

Najib's transformation turns clock back
MalaysiaKini.com
May 01, 2012
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Prime Minister Najib Abdul Razak 's rhetorical promise of a political transformation that would carve a path of greater democracy for Malaysians has once again shattered following the unleashing of mayhem during Bersih 3.0 last Saturday.

The Reformasi movement dated back to 1998 and wave after wave of Bersih movement bear certain resemblances, which had hundreds of thousands of Malaysians surge in the streets to rally in solidarity.

NONEThis against the establishment of the regime determined to redress injustice where their rights are violated by unconstitutional acts of the ruling government yet eventually experienced violently crackdown by the country's armed forces.

As the world is striding forward in advocating higher level of democracy and human rights; it is indeed a woeful fact that our beloved country is still getting stuck in the rut, entrenching its authoritarian regime and even heightening its suppress over people's freedom and social forces.

Despite of the socio-economic development we have achieved all these years, the trajectory of democratisation is still nowhere in sight.

Modernisation theory that sees industrialisation, economic progress, prevalent urban residence and the like as preconditions for democratisation is deemed to be irrelevant in the context of political transition for Malaysia.

Bersih 3.0 held by the coalition for clean and fair elections, also known as Bersih, pressing the government to review Malaysia's election system and clean up the electoral roll which is allegedly tainted by fraudulent voters is not merely a national movement; it has now become a global phenomenon sweeping all over the globe, involving 80 cities across 35 countries where there are Malaysians. [1]

NONEThe rising of the unprecedented civic engagement ever since the unfolding of Bersih 2.0, if not the first round of Bersih movement dated back to 2007, and the capacity of the public appeal that it has successfully wielded can hardly be undermined, despite Najib's administration ignorantly denied it.

Hundreds of thousands of people thronged the capital Kuala Lumpur to participate in Bersih 3.0, peaceful sit-in by accessing various routes, as early as the night before the historic day, in a bid to bypass the roadblocks or any other form of "preventative" attempt taken by the authorities.

It was a peaceful rally with a crowd of enthusiastic, cheerful, boisterous and well-behaved supporters that reflected a broad cross-section of Malaysian society, it was indeed peaceful and festive for hours.

The international delegates who were here to observe the election system said that the rally was commendable as it showed that Malaysian were persisted to challenge the shadow of fear in order to uphold democracy despite the hardships encountered when attending the rally.[2]

According to several testimonies by the participators of Bersih 3.0, the event had kicked off peacefully outside the zone barred by law, and only turned violent shortly after the Bersih leaders declared dismissal.

Riot police then started to spray chemical-laced water and fire teargas into the crowd whilst making arbitrary arrests without issuing any prior warning.

There were even many teargas canisters thrown at Masjid Jamek train station by the police and caused the crowd to be hurt badly.[3]

Apart from that, police have also been accused of manhandling and assaulting media personnel and protesters during the rally.

There were several reports of primarily video-graphers and photographers being arrested while attempting to record incidents of the carnage.

Amongst those arrested included a Malaysiakini photojournalist whose camera and memory card was confiscated whilst the memory card of another photographer was destroyed by policemen upon his refusal to delete his shots of the fiasco.

A Guang Ming photographer was arrested and his camera, worth tentatively RM12,000, went missing after he was released.

A Sin Chew reporter, Malay Mail photographer and Channel News Asia video cameraman were all beaten up to pulp, and another journalist from Merdeka Review also claimed that she was assaulted by four police personnel who attempted to seize her camera and mobile phone.

What is more, even foreign media personnel could not escape from the grip of brutality as Al Jazeera journalist Harry Fawcett reported that he and his cameraman were confronted with police violence and their camera was busted up.[4]

As one of the Bersih's demands out of eight is to appeal for free and fair media access, now that the unnecessarily relentless attack on media personnel by the armed forces under instruction of the ruling government has conspicuously signified that Najib's administration has, in fact, never been sincerely listening to his people and putting in efforts for a genuine transformation.

anwar with aussie senator pc 081210 nick xenophonIn the light of this, Senator Nick Xenophon (right) from Australia, who is in Kuala Lumpur on an international fact-finding mission on election processes in Malaysia and was amongst the crowds when police fired teargas and chemical-laced water at demonstrators, slammed the mainstream media for its "completely biased and unfair" coverage of the rally.

Quoted by Malaysia Today, Xenophon expressed his dissatisfaction by saying that "the rally, which is one of the biggest events in Malaysian history, received only 30 seconds of air-time... I spent more time watching the prime minister having tea and eating banana fritters in Sabah." [5]

Regardless of the pouring criticisms targeted at BN-led government's attack upon unarmed demonstrators and also the press is disproportionate and excessive, and also undeniably in breach of the right to freedom of expression, Najib's administration remains stubbornly persistent in its wrongdoing.

In fact, Najib's flip-flop in the way he handled Bersih 3.0 is a clear indication of his incapability as a leader.

Right to assembly negated by violence

Article 10 of the Federal Constitution bestows the freedom of speech, assembly and association on the people.

Yet, as the world is watching another brutal and senseless violence on Bersih's peaceful sit-in, the call for the right to assembly without the fear of force raining down was drenched by the act of violence which occurred during the rally.

The Peaceful Assembly Bill was mooted by Najib's administration as part of its Malaysia Day promises to allow greater democracy and civil liberties.[6]

He then said that the Bill was “revolutionary” and a giant leap towards improving individual freedom.[7]

When the Peaceful Assembly Act (PA 2011) was enacted last year, it was to act as a substitute to the archaic Section 27 of the Police Act 1967.

NONE According to Inspector General of Police Ismail Omar, the said section was to be amended to allow a review on the people’s right to hold public rallies.[8]

In another news report, Najib said the review was to also take into consideration the international norms with regards to public rallies[9].

And yet, the so-called “revolutionary” changes that were made were less revolutionary and more restrictive and a pinch of draconian that contradicted the intentions of the Federal Constitution as well as the international norms.

Among the contradictions of the new PA 2011 is the contradiction of Article 10(1) (b) of the Federal Constitution which guarantees the freedom of peaceful assembly, which is also enshrined in Article 20, Article 5 and 12 of the UN Declaration on Human Rights Defenders.

Not to mention Article 15 of the UN Convention on the Rights of the Child, which Malaysia ratified in 1995.[10]

The Act also outright prohibits the right to assembly in any “prohibited places” and within 50 metres from the said prohibited places.

These prohibited places are: Dams, reservoirs and water catchment areas, water treatment plants, electricity generating stations, petrol stations, hospitals, fire stations, airports, railways, land public transport terminals, ports, canals, docks, wharves, piers, bridges and marinas, places of worship, kindergartens and schools.

Section 27 on the other hand, does not discriminate places to assemble or have processions.

What the said section does provide is if the “meeting or procession is not likely to be prejudicial to the interest of the security of Malaysia or any part thereof or to excite a disturbance of the peace”, the officer in charge of the police district will issue a licence.

Hence, an assembly and a procession are permitted to occur at any place with the discretion of the police.

The new PA 2011 made the former Section 27 of the Police Act look like a walk in the park.

The prime minister vowed for revolution in terms of upholding the fundamental liberties of the citizens of Malaysia prior the enactment of the new PA 2011 yet what the new Act has shown is that the government has no sincerity in protecting the fundamental rights of the people.

The former Section 27 of the Police Act allows the police to take “all things necessary for dispersing the assembly and arresting them” whilst the PA2011 allows the police to “arrest without warrant, any organiser or participant who fails to comply with the restrictions and conditions imposed, who, during the assembly, has in his possession any arms, or recruits or brings a child to the assembly”.

To be noted in the new PA 2011, “the police before exercising the power to arrest are to take necessary measures to ensure voluntary compliance by the organiser or participant”.

That being said, the PA 2011 seems to be more lenient in the sense of enforcement against those in the assembly. However, in a close up, it is nothing but aesthetic protection of those in the assembly.

This comes from the vague terms “necessary measures to ensure voluntary compliance”.

The Act does not define what is necessary to ensure the voluntary compliance of the organisers and participant.

If the intent of the Parliament during the passing of this Act was to allow arbitrary use of force such as water cannons with chemical-laced water, tear-gassing innocent civilians as well as sealing off public places such as Merdeka Square from citizens of Malaysia, then it is safe to say that the “revolutionary” changes are intended to be autocratic and well beyond draconian than the former Section 27 of the Police Act.

[1]

http://www.malaysia-chronicle.com/index.php?option=com_k2&view=item&id=32979:bersih-30-the-aftermath-and-the-reality-bn-has-to-face&Itemid=2

[2]

http://www.malaysia-today.net/mtcolumns/newscommentaries/49016-bersih-protesters-exemplary-say-international-observers?utm_source=twitterfeed&utm_medium=twitter

[3] <http://www.themalaysianinsider.com/sideviews/article/the-bersih-3.0-rally-hussaini-abdul-karim/>

[4]

http://www.malaysia-chronicle.com/index.php?option=com_k2&view=item&id=32979:bersih-30-the-aftermath-and-the-reality-bn-has-to-face&Itemid=2

[5]

http://www.malaysia-today.net/mtcolumns/newscommentaries/49016-bersih-protesters-exemplary-say-international-observers?utm_source=twitterfeed&utm_medium=twitter

[6] <http://www.themalaysianinsider.com/malaysia/article/putrajaya-agrees-to-amend-assembly-bill/>

[7] <http://www.themalaysianinsider.com/malaysia/article/putrajaya-agrees-to-amend-assembly-bill/>

[8] <http://www.mysinchew.com/node/63747>

[9]

<http://www.malaysianmirror.com/media-buzz-detail/136-letters-to-the-editor/55675-freedom-of-assembly-bill-is-unconstitutional-and-worse-than-the-existing-repressive-police-act>

[10] <http://www.omct.org/human-rights-defenders/urgent-interventions/malaysia/2011/12/d21542/>

[11] <http://www.thesundaily.my/news/224185>

[12] <http://www.thesundaily.my/news/224185>

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* Reproduction of Malaysian Bar FAQ on the Peaceful Assembly Bill at

http://www.malaysianbar.org.my/index.php?option=com_docman&task=doc_details&gid=3461&Itemid=332 and amendments made during the passing of the Act.[12]

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