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IGP's Twitter policing leaves lawyers conflicted

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According to criminal lawyer Rajpal Singh, Inspector-General of Police Tan Sri Khalid Abu Bakar's (pic) visible directives on social media not only fall within the police's permitted jurisdiction, but also demonstrate the extent of the force's authority. — File pic

KUALA LUMPUR, March 19 — Inspector-General of Police Tan Sri Khalid Abu Bakar's Twitter policing has left lawyers pondering its ethics and propriety even if the public action may not explicitly flout existing laws.

According to criminal lawyer Rajpal Singh, Khalid's visible directives on social media not only fall within the police's permitted jurisdiction, but also demonstrate the extent of the force's authority.

"Usually there must be report and based on that, most investigations are opened, but the complainants can be the police themselves. It doesn't matter, as they can then proceed to investigate... police powers are really quite wide," he told the *Malay Mail Online*.

"To me it is not wrong, but the question of morality and ethics on the matter is a totally different issue," Rajpal added.

A seemingly ardent user of Twitter, Khalid regularly uses the social network to order his men to investigate all manner of offences as well as convey to the public what action his officers are taking.

But a penchant for highlighting cases involving critics of the government while allegedly ignoring those of pro-establishment users have led to accusations of bias and persecution.

Recently, Khalid also directed the police to investigate DAP MP Tony Pua over a tweet in reaction to the arrest of Lembah Pantai counterpart Nurul Izzah Anwar for sedition.

In the now-deleted tweet, Pua wrote: "Bastards. Real bastards. Royal my foot."

Noting the presence of the word "Royal," Khalid interpreted this as a possible insult against the Malay rulers, and ordered Pua be questioned.

"With regards to the law, he has not done anything wrong... there is no standard operating way as to how to give out directives and he can give verbal or written instructions," former deputy public prosecutor Datuk Geethan Ram Vincent told *Malay Mail Online* when contacted.

"(But) why should the public be notified of who or what is being investigated? It is unnecessary and should be confidential. Police investigations have always been confidential," he said when contacted.

Geethan also explained that there were still limits to Khalid's powers, in that while he may determine who is investigated, he has no authority to decide who is charged.

Criminal lawyer Amer Hamzah Arshad agreed with Rajpal and Geethan that the IGP and the police may investigate matters should they possess necessary information about it.

But he added that Khalid is exposed to possible lawsuits as his Twitter directives risks being construed as libellous.

"While there is no specific law that he has flouted but the IGP creates a wrong impression to the public and opens himself to potential civil suit. When you announce to the world at large or give an impression that a person has committed any offence, this can give rise to potential defamation suits.

"There is a reason as to why you do not publicly disclose such information as it still at an early stage," he said adding that Khalid's tweets on investigation orders also gives "twisted connotations".

Civil liberties lawyer Latheefa Koya insisted, however, Khalid's directives were abusive, pointing out that the IGP often appends personal comments that are prejudicial in nature.

"What he is doing is harassing someone and deterring them when there is no basis for him to do that.

"He is not professional and this is clear abuse of powers and one of these days, someone is going to sue him," the PKR lawyer told *Malay Mail Online*.