

**'Dataran barrier breach no excuse for use of force'**

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The police cannot justify the "grotesque use of force" at yesterday's Bersih 3.0 rally by blaming the breach of the barricades in Dataran Merdeka, said the Bar Council.

"The crowds that had gathered for the Bersih 3.0 rally reflected a broad cross-section of Malaysian society, and were peaceful.

NONE "The reported breach of police barricades in some areas does not justify the police unleashing the full force of their arsenal upon crowds that were peaceful," said Malaysian Bar vice-president Christopher Leong (left).

He said the "grotesque use of force" by the police showed that they "do not have the maturity, discipline and restraint required of a professional force".

"In this regard the Malaysian Bar strongly disagrees with the Minister of Home Affairs' assertion that the police acted professionally," said Leong in a statement today.

The rally, the saw an estimated 150,000 Malaysians of all ages march to Dataran Merdeka at the heart of Kuala Lumpur yesterday ended peacefully at 2.30 with the organisers calling for the protestors to disperse.

However, some protestors breached the barricades that the authorities had erected to cordon off the Dataran, Bersih's original venue for their sit-in protest, and provoked the police into firing tear gas and water cannons at the crowds.

471 were arrested by the end of the day, including activists and members of the media.

Court order 'flawed'

Leong also faulted the court order barring the public from assembling at the city's iconic square, venue of the country's independence gathering.

NONE "The court order excluding members of the public from Dataran Merdeka is arguably defective in law due to a lack of specificity.

"Given that the Bersih 3.0 rally had been announced on April 4, 2012, there was no need to have obtained the order ex parte.

"There had been ample opportunity for the relevant parties to be heard before deciding if such an order deserved to be issued," said Leong.

The police had obtained the court order from the KL Magistrate's Court at the last minute, that was in the judge's own words, issued as "immediate action".

NONE Leong added that the order was granted over a situation "of the authorities' own making" for having denied Bersih the use of the city square in the first place, despite the home minister having prior to that stated twice that the rally was not a security threat.

Leong charged that the police furthermore overstepped the ban order by closing roads beyond what was stipulated.

As a consequence, he said, the “restriction in access gave rise to a tense situation that contributed to the unnecessary violence that occurred”.

‘Cops hostile to monitoring’

The lawyer said while the Bar did not approve of the “belligerent conduct” of some of the protestors, the police on the other hand “displayed a lack of restraint and proportionality”.

NONEHe alleged that the police had acted not to disperse, “but is instead designed to attack, a crowd”.

Leong added that the lawyers’ monitoring teams also “witnessed numerous acts of police brutality” and said the police’s attitude was not merely to arrest, but was “punitive in nature” that he said “aggravated” the tense situation that unfolded in the latter part of the day.

He regretted that the police displayed “a general lack of cooperation” towards the Bar’s monitors and were at times even “hostile”.

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