

Bersih rejects 'powerless' Hanif panel
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Bersih's steering committee has rejected the "so-called independent panel" to investigate incidences of violence at the rally on April 28, as "powerless".

This is because the government has not given any indication of which laws are to regulate the establishment and functioning of this panel, said the committee in a statement today.

"If it is not to be constituted under any existing law relating to commissions of inquiry, the panel will have no power to summon witnesses, no power to insist that documents and information be produced, and no power to grant immunity to any person giving evidence to it," the electoral reform coalition said.

"There will be no protection for any of the victims of brutality who come forward to give evidence against a possible suit for defamation by the police in the event their evidence is not accepted and the panel concludes there was no brutality on the part of the police force."

It also questions claims of impartiality, arguing that panel chairperson Hanif Omar had made prejudicial statements against Bersih before, while panellist Mohammad Medan Abdullah is from the government-linked Petronas.

Bersih said the panel would be better served by United Nations rapporteur Frank La Rue (*left*), who had offered to probe the matter, and his colleague Maina Kiai, as well as the National Human Rights Commission (Suhakam).

It also called on Suhakam to also have a proper inquiry into claims of police brutality during the April 28 rally, as it did for last year's the Bersih 2.0 rally.

Meanwhile on a related matter, the Bersih steering committee called the withdrawal of the amendments to the Election Offences (Amendment) Act 2012 a "small but significant victory for the rakyat and a triumph of common sense".

"These amendments should never have been made in the first place," said the committee in another statement today, adding that they in fact "reduced transparency and accountability".

Calling the EC's move to table the amendments to be "in bad faith", Bersih continued to call for the EC deputy chairperson Wan Ahmad Wan Omar's resignation.

"Like a spoilt child who does not get its way, his public outbursts have demonstrated once again why he is unfit to continue in his job," he said of Wan Ahmad's "rantings and ravings".

Bersih's statement on the independent panel in full:

Bersih 2.0 rejects the establishment of the so-called independent panel formed to probe the incidents of violence which occurred after the Bersih 3.0 rally on April 28, 2012 ended. In our

view, the panel will neither be effective nor independent.

Firstly, this panel is nothing more than a glorified task force. No indication has been given by the government as to what law will regulate the establishment and functioning of this panel.

If it is not to be constituted under any existing law relating to commissions of inquiry, the panel will have no power to summon witnesses, no power to insist that documents and information be produced, and no power to grant immunity to any person giving evidence to it.

There will be no protection for any of the victims of brutality who come forward to give evidence against a possible suit for defamation by the police in the event their evidence is not accepted and the panel concludes there was no brutality on the part of the police force.

There is therefore no assurance that it will be able to form a comprehensive understanding of the events that transpired on 28 April 2012 and form a sufficiently objective view of the same.

Secondly, the chair of the panel, Hanif Omar, has already made two public comments in relation to the Bersih 3.0 assembly.

He has claimed that communist sympathisers who were active demonstrators in the 1970s were involved in the Bersih 3.0 assembly and utilised tactics learnt from past pro-communist demonstrations.

He has also agreed with Prime Minister Najib Abdul Razak's allegation that Bersih 3.0 was an attempted *coup d'état* against the government.

By so doing he has shown that he is prejudiced and has already pre-judged the outcome of the investigation. As such, he is unable to approach the investigation with a fair and open mind.

These are very clear grounds for disqualification.

Thirdly, we also note that another of the panel members is the corporate affairs senior general manager of Petronas, the national petroleum company, and thus an employee of a government-linked company. This would compromise his independence.

The other members of the panel are not known for their strong human rights positions, if at all.

Rather than proceed with this so-called "independent panel", we reiterate our call to the Malaysian government to invite and allow the United Nations Special Rapporteur on the promotion and Protection of the Right to Freedom of Opinion and Expression, Frank La Rue and the United Nations Special Rapporteur on the Right to Freedom of Peaceful Assembly and of Association, Maina Kiai, to carry out their own independent investigations and to present their report to the Malaysian people and to the international community.

We also call on the Malaysian Human Rights Commission (Suhakam) to hold a public inquiry into the events of April 28, 2012. These mechanisms have the necessary independence, impartiality and integrity to conduct a proper inquiry into the Bersih 3.0 assembly.

The Bersih steering committee comprises:

Ambiga Sreenevasan (co-chairperson), A Samad Said (co-chairperson), Ahmad Shukri Abdul Razab, Andrew Ambrose, Andrew Khoo, Anne Lasimbang, Arul Prakkash, Arumugam K, Awang Abdillah, Farouk Musa, Hishamuddin Rais, Liau Kok Fah, Maria Chin Abdullah, Matthew Vincent, Niloh Ason, Richard Y W Yeoh, Subramaniam Pillay, Toh Kin Woon, Wong Chin Huat, Yeo Yang Poh, Zaid Kamaruddin.

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