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## Question Time: Why Internet gangsterism must remain illegal

By P Gunasegaram

The explosion in Internet usage and the spawning of web logs or blogs have brought about the proliferation of an insidious phenomenon — Internet gangsterism, the systematic and organised intimidation, ridiculing and harassment of a person on the web. The insidious thing about it is that it uses the notion of freedom of expression to perpetuate the aims of the blogger and those who make comments on his blog. There is clear attempt to intimidate the target by abuse, bullying, name-calling and the use of obscenity.

This is done with little or no fair comment on the opinions expressed by the targets and the actions they have taken but by a stream of invective raised against the person for an opinion he holds or an action he has taken.

I have been a victim of this kind of abuse for opinions that I have expressed in these and other columns and I use my own experience to explain why such bloggers and commentators should never be put above the law — despite all their lobbying to comment in complete anonymity and facilitate comment without restriction. They and those who facilitate such comment should be accountable for their actions, just like anyone else.

A blogger is one who posts web logs on the Internet and the mechanism he employs is a blog which has an Internet address. He assumes ownership of the blog and is in effect its publisher.

There are bloggers who don't use comments at all and there are those who use comments by their readers. In the latter category, there are two kinds — those who moderate or vet the comments before posting and others who only do so after they are posted or not at all.

The problem is with the last type. Some bloggers insist that this is vital for the development of the Internet but, really that's not true. Many famous blogs don't allow comments or moderate comments before they post them.

The development of the Internet is not at all dependent on a very small group of people who want the "freedom" to post comments about others as they wish, anonymously. The bloggers want immunity from the law for these anonymous postings, although they use the blog to publish these comments and distribute it to a wide audience.

My experience with this Internet gangsterism started after I wrote an article earlier this month for our sister publication theSun titled the "Myth of Mahathir's Invincibility" which basically argued that neither Mahathir nor anyone else was invincible once they lost their power.

One blogger, Jeff Ooi, who claims ownership of blog Screenshots and who has been billed the most influential blogger in Malaysia, commented — unflatteringly — about the article. No big deal. But he let through a comment — which he had clear opportunity to remove — which said this:

"Somebody, please shoot this Gunasegaram for good. The issue brought up by Tun Dr Mahathir is genuine and should be tackled. This fu\*\*ed Gunasegaram is lending a helping hand to the Administration from having to tackle this issue." It was signed off Ilmran.

I was shocked by the nature of the posting which was a threat, used bad language and was defamatory. Ooi removed some of the offensive parts after I sent him a strongly worded personal email but gave me no reply or assurance that there would be no repeat of such threats and bad language. I lodged a report — not to the police although I was

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entitled to — but to the Communications and Multimedia Content Forum (CMCF), an industry body set up under the Communications and Multimedia Act 1988. theSun reported it.

That opened the floodgates. Ooi accused me of trying to shut him up instead and said that readers "should be accorded their rights of dissent". He invited readers to comment. In effect, it turned out to be a vilifying event as commentator after anonymous commentator made indecent, obscene, false, menacing and offensive personal comments against me.

They ignored the fact that I had the right under the law to do so under a mechanism set up under the CMCF, a body which Ooi is ironically a member of. Ooi has repeatedly argued that he cannot be responsible for the comments made in his blog. But that runs contrary to established law which holds publishers responsible as well.

Let me just quote from the Communications and Multimedia Act. (There are, of course, criminal and defamation aspects in other Acts but are not dealt with here). Section 211 states:

1. No content applications ser-vice provider, or other person using a content application service, shall provide content which is indecent, obscene, false, menacing, or offensive in character with intent to annoy, abuse, threaten or harass any person.
2. A person who contravenes section (1) commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding one year or to both and shall also be liable to a further fine of RM1,000 for every day or part of a day during which the offence continued after conviction.

Even during a private mediation by the CMCF for Ooi and me to come to an amicable settlement, Ooi has chosen to go public on his blog. He has seriously misrepresented mediation proceedings to elicit support from his faithful gang of commentators whom he has invited to comment and who have shown yet again that they cannot self-regulate themselves. Offensive and defamatory content continued to be posted.

Predictably, most commentators did not want moderated comments. Why would they when they have had the freedom of making all sorts of comments and insinuations, anonymously as cowards are likely to, with no accountability whatsoever? (If you ask a murderer, would he not like murder legalised?) And why should they when they have a so-called champion who thinks falsely that he has the right to disseminate indecent, false and offensive content?

Some commentators suggested that taking action against commentators and bloggers will push them underground and force them to set up operations overseas where they can't be traced. So be it — let them go underground because that's where they belong. The point is, no one should be subject to threat, abuse and obscenity because of views they hold and legal actions they have taken. Everyone has the right to protection under the law.

There is no censorship on the Net but anyone who posts something or allows someone to post it is responsible for the posting. This is not about undermining freedom of expression but protecting it by making people responsible for the comments they make and publish.

In the same way, we cannot expect gangsters in the physical world to self-regulate, we cannot expect gangsters in the virtual world to regulate themselves. Gangsterism — concerted threats and intimidation, name-calling, obscenity, and defamation amongst others — should not be tolerated, not even on the Internet. The law says so.

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