

**PAS to take Peaceful Assembly Bill to court**  
**Malaysiakini.com**  
**November 25 ,2011**  
**by Hafiz Yatim**

Pressure opposing the Peaceful Assembly Bill introduced in Parliament on Tuesday continues to mount, with PAS slated to file a judicial review application in an attempt to block Parliament from passing the legislation.

PAS deputy president Mohamad Sabu and lawmakers Dr Mohd Hatta Ramli (Kuala Krai) and Dr Dzulkefly Ahmad (Kuala Selangor) will be plaintiffs in what will be a test case.

Mat Sabu said the Peaceful Assembly bill prohibits the right to assemble and hold street demonstrations.

"The reasoning employed by the Barisan Nasional government is illogical as almost every week Umno has a street protest in Penang and yet it does not affect investments in Penang, for it is still tops among the states in Malaysia," Mat Sabu said.

"So why does the government want to limit such rights by imposing 30 days' notice to hold a peaceful assembly. Even the Myanmar authorities require only five days and are we Malaysians going to be worse than Myanmar, which is known for its dictatorship," he said.

PAS supreme council member Mohd Hanipa Maidin, who is also party legal adviser, said he had scrutinised the Bill and found it unconstitutional.

"That is why PAS will file the judicial review, so that the court will stop the Bill from becoming law and declare it unconstitutional. It has been done before in other countries and it will be a first in Malaysia.

"We do not want the Peaceful Assembly Bill from becoming a law and we do not want to wait for it to be passed by the Dewan Rakyat and Dewan Negara and be approved by the Yang di-Pertuan Agong to become law," Hanipa said.

Therefore, he said, that was why PAS was rushing to file its case against the Bill. Its legal team has already studied it.

'Bill is unconstitutional'

The Bill was tabled by Minister in the Prime Minister's Department Nazri Abdul Aziz on Tuesday, and Prime Minister Najib Abdul Razak presented its second reading yesterday.

Many quarters, including Pakatan Rakyat, civil society groups and the Malaysian Bar, have strong words against the Bill.

Explaining further, Hanipa said the right to assemble is stipulated under Article 10 of the Federal Constitution and Parliament may impose restrictions, but not prohibit this right.

"He (Nazri) said preventing peaceful street demonstrations is against the constitution."

"We are challenging the Bill because any government derives its power from the constitution and the BN administration is now acting ultra vires (beyond its powers) by introducing such a law to prohibit the right to assemble," he said.

Hanipa said the legal team has carefully studied the Bill and would test it, which was why Mat Sabu, Hatta and Dzulkefly agreed to be plaintiffs in the cause of action.

Dzulkefly said the bill has showed Najib's call for reforms had failed as he had been inconsistent with

what he had delivered in his Malaysia Day message.

PAS Youth legal and human rights director Ahmad Zamri Asa'ad Khuzaimi reminded that the bill outlaws the participation of people below the age of 21 to organise demonstrations and this is contrary to the call for reforms by Najib.

This, he added, is also against the Universities and University Colleges Act 1971 and counter-productive to the development as now university students who are considered the cream of the crop cannot organise demonstrations.

"This has been allowed in the past as there is no age limitation. Students enter university after the age of 18 and they will have to wait until they are 22 to organise demonstrations in university and this is counter-productive," he said.

PAS agrees to participate in Bersih 3.0

On another matter, Mat Sabu said the Islamist party has agreed to participate in Bersih 3.0 if it is called by the Bersih organisers.

"We will not hesitate to participate and will hold talks and ceramah to mobilise the people for support," he said.

"I am certain our Pakatan Rakyat partners will also participate in the peaceful assembly if it is called by the organisers. We will let the Bersih organisers decide on the proper dates. Such mobilisation has to be called as our calls for reform in the electoral system as stipulated in the eight demands are not well-received by the government or the parliamentary select committee," he said.

That is why, Mat Sabu said, PAS along with its Pakatan Rakyat partners are willing to march again when called.

When asked that in the last Bersih 2.0 rally close to 1,700 people were arrested and would this hamper the turnout, Mat Sabu said he does not think so and in fact they will turn up in larger numbers.

"It will depend on how the authorities will react if Bersih 3.0 is organised," he said.

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