

Bar vows to press on for street demo rights
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Though the Peaceful Assembly Bill 2011 has been adopted by both Houses, the Bar Council hopes that there will be room to accommodate street demonstrations.

NONEBar Council chairperson Lim Chee Wee recollected Prime Minister Najib Abdul Razak's Merdeka Day address where he gave assurances of more reforms.

He said the Bar disagrees with the executive that that piece of legislation included assemblies in motion or street demonstrations.

"We will not give up hope of persuading the government to change its mind on this issue and I urge the PM to keep an open mind," he added.

Lim stressed that their stand had nothing to do with politics, but law, pointing out that a number of judges overseas have interpreted freedom of assembly to include assemblies in motion.

"We will continue to persuade them (the government) that freedom of assembly must include assembly in motion," he said.

He expressed confidence that the PM will keep his promise delivered on Merdeka Day, 2011 for inclusive democracy and continue to have an open mind on this issue.

On the legislation becoming law by the end of the month, Lim when met after the launching of the Legal Year in Putrajaya by the Chief Justice today, said anything can happen as laws can be amended.

"The attorney general has said there is no perfect legislation. Sometimes in hindsight, you will appreciate the argument better and amend the laws, " he said.

NONELawyers and opposition MPs had protested that the Peaceful Assembly Bill especially barring street demonstrations or what Lim calls assembly in motion.

The lawyers and the Bar had even protested on Nov 29, and marched to the parliament to go against it.

However, the bill was passed in the Dewan Rakyat and then in Dewan Negara on Dec 20 within a short span of time.

Lim added that the bill is not consistent with international norms as promised by Najib as freedom of assembly includes assembly in motion and not just static assemblies like in stadium rallies.

He said assembly in motion is referred as procession in the Police Act and mischievously described as "street protests" in the Bill, not only takes away a present legal right under the Police Act but is also unconstitutional.

Street demos recognised worldwide

Lim then cited several case laws including the European Court of Human Rights interpreting assembly to include the holding of public meeting, protests and processions, demonstrations, marches, picketing, mass actions and rallies.

"In Hong Kong, the Court of Final Appeal in *Leung Kwok Hung & other v Hong Kong Special Administrative Region* found that peaceful assembly may consist of a procession and is recognised as an effective means of communications because it involves an expression of the views of the participants as they move from one place to another."

Lim also noted that in Zimbabwe's Supreme Court had encompassed freedom of assembly to cover static meetings as well as public processions.

"It stimulates public attention and discussion of the opinion addressed. The public is brought into direct contact with those expressing the opinion..."

Hence, Lim said it is a consensus worldwide judicial opinion that assemblies in motion are a more effective means of expression than static assemblies; people are entitled to use it to air their grievances, and preventing them from doing so is simply another mode of repressing dissent.

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