

Judge wants Hisham to clarify Bersih 2.0 ban

MalaysiaKini.com

April 25, 2012

By Hafiz Yatim

The Kuala Lumpur High Court has sought further clarification from Home Minister Hishammuddin Hussein on the outlawing of the Coalition for Clean and Fair Elections (Bersih) last year.

NONE This follows Hishammuddin's change of stance in allowing the Bersih 3.0 rally, and saying it is not a security threat.

Hishammuddin had, before the Bersih 2.0 rally on July 9 last year, declared the coalition to be an illegal organisation.

Justice Rohana Yusof sought the clarification from senior federal counsel Azizan Md Arshad and ordered the minister to file an affidavit by May 10.

She will deliver her decision on May 15 on Bersih's application to cross-examine Hishammuddin and Inspector-General of Police (IGP) Ismail Omar, and to obtain the 1,706 police reports that were filed against the coalition before last year's rally.

Lawyer Aston Paiva appeared with senior lawyer Tommy Thomas for Bersih, which is challenging the government ban.

NONE After he and Azizan met the judge in chambers, Aston (left) said the judge had sought the explanation in light of recent mass media reports quoting the minister with regard to the Bersih 3.0 rally scheduled for Saturday.

"The directive by the minister is to ban the Bersih organisation. There is no mention of Bersih 2.0 in the minister's order," he said.

"The judge is also concerned about the main application by Bersih to challenge the minister's order dated July 1 last year."

Asked whether this matter was brought to attention by the lawyers to the judge or if the judge herself had sought the clarification, Aston said it was the judge who had asked for an explanation after reading media reports over the past week.

Azizan confirmed that Justice Rohana wanted the clarification and that Hishammuddin has until May 10 to submit an affidavit. The other side can also submit an affidavit-in-reply to the minister if there is a need.

The Bersih legal team want to cross-examine Hishammuddin and Ismail to understand how they reached the decision to outlaw Bersih 2.0 ahead of its street rally in Kuala Lumpur.

In turn, they offered Bersih 2.0 co-chairperson Ambiga Sreenevasan to be cross-examined by the senior federal counsel representing the government.

Azizan had then submitted that the minister and IGP had objected to the application as they felt that all the documents and affidavits filed were in order and the court could decide on the substantive issues based on those, without having to call them.

'Organisers a threat to national security'

On July 1 last year, Hishammuddin had banned Bersih and branded the organisers of the street rally a

threat to national security.

The movement is seeking an order of certiorari to either remove Hishammuddin's declaration or to declare it null and void.

Bersih in its judicial review application argued that it is different from Bersih 2007 - which comprised political parties and civil society organisations - because it does not have any political affiliations.

It also stated that it had numerous meetings with the government and the Election Commission prior to the declaration.

bersih pc on jom 100 170112 ambigalt further claimed that Bersih 2.0 is not a society within the meaning of the Societies Act, and that the government has no power to declare a group of organisations to be unlawful.

Ambiga, along with steering committee members Dr Ahmad Farouk Musa, S Arul Prakash, K Arumugam, Haris Fathillah Mohamed Ibrahim, Andrew Khoo Chin Hock, Liau Kok Fah, Maria Chin Abdullah, SP Subramaniam, Toh Kin Woon, Wong Chin Huat, Yeo Yang Poh, Yeoh Yong Woi and Zaid Kamaruddin, filed the judicial review application on July 8, 2011.

The electoral reform pressure group plans to organise a sit-down protest at Dataran Merdeka on Saturday, with simultaneous rallies to take place nationwide and worldwide.

Kuala Lumpur City Hall (DBKL) and the police have taken steps to prevent the event from taking place at the iconic square and have offered the DBKL stadium in Cheras and in Titiwangsa as alternatives.

Despite this, Bersih reiterated yesterday that it is adamant on holding the event at Dataran Merdeka.

Hishammuddin has offered the national stadium in Bukit Jalil and Stadium Merdeka as alternative venues following an offer by the managements of the two stadiums.

Bersih officials, who have argued that Dataran Merdeka belongs to the people, are meeting with KL mayor Ahmad Fuad Ismail today to resolve the matter.

