students from expressing their thoughts freely.

On 19 April 2017, UKM had attempted to seek RM50,000 as security costs from Asheeque as the university was concerned that he would be unable to pay the costs if he loses the main suit. However, UKM's bid was dismissed by the High Court.

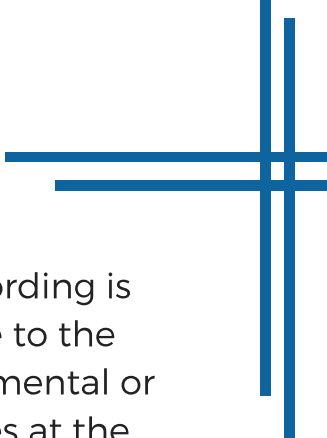
On 28 August 2017, the High Court dismissed the suit, ruling that Section 15(3) of the Universities and University Colleges Act (UUCA) and the UKM disciplinary rules do not violate the students' constitutional rights to assemble. Asheeque appealed the decision but to no avail, as it was also dismissed by the Court of Appeal on 22 February 2018. Following his failure to challenge the university's decision in court, Asheeque currently faces a one-month suspension.

Asheeq's case demonstrates the extensive restriction of freedom under University and University Colleges Act ('UUCA') 1971.

The University and University Colleges Act 1971 sets out the establishment, maintenance and administration and other matters related to university and university colleges. Under the UUCA, university and university college boards are also empowered to set out their own rules and regulations on the functioning of their institutions.


Despite the 2012 amendment which allowed students to become members political parties, UUCA remains to be restrictive on the freedom of expression of students. For instance, Section 15(2) of UUCA 1971 prohibits students from becoming members of "any unlawful society, organization, body or group of persons, whether in or outside Malaysia" including those deemed by the Board "to be unsuitable to the interest and wellbeing of the students or the University." The same provision also prohibits students from becoming involved in activities of political parties within the campus.

Another example is Section 16 which empowers Vice-Chancellors to suspend or dissolve any student body or societies which are "detrimental or prejudicial to the interests or well-being of the University, or to the interests or well-being of any of the students or employee of the University, or to public order, safety or security".




On the surface, such provisions seem reasonable but the wording is vague, thus problematic. What is deemed to be ‘unsuitable to the interest and well-being of students or the University’ or ‘detrimental or prejudicial to the interests or well-being of the University’ lies at the discretion of the university board to interpret it as they wish. When such power is exercised arbitrarily, ambiguous provisions coupled with wide, discretionary powers vested in the university administration give room for abuse laws and silencing of dissent to take place. It then becomes impossible for those who do not wield such power to participate in politics in any meaningful way.

Asheeq’s case is an example of the dangerous effect of such provisions. Asheeq, who participated in a political protest which was held outside of UKM campus and had no relevance to UKM, was guilty of breaking university regulations. Ambiguous provisions coupled with wide, discretionary powers vested on the university administration gives room for abuse laws and silencing of dissent to take place. Asheeq’s is not the sole example of such abuse - many others such as Anis Shafiqah, Fahmi Zainol, Muhammad Hilman and many others have been severely punished for expressing their views. Anis Shafiqah, who was also involved in the organisation of the TangkapMOI protest, received a six-month suspension and RM400 fine from University of Malaya (UM).



In November 2014, University of Malaya Student Union (UMSU) secretary-general Fahmi Zainol was suspended by the university for two semesters as punishment for his role in arranging a speech by opposition leader Anwar Ibrahim. The other committee members of UMSU were also penalised for their involvement. Safwan Shamsuddin was suspended for one semester and fined RM300, Adam Festival Wilfrid and Haw Yu Hong were fined RM150 each, and Khairol Najib Hashim was issued a reprimand. UM's decision against the students were later quashed by the Federal Court, on grounds that the university board had not carried out disciplinary proceedings in accordance with the university's rules.

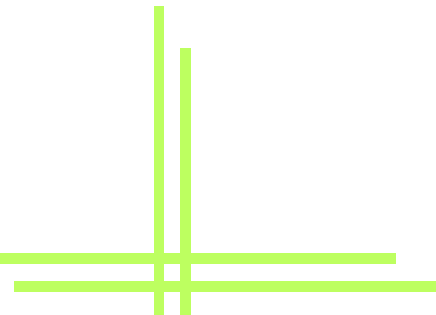
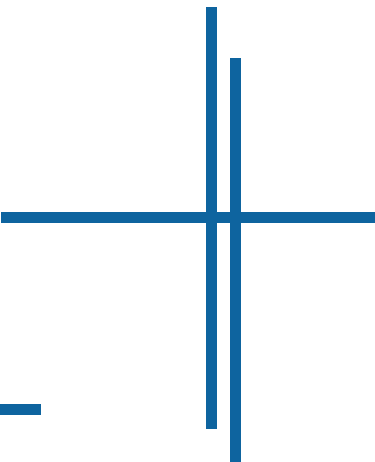
In 2012, Muhammad Hilman and three other students faced disciplinary action from Universiti Kebangsaan Malaysia (UKM) for being present at the Hulu Selangor by-election. Section 15(5)(a) of UUCA (now repealed) prohibits any student from 'showing sympathy or support towards a political party' at that time. UKM's action was later quashed by the Court of Appeal on grounds that the provision was unconstitutional as it unreasonably restricted the students' Article 10 right to freedom of speech.



We acknowledge that there are limitations to one's right to freedom of speech set out by Article 10 of the Federal Constitution. However, we assert that Asheeq's case does not constitute a valid limitation despite the political nature of the protest. As per Justice Hishammudin Mohd Yunus JCA in *Muhammad Hilman Idham & Ors v. Kerajaan Malaysia & Ors*, "A student who expressed support for or opposition against a political party could not be seen to harm or bring about an adverse effect on public order or public morality. Political parties were legal entities carrying out legitimate political activities. Political leaders including Ministers and members of the federal and state legislatures were members of political parties."

Asheeq is exercising the very skill universities are here to teach students: the ability to think critically. Arguably, in order to become the global leaders of tomorrow, poised to take Malaysia to greater heights, students need to be able to think critically and act responsibly. A university is a vital space to encourage such activity. As such, universities need to provide a space for students to do so, and guide them where they go wrong, not silence them. Arbitrary laws that are interpreted restrictively must be done away so that students are empowered to express themselves, not merely in their academics but also on matters that concern the nation.

With that, we call on Universiti Kebangsaan Malaysia (UKM) to lift the suspension on Asheeq Ali immediately and reiterate the call to reform the University and University Colleges Act 1971 to protect and uphold students' right to freedom of expression.



In solidarity with Asheeq Ali and our fellow students back home,

Hong Jinhann
President
KPUM 2017/18

Michelle Liu Jo Yee
Human Rights & Activism Officer
KPUM 2017/18

& Kesatuan Penuntut Undang-undang Malaysia di United Kingdom
dan Eire (KPUM)

“Official Statement: On The Anti-Fake News Bill 2018”

The United Kingdom & Eire Malaysian Law Students' Union (KPUM) notes with serious alarm the Anti-Fake News Bill 2018 ('Rang Undang-undang Antiberita Tidak Benar 2018') which is currently being tabled in the Dewan Rakyat. The Bill, which seeks to grant wide and discretionary powers to deal with fake news, poses a grave threat to Malaysians' constitutional right to freedom of expression. Support our cause to prevent the passage of the Bill by signing our petition [here](#)! Click [here](#) for infographics explaining the Bill and [here](#) to read the full version of the Bill.

EDIT 30 March 2018*: There has been a few amendments to the Bill at the second reading. In her Parliamentary speech dated 29 March 2018, Yang Berhormat Dato' Sri Azalina Othman mentioned a few amendments to the Bill:

1. The maximum jail term for an offence under the proposed law will be reduced from 10 years to 6.
2. It would be a crime for someone to "maliciously" create fake news, instead of "knowingly" create fake news instead.

Under this new Bill, anything can be considered as 'fake news'. Clause 4 of the Anti-Fake News Bill 2018 ('AFN Bill 2018') criminalizes the creation or offer or publication (including the printing, distribution, circulation and dissemination) of fake news or publication containing fake news 'maliciously'.*

Anyone found guilty of the offence would be liable to a fine not exceeding RM500,000 or imprisonment for a term not exceeding 6 years* or both. In the case of a continuing offence, a further fine not exceeding RM3000 may be imposed for each day during which the offence continues after conviction.

In addition, any publication of 'fake news' may be removed by court order under Clause 7. Clause 8 allows such order to be set aside except for those which are found to be 'prejudicial, or likely to be prejudicial to public order or national security'.

Despite the heavy implications, the definition of 'fake news' is vague and broad.

KEY PROVISIONS

Section 2

Defines **fake news** as being:

"any news, information, data and reports, which is or are wholly or partly false, whether in the form of features, visuals or audio recordings or in any other form capable of suggesting words or ideas"

Due to the vagueness of this provision, anything can be deemed as 'fake news'.

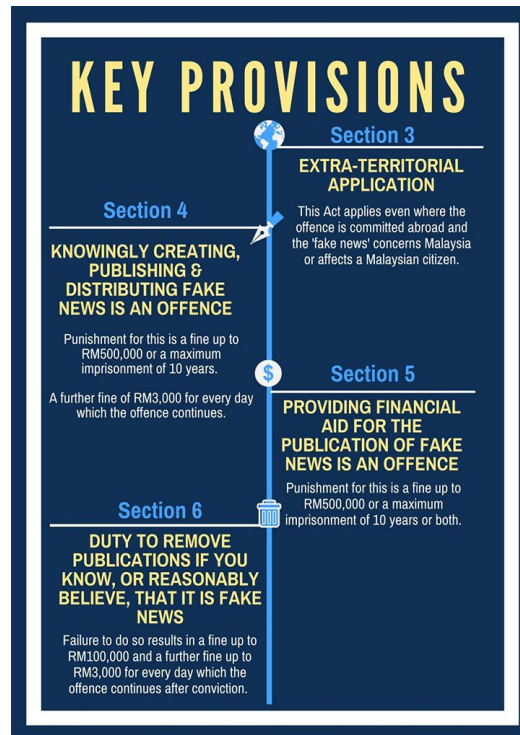


Section 2 of the Anti-Fake News Bill 2018

The dangerous effect of vague and broad provisions can be seen in the application of existing laws such as the Communications and Multimedia Act 1998 ('CMA 1998'). Section 233 of the 1998 Act makes it an offence for anyone to make 'any comment, request, suggestion or other communication which is obscene, indecent, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass another person.' As a result of this broad provision, people have been investigated, arrested and prosecuted for various reasons including making offensive remarks against royalty, making critical statements against leaders, and for spreading fake news.

The Bill does not explain what is considered to be 'false' and who is to decide what constitutes as 'fake news'. This leaves room for abuse and exploitation of the law to occur. Without a clear definition, what is considered to be false remains subjective and as such, any form of information is capable of being 'fake news'. This may extend to works of arts that are parodies (satirical or ironic imitation).

Not only is the Bill substantially concerning, it is procedurally questionable as well. The Bill is unreasonably extensive and may create a 'chilling effect'.



What is even more shocking is the fact that Bill carries an extra-territorial effect. Clause 3 states that the law will apply to any persons of any nationality outside of Malaysia, will be prosecuted as if they were in Malaysia.

Clause 7 of the Bill states that a person affected can apply to the Court directly for an order to take down the publication. This is notwithstanding the commencement of litigation, which means that Malaysians may not be able to put forward a legitimate defence before their news is judged to be 'fake'.

Clause 11 states that anyone who is found to be abetting - in other words, to be encouraging or assisting - the commission of any offence within this Bill will be given similar punishment for the offence. Clause 13 extends the offences to corporations and its' officers.

The Bill, if passed, will have effect on not just the press, but on everyone who consumes and uses information. For instance. Clause 5 of AFN Bill 2018 criminalizes the provision of financial assistance for the purposes of committing or facilitate the commission of the offence stated in Clause 4. This implies that readers who contribute to publicly funded news portals may be liable for facilitating the spread of fake news if the said portal is found guilty of the offence

KEY PROVISIONS

Section 7 POWER OF COURT TO ORDER REMOVAL OF FAKE NEWS Person(s) affected by the publication can make an ex parte application to the Court to order removal of it. Failure to comply with the order will result in a fine up to RM100,000	Section 8 SETTING ASIDE ORDER TO REMOVE FAKE NEWS Person against whom the order is made may apply to set it aside within 14 days from the date the order is served. Exception: if order is obtained by the Government relating to fake news that is prejudicial to public order/ national security, no application to set aside the order can be made.
Section 9 ORDER FOR REMOVAL OF FAKE NEWS BY POLICE OFFICERS/ AUTHORISED OFFICERS UNDER CMA 1998 If person against whom the order is made fails to remove fake news, the Court may order an authorised officer to take necessary measures to remove it.	Section 10 ABETMENT Any person who abets the commission of any offence under this Act will be punished with the punishment provided for the offence.

Additionally, Clause 6 puts the onus on those who have control, custody or possession of the publication, upon knowing or having reasonable grounds to believe that the publication consist of fake news. Any person who fails to carry out the duty shall be liable to a fine not exceeding RM100,000 and in the case of a continuing offence. He or she will be liable to a further fine not exceeding RM3,000 for each day during which the offence continues after conviction.

Comparatively, other speech-related offences under provision such as Section 233 of the Communications and Multimedia Act 1998 imposes a fine of RM50,000 or imprisonment not exceeding a term of 1 year or both, whereas anyone who is found guilty under Section 124I of the Penal Code is given the punishment of imprisonment which may extend to 5 years. The Bill introduces several punishment which are comparatively more severe than the other offences.

Such extensive provisions would induce a sense of fear in not just Malaysians, but also those in the international sphere from speaking about Malaysian issues. In light of the upcoming 14th General Election, this law appears to suppress critical views from being voiced or aired. It must be noted that at this juncture, discourse should be encouraged rather than discouraged, for the sake of informed and mature voting.

There is no need for additional laws - existing laws are more than sufficient to curb 'fake news'.

Article 10(1)(a) of the Federal Constitution guarantees free speech and expression to every citizen. However, like all the other liberties enshrined in the constitution, Parliament may impose restrictions on certain grounds. We acknowledge that one's right to freedom of speech may be lawfully restricted. However, the draconian effect of the Bill listed above goes as far as to render the exercise of such fundamental liberties futile.

Moreover, there are already existing laws in place which are more than sufficient to address the issue of 'fake news'. Section 124H1 of the Penal Code, for instance, criminalises the dissemination of false reports and makes false statements likely to cause public alarm.

In fact, Malaysia possess a handful of laws which have been deemed to be extensively repressive. The Communications and Multimedia Act 1998 ('CMA 1998'), for instance, has been used to charge and investigate online users for making offensive comments against the royalty, including spreading fake news in recent years. About 269 cases were recorded under this law between January and 30 December 2017. In 2017, 9 cases were recorded under Sedition Act 1948 and an addition of 50 books were banned under the Printing Presses & Publications Act 1984.

Political cartoonist Fahmi Reza was convicted under the Sedition Act 1984 for making a clown sketch of the Malaysian Prime Minister last month. The book of another political cartoonist, Zunar, was banned in 2017 under the Printing Presses and Publications (Control of Undesirable Publications) Order 2017. In 2017, activist Lena Hendry was convicted under the Film Censorship Act 2002 for screening an unapproved film documentary on the Sri Lankan civil war.

One suggestion would be to solve the 'fake news' phenomenon by encouraging critical and independent thinking among Malaysians and Malaysian news outlets, instead of regulating speech altogether.

The freedom of the press is the highest expression of freedom. The media and press play an important role in young democracies such as Malaysia. They are not just the main source of information but a platform that is crucial for the rakyat to hold their leaders accountable. Taking away the freedom of the press will undermine the fragile democracy that we enjoy. It is perhaps more helpful to address fake news at its' roots -- improving news literacy and building strong professional journalism in our society -- rather than regulating speech.

While we note that deliberate misinformation or hoaxes presented as truth is an increasing problem especially in the political process, we disagree that regulating speech in such an arbitrary manner is the solution. To tackle 'fake news', Parliament should promote critical thinking among people rather than attempting to redefine what a 'fake' (or conversely, 'legitimate') news is. Malaysians, in particular the youth, should be encouraged to think critically and investigate the authenticity of such news for themselves. Providing independent avenues of discourse and deregulating speech for Malaysians to discuss and criticise important matters - and in the process distinguish fact from fiction, fair views from biased ones, true from false - are far better solutions than attempting to police and correct information altogether.

With that, we would like to state our opposition towards the Anti-Fake News Bill 2018 due to its broad provisions which would bring about an extensive curtailment of the freedom of speech. We urge our fellow Malaysians, including but not limited to politicians and Members of Parliament, to consider the long-term, drastic effects the Bill would bring to the country and also to join us in standing against the Bill.

Support our cause to prevent the passage of the Bill by signing our petition here!

In service of the Union,

Hong Jinghann
President
KPUM 2017/18

Michelle Liu Jo Yee
Human Rights & Activism Officer
KPUM 2017/18

Josiah Tea Yoong Kit
Student Representative, University of East Anglia
KPUM 2017/18

& Kesatuan Penuntut Undang-undang Malaysia di United Kingdom
dan Eire (KPUM)

UKEC & KPUM's Response To The Passage Of The Anti-Fake News Bill 2018

Update: The United Kingdom & Eire Council of Malaysian Students (UKEC) and the United Kingdom & Eire Malaysian Law Students' Union (KPUM) have undertaken the following steps to lobby against the Anti-Fake News Bill 2018:

1. KPUM issued a public statement against the Bill and initiated a petition

which garnered 3,116 signatures and has already been e-mailed to the following authorities:

- Parliament of Malaysia
- Dato' Sri Haji Mohammad Najib bin Tun Haji Abdul Razak (Prime Minister of Malaysia)
- Dato' Sri Azalina Binti Othman (Law Minister in the Prime Minister's Office)
 - Tan Sri Dato' Sri Haji Mohamed Apandi bin Haji Ali (Attorney General of Malaysia)
 - Dato' Seri Dr. Ahmad Zahid Hamidi (Deputy Prime Minister of Malaysia cum Minister of Home Affairs)
 - Datuk Seri Panglima Md Salleh Md Said (Minister of Malaysian Communications and Multimedia Commission)

2. UKEC issued a public statement against the Bill. A representative also went to the Parliament and passed the survey report, petition, and the public statements by UKEC and KPUM on the Anti-Fake News Bill 2018 to the Minister of Higher Education, Dato' Sri Haji Idris Jusoh. There were also attempts to reach out to key Member of Parliaments (MPs) and assurances were made that it will be passed to the senators for the debate in the Parliament. The MPs that UKEC reached out to include to the Bill:

- Dato' Sri Azalina binti Othman (Law Minister in Prime Minister's Department)
- Dato' Sri Hajah Nancy Shukri (Minister in Prime Minister's department)
- Dato' Sri Haji Fadillah (Minister of Works)
- Dato' Sri Reezal Merican (Chairman of Biro Pelajar Luar Negara (BPLN) -Malaysia & Deputy Foreign Minister)

However, the Bill was passed through the Dewan Rakyat on 2 April 2018, and subsequently the Dewan Negara on 3 April 2018. In spite of this, we believe that it is important to reassert our stance in the interest of our constituents' who have voiced out against the Bill. The following is an open letter addressed to the Minister of Multimedia and Communications, Datuk Seri Dr. Salleh Said Keruak:

TITLE: Repeal or amend the Anti-Fake News Bill 2018

Dear Datuk Seri Panglima Dr. Salleh Said Keruak,

We, the Malaysian students in the United Kingdom & Eire, are writing to express our disappointment towards the Anti-Fake News Bill 2018 which was rushed and passed through the Dewan Rakyat on 2 April 2018, and subsequently the Dewan Negara on 3 April 2018 without proper consultation and debate. We reassert our stance against this ill-drafted bill, as it poses serious threat to the freedom of press and potential infringement to the rakyat's constitutional right to freedom of speech, and creates a culture of fear amongst Malaysians as well as the press to freely speak out on matters of concern and public interests. We also acknowledge that this Bill transcends beyond partisan politics as supporters from both sides of the political spectrum raised their concerns due to the potential infringement of the rakyat's right to freedom of speech into the hands of a few.

- Dato' Sri Azalina binti Othman (Law Minister in Prime Minister's Department)
- Dato' Sri Hajah Nancy Shukri (Minister in Prime Minister's department)
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We refer to your article dated 2nd April 2018.

We would first like to address the fake news phenomenon that has been mentioned in the parliamentary readings repeatedly as a justification for the passage of this Bill. We acknowledge that there is an increase in the spread of fake news around the world. Fake news are deceptive and misleading, and may cause public alarm and disorder. Germany, for instance, enacted the Network Enforcement Act to hold the media accountable for the content that is displayed on their networks. However, the fake news law was only enacted with a particular purpose, which is to prevent the spread of hate speech and other fake news that could potentially incite racial hatred or public disorder, such as false stories of refugees and migrants raping German girls. Through this law, the German government also empowered social media sites and communities to deal with fake news, in which is absent in the Bill.

Similarly, France and United States endeavoured to enact fake news law into their country are under real risks of having their democracies subverted by the Russian state through the dissemination of fake news and therefore have legitimate reasons to respond by legislating such laws. By contrast, Malaysia is not under any real threat of such a magnitude. Therefore, there is no reason to be legislating such extensive laws which would impact on the freedom of expression, unless there is a looming threat to the nation that the Minister would like to explain?

Secondly, the Government has said repeatedly over the parliamentary readings and over the news that it will not use the law to curb freedom of speech. However, how sure are we that the Bill will never be subjected to abuse given the past record of arrests, investigation and charges under existing laws? There is a sense of public distrust towards the use of broadly drafted laws and worse still, when such a law was only debated over and passed in the Dewan Rakyat over the course of two days.

We have seen countless instances under existing laws, such as the Communications and Multimedia Act ('CMA') 1998, where individuals were prosecuted for wide range of reasons. There are those who were charged for exceeding the limits of free speech such as posting insulting comments about the royalty, but there were also those who were prosecuted for criticising the country's leaders. For instance, in 2017, Malaysiakini CEO Premesh Chandran was charged under Section 233 of CMA 1998 for airing an 'offensive' live conference video on the news portal. The video was merely a video of a press conference held by former UMNO politician Khairuddin Abu Hassan, titled "Khairuddin: Apandi Ali is not fit to be AG and he should quit immediately". What then is the standard? The same can be asked of the Bill. Can we be assured that the subjective provisions of the Bill will not be abused to silence those who are critical of the government? Objective criticisms are necessary in a democracy to keep our politicians accountable.

Thirdly, the Government asserted that it is up to the court in the end to decide if one is guilty of spreading fake news and if an individual could be exempted from an order to remove the relevant publication of fake news. But this is in no way a guarantee or assurance from the Government that it will only prosecute individuals who created or disseminated fake news which are truly 'malicious' that will disrupt public order or national security in the first place. To drop it all on the courts to decide the course of justice is also irresponsible. Our courts should not bear the burden of determining what is fake and true as it attracts unnecessary public attention and burden which may tamper the public's confidence towards the justice system. Our courts are already burdened with backlogs of cases to deal with, what more damage could this addition bring?

Fourth, the severity of the punishment under the Bill must not be underestimated or downplayed. The punishment extends to not only those who 'abet' the offender in the spreading of 'fake news', it also criminalizes those who provide financial assistance and carries an extra-territorial effect. Previously, a person who is found guilty of creating or disseminating fake news is liable to imprisonment of not more than 10 years or a fine up to RM500,000 or both. The 10 years maximum sentence was reduced to 6 years at the second reading.

One may say that the punishment is more lenient but is it so?

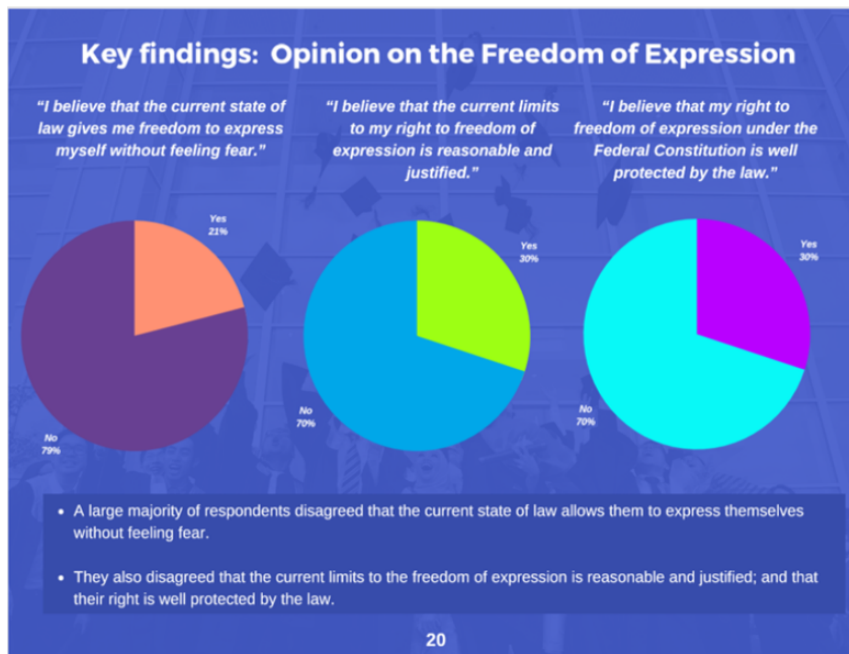
Comparatively, a conviction under Section 233 of the Communications & Multimedia Act ('CMA') 1998 imposes a punishment of imprisonment not more than one year or a fine up to RM50,000 or both. Given that the Bill has such serious implications, we are very surprised to find that the Government introduced the Bill without proper consultation and serious consideration.

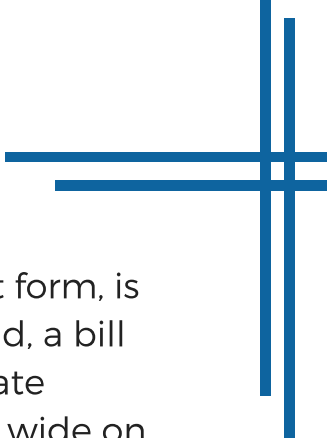
Fifth, there are existing laws which have been dealing with issues regarding fake news or is broad enough to deal with fake news. Interestingly, individuals have been detained under CMA 1998 for spreading fake news too. In 2017, two persons were detained for creating a fake account and posting an offensive statement against the Sultan of Johor and the Johor Royal Institution. In 2016, two men were nabbed for posting fake news about two women going around Sarawak to kidnap children on Facebook. The provision within CMA 1998 is broad enough, if not extensively, to deal with fake news.

It is also worth pointing out that there is a provision within the Penal Code which deals strictly with false reports and statements. Section 124I imposes the punishment of imprisonment not exceeding 6 years on 'any person who, by word of mouth or in writing or in any newspaper, periodical, book, circular, or other printed publication or by any other means including electronic means spreads false reports or makes false statements likely to cause public alarm.' Does this provision not make the cut to deal with fake news -- it extends to electronic publications and deals with reports/statements which is likely to cause public alarm? Clearly, there is no need for a new extensive law to be in place.

We firmly argue that the Government should not tell the rakyat what is real and what is not, instead, it should teach us how to discern between them. In fact, we encourage the Government to provide a clear explanation and facts necessary to dispel serious 'fake news' instead of resorting to criminal sanctions. As Malaysian student societies, we play our part by providing platform for intellectual discourses and encouraging the rakyat to engage in critical thinking is the best solution to tackle this worldwide phenomenon. The Government should join us in doing the same.

Given the ambiguous, extensive provisions and disproportionate punishments, the Bill will only serve to promote a culture of fear in the country amongst the people as well as the press. In a survey conducted among 188 Malaysian students studying in the UK, 79% of the respondents do not feel that the existing state of law gives them the freedom to express themselves without fear. A working democracy requires the freedom of speech of its citizens and the press, for the democracy to function as it is supposed to be. More importantly, independent and free press function to help the rakyat to keep the leaders who represent them and government accountable.





We remain in strong disagreement that the Bill, in its current form, is the way forward to curb the fake news phenomenon. Instead, a bill consisting of vague terms, extensive and disproportionate punishments is highly problematic because it casts a net too wide on the broad definition of what constitutes 'fake news' and the extraterritorial application, that may give way to selective prosecution, censorship and abuse of law.

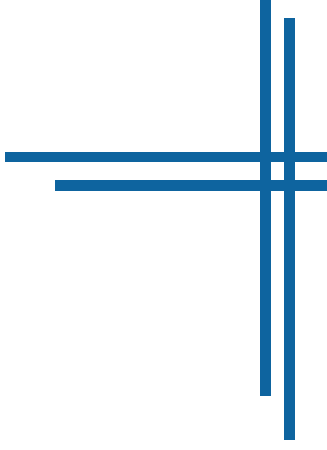
We urge the Government to repeal the Anti-Fake News Act 2018, or amend the broad provisions to avoid overreaching the rakyat's right to freedom of speech and the freedom of press as well as to review the disproportionate punishments contained within the Act which would be coming into force.

Yours sincerely,

The United Kingdom & Eire Council of Malaysian Students (UKEC)
Executive Council 2017/18;

and

The United Kingdom & Eire Malaysian Law Students' Union (KPUM).

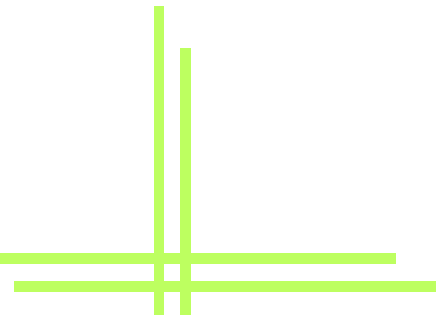
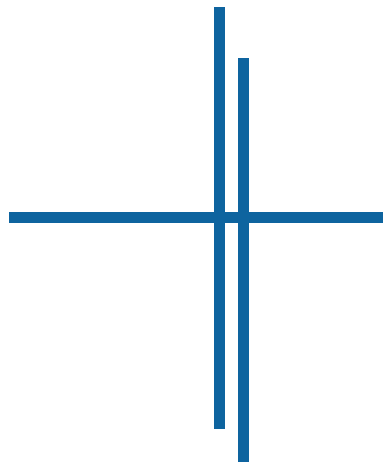


JOINT STATEMENT ON THE LATE DELIVERY OF POSTAL BALLOTS TO OVERSEAS MALAYSIANS (8 May 2018) Alongside UKEC , MASCA, MASAF, MPOZ

The United Kingdom & Eire Council of Malaysian Students (UKEC), Kesatuan Penuntut Undang-Undang Malaysia di United Kingdom dan Eire (KPUM), the Malaysian Students' Council of Australia (MASCA), the Malaysian Students' Association in France (MASAF) and Malaysian Progressives in Australia (MPOZ) notes with great disappointment and concern over the late delivery of postal ballots to overseas Malaysian voters. We strongly believe that the effect of this mismanagement has been to deny, if not impede, the rakyat's right to vote as enshrined in the Federal Constitution of Malaysia.

Context

The application period for postal voting was opened on 23 January 2018, based on a statement issued by the Election Commission of Malaysia (EC). According to the statement, eligible registered voters may register as postal voters by simply filling out Borang 1B, which is accessible online, with their particulars and send the completed form back to the EC via email, post or fax. It was also stated that the EC will accept applications submitted to them before midnight of the day of the dissolution of the Malaysian Parliament, 7 April 2018.



9 May was announced as Election Day. Postal voters were instructed to send their ballots back to their respective Returning Officers by 5.00pm on election day. Nomination day had taken place on 28 April and postal ballots could only be printed and sent out after that date. This meant that there was only a period of 11 days for EC to print and mail out the ballot papers and for postal voters to send their marked and witnessed ballots back to EC

1

Postal voters do not have enough time to send their ballots back

According to Pos Malaysia's website, the delivery times for the International Express Mail Service are 2-4 working days for Australia, 3-5 working days for the United Kingdom and 4-6 days for France.

Clearly a period of 11 days is too short for postal voting to take place effectively, accounting for public holidays and weekends where there are no postal services available. The 11 days period is cut short for most overseas Malaysians as Labour Day falls on 1 May. In UK and Australia (Queensland), 7 May is declared a public holiday. In France, 8 May is declared a national bank holiday. 9 May is also declared a national holiday in Malaysia. Various groups including ours have expressed concerns over the short timeframe. In spite of this, their concerns have gone unheeded by the Commission. UKEC, for instance, has been in contact with the officers of the Commission to convey voters' concerns and has attempted to ease the financial burden of students by offering subsidies to delivery charges of postal ballots. MASCA has also, to the best of its ability, mobilised its members to provide services such as witnessing sessions for the purposes of filling out Borang 2 to facilitate the postal voting process. However, affected postal voters were unable to benefit from any of these services because they have yet to receive their ballot papers.

The Chairman of the Election Commission himself had repeatedly 'assured' postal voters that there was enough time for them to vote when there clearly was not. Many overseas Malaysians received their ballots late, and could not post their marked ballots back in time. In many cases it was left to us, in collaboration with local groups and the Malaysian communities, to bring late-arriving ballots home physically.

A large majority of respondents, in an online survey conducted by KPUM's human rights and activism group - ASASI, have mentioned that they have mentioned that they received SMS notification from courier services stating that their ballot papers would arrive on 8 May. Some were notified that they would receive theirs on 9 or even 10 May, while others did not receive any information on their ballot papers at all.

2

Voting is a right enshrined in the Federal Constitution of Malaysia

Article 119 of the Federal Constitution of Malaysia states that a Malaysian citizen who has attained the age of 21 years, who resides in a constituency and is registered under the electoral roll is entitled to vote. It follows that one who bears such a right must also be able to effectively exercise it or else it is rendered useless. Given the short time frame allocated for the postal voting process and the late delivery of postal ballots, the right to vote for most overseas Malaysians have been effectively denied.

The principle of free and fair elections is the hallmark of a democracy, Article 21 of the Universal Declaration of Human rights provides that, "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives... The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

The failure of the Election Commission to enable eligible voters to elect their own representatives, regardless of their intent, is in violation of this principle.

As organisations representing Malaysian students in various parts of the world, we can attest that many Malaysian students were eager to be first time voters in the upcoming General Election. For example, at a snap ballot-running exercise in Melbourne, in which MASCA and MPOZ were involved, close to 200 students and young adults turned up.

Unfortunately, many more affected voters were not able to cast their ballots and will be forced to wait another 5 years to do so. At a time when distrust of the political system and disillusionment in politics among Malaysian youths is at an all-time high, it cannot be any more discouraging for willing youths to be denied this opportunity to engage in the democratic process.

As opposed to what minister Datuk Nur Jazlan has said, we assert that the matter should not be dismissed as overseas Malaysians do make up a sizeable portion of the voting population. In an election, every vote deserves to be counted and a single vote can determine victory or defeat. We strongly believe that the constitutional right to vote and the principle of free and fair elections must be observed, upheld and respected in all circumstances.

3

We urged the Election Commission of Malaysia to be accountable and transparent by answering to the electorate on their failure to carry out an effective postal voting process.

The matter must not go unheeded lest it is repeated in the next elections. It is meaningless for the EC to assure the electorate of a transparent election if no actions is taken to improve its own procedures.

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- In service of Malaysian students abroad,
1. Executive council 2017/18, the United Kingdom & Eire Council of Malaysian Students (UKEC);
 2. Kesatuan Penuntut Undang-Undang Malaysia di United Kingdom dan Eire (KPUM 2017/18;
 3. The Malaysian Students' Council of Australia (MASCA) 2017/18;
 4. The Malaysian Students' Association in France (MASAF) 2017/18; and
 5. Malaysian Progressives in Australia (MPOZ) 2017/18