

Xenophon: I'll defend myself if charged over Bersih 3.0

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EXCLUSIVE Australia Independent Senator Nick Xenophon will cooperate with the authorities if indeed he is investigated for breaking Malaysian laws by being at the Bersih 3.0 rally in Kuala Lumpur on April 28.

In a telephone interview with *Malaysiakini*, he said he would "not shy away" from any investigation under the Peaceful Assembly Act 2012.

"If there is any intention by the Malaysian authorities to charge me, I will freely come to Malaysia to defend myself," Xenophon said.

"I won't run away or shy away from this. I don't want to be stopped from coming to a country that I have enormous regard for."

However, he said, he has "not got wind" of any such investigation against him.

Xenophon was responding to a report in news portal *The Mole* noting that he should be investigated and charged under Section 4(2)(a) of the Peaceful Assembly Act, which prohibits non-citizens from taking part in assemblies.

However, the senator insists that he did not attend the mammoth rally for clean and fair polls as a participant but was acting as an observer, as part of an international fact-finding mission on the Malaysian electoral system.

"If the Malaysian authorities want to talk to me, I'd be happy to talk to them, but I thought it was a peaceful rally. As an observer, (I saw) things started to go wrong when tear gas was fired," he said.

Lawsuit still on

Xenophon added that the fact-finding mission hoped to complete its full report by the end of May, to complement its interim report presented on April 29.

The senator, who is in the "preliminary stages" of filing a lawsuit against Umno-owned dailies *Utusan Malaysia* and the *New Straits Times (NST)*, added that he hoped the report would be received well by the government and the Election Commission.

Xenophon said he would file the lawsuit against the newspapers in both Australia and Malaysia, as their reports that portrayed him as "anti-Islam" had caused him "distress and damaged (his) reputation".

"Even though retractions have been published recently by the two newspapers, it never should have been published in the first place. It's incredible that these newspapers never bothered to check with me," he said.

NST and *Utusan* have issued apologies for misreporting his speech, in which the dailies replaced the word 'Scientology' in Xenophon's speech to the Australian Parliament with the word 'Islam'.

"The principal thing is that I have been accused of saying terrible things about Islam that I did not say. These are not views that I hold," he said.

He added that subsequent attacks alleging that he is a proponent of the lesbian, gay, bisexual and transsexual (LGBT) community was a "red herring" to distract the "anti-Islam" attack against him.

"I don't understand where they get that from... I don't believe we should discriminate against people," he said.

Gillard to hear about it

While he would not describe the treatment he received as an "ordeal", he said the "unfortunate" events had received the attention of the Australian media and his colleagues from both the government and the opposition.

"I propose to have a meeting with the Prime Minister (Julia Gillard) and (Foreign Minister) Senator Bob Carr... and I hope to raise this with the opposition as well," he said.

However, he believes that this will not sour the relationship between Australia and Malaysia.

"No, I understand the circumstances, but it doesn't change my views and my affection and respect for Malaysia and its people.

"The fact is I'm an Independent (senator)... I'm not there as a representative of the (Australian) government or the opposition. I made that very clear," he said.

Xenophon was part of a seven-person fact-finding mission on the electoral process who were in Malaysia upon the invitation of parliamentary Opposition Leader Anwar Ibrahim.

The delegation had met with Minister in the Prime Minister's Department Nazri Abdul Aziz, the Election Commission, BN, Pakatan Rakyat and Bersih.