

Kit Siang: Amending Bill not good enough
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The proposed amendments to the Peaceful Assembly Bill 2011 are unacceptable as they do not address the fundamental issue, that the Bill infringes on constitutional rights to freedom of assembly said Lim Kit Siang.

In a statement today, Lim slammed the proposed amendments as not "wide-ranging enough" as other provisions in the Bill "strike at the constitutional rights to freedom of assembly".

"Najib has only one option when Parliament reconvenes on Thursday if he is serious about his latest slogan of 'political transformation' and democratisation – to withdraw the Bill or refer it to a Parliamentary Select Committee to engage all stakeholders, the civil society, human rights groups and the political opposition in a meaningful consultation and full engagement," he said.

The Ipoh Timor MP (left) said that the 30-day notice requirement was not the only objectionable provision in the Bill.

Among these were the police's arbitrary powers to impose restrictive and unreasonable conditions for assemblies, the role of the home minister in cases of appeal, the "unconstitutional ban" on street protests, the list of prohibited areas and related restrictions as well as the heavy fines for offences.

Lim said if the Bill were indeed "revolutionary" and "a giant leap" as Najib had boasted, it would make civil society "feel freer and more liberated to exercise the fundamental constitutional right of Article 10".

The Ipoh Timor MP said the amendments are the latest proof of Prime Minister Najib Razak's "haphazard, insincere and irresponsible manner" of implementing his so-called "political transformation" programme.

"Prime Minister Najib Razak has probably created world history in the speed with which a Bill which he described as 'revolutionary' became reactionary within 24 hours as to require at least eight amendments," he quipped.

Nazri: Gov't to amend Bill

Meanwhile, faced with mounting opposition to the controversial Bill that Najib has tabled for second reading in Parliament on Thursday, the government has taken the unprecedented move of making eight amendments to the proposed legislation.

Minister in the Prime Minister's Department in charge of law, Nazri Aziz (right) told Star yesterday that the cabinet decided to table the amendments to the bill after it met to discuss the outcry against the Bill and consulted with the Attorney-General's Chamber on Friday.

"We propose to amend five sections in the Bill, on the timeline involved in notifying the police about an assembly in an undesignated area to the decision of the (home) minister on any restrictions or conditions imposed for the organiser of such an assembly, " he told reporters in his constituency of Padang Rengas yesterday.

The minister was officiating a mass circumcision ceremony.

Amongst the amendments is the Section 9(1) requirement of a 30-day notification. "The 30-day notification is deemed to be too lengthy and the cabinet has decided to shorten it to only 10 days," said Nazri.

Section 12 (1) will also be amended, said Nazri, to shorten the reply period by the police to the organiser from 48 hours to 24 hours.

Nazri said Sections 6(2)(b), 7(a)(iii) and 21(1)(c) will also be amended to remove of the word "discontent" as proposed by Kota Belud MP Abdul Rahman Dahlan.

"The Government agreed with his (Abdul Rahman) points that the words 'tidak puas hati', or discontent, were not right because an assembly is held out of discontent over a particular issue.

"The government and the AG's Chambers agree that a peaceful assembly is normally organised to express discontentment towards an issue. Logically speaking, the word 'discontent' in those sections should therefore be removed," the defacto law minister said.

Judge to decide on fine

On the maximum RM10,000 fine on those found participating in a rally within 50m of prohibited places, Nazri said it would be up to the magistrate's court to decide the amount, that may range from RM1 to the maximum of RM10,000.

Responding to a question on prohibited places, that implied a rally would only be suitable in rural and not urban areas, Nazri said due consideration had to be given to building owners, petrol station operators and students.

"In exercising their right to assemble, the rights of others must also be respected," he said.

Nazri explained that he had met Dewan Rakyat speaker Pandikar Amin Mulia and urged him to use his discretion to waive the requirement for notices for the amendments as the Bill had been tabled for first reading.

The amendments would be tabled prior to the debate on the Bill which will start Tuesday.

Amongst the many criticisms levelled at the Bill is that it is even more restrictive than the Burmese Act on public assembly, that is part of promised reforms by Burmese President Thein Sein after taking office recently.

The new Burmese law owes to strides made in media, Internet and political participation, despite accusations that the government is still merely a proxy to the military.

According to Burmese news site The Irrawaddy, the protest law requires organisers to seek permission five days before the event and provide details about slogans and speakers.

Protests are however prohibited at factories, hospitals and government offices, while staging a protest without permission carries a penalty of one year in prison.

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