

Bar Council to boycott panel, wants UN rapporteur instead

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The Bar Council will not participate in the independent panel formed by the government to probe last month's violence at the Bersih 3.0 rally.

The powerful body representing 14,000 lawyers nationwide wants a United Nations special rapporteur to head the independent panel instead of former inspector-general of police Mohd Hanif Omar.

“Otherwise, the Bar Council will not participate in it,” said council chairperson Lim Chee Wee (*right*) at a press conference following an extraordinary general meeting of the Bar, called to discuss the police crackdown on the mammoth Bersih 3.0 rally on April 28.

“The Bar prefers a UN special rapporteur to oversee the running of the panel and if this is complied with, then the Bar Council will reconsider its participation.”

He said the independent panel formed lacks any legal framework as it is ordinarily found in a royal commission of inquiry or the Malaysian Human Rights Commission of Inquiry (Suhakam).

“It does not have such features as legal immunity for itself or any participating persons involved in the proceeding. By immunity I mean immunity against defamation,” he said.

“Secondly it lacks the legal power to call or subpoena witnesses or call for the production of documents. Under these constraints, the panel has limited utility.”

1,300 lawyers at EGM

A total of 1,270 members attended the EGM to condemn the police's heavy-handed use of force on Bersih protesters and without giving them ample time to disperse.

A total of 939 voted for the resolution while 16 voted against.

Lim also pointed out that the existing panel does not have any legal standing as it has no powers to summon witnesses to testify before the panel, unlike a royal commission of inquiry.

He said Hanif had also made adverse comments on the Bersih 3.0 rally, describing some of the protesters as communists seeking to overthrow the government.

According to Lim, it was not proper for the government to appoint Hanif to chair the panel as he had espoused such biased views.

“We do not even think Hanif is appropriate to chair the panel. We think the most appropriate person to chair it would be the retired Chief Judge of Sabah and Sarawak Steve Shim,” said the Bar Council president.

On Sunday, United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression Frank La Rue [offered](#) to be part of the independent panel.

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