

Bar Council: Why two Bersih probes?

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The responsibility for probing alleged human rights violations during the Bersih 3.0 rally should rightly be vested in the Human Rights Commission (Suhakam), said the Bar Council.

As such, it said, the decision of the government-backed independent panel to proceed with its probe is absurd.

“It is incongruous that the panel is proceeding with the inquiry when Suhakam, a statutory and independent commission, has stated that it would undertake such an inquiry,” said Bar Council vice-president Christopher Leong.

In a text-message to Malaysiakini today, he questioned the purpose of separate inquiries.

“Suhakam is the proper body to undertake the inquiry - it has the experience, statutory mandate and legal framework to do so. The Suhakam Act 1999 provides for this,” he said.

Yesterday, panel head and former police chief Mohd Hanif Omar had said he is willing to meet the Bar Council and any other party for the benefit of the investigations, for which 10 terms of reference have been set.

Responding to Hanif’s gesture, Bersih co-chairperson Ambiga Sreenevasan said that it was pointless as there was a “problem in principle” with the panel, especially with Hanif heading it.

“Nothing personal against him, but justice must be seen to be done. The panel might have the best intentions but Hanif has already expressed his negative views,” Ambiga told Malaysiakini.

At an extraordinary general meeting on May 11, the Malaysian Bar had demanded that a UN special rapporteur should head the panel, failing which it would not participate in the probe.

Apart from objecting to Hanif’s involvement, the Bar had questioned the absence of legal power for the panel to call or subpoena witnesses or call for the production of documents.

Although Hanif has insisted that his track record has proven that he acts with integrity, Leong said this is not the crux of the issue.

“The Bar Council does not in fact question his integrity, and respects that Hanif had given invaluable service to the country. It is, unfortunately, about the perception of independence and public confidence in the panel,” explained Leong.

"The Bar had stated earlier that it would participate in the Suhakam inquiry and it would not

serve any useful purpose for the public to duplicate the process."

Bar amenable to meeting Hanif

Suhakam had announced its public inquiry and terms of reference, stressing that it is obliged to carry out a probe, before the government set up the independent panel.

Leong added, however, that the Bar Council "is always amenable" to meet Hanif to discuss the matter.

Meanwhile, DAP parliamentary leader Lim Kit Siang said the panel's terms of reference did not state whether there was an attempt by the opposition to topple the government.

Lim again called for Hanif to step down from heading the panel for linking Bersih to the communist movement.

"In fact, the cabinet meeting tomorrow should ask Home Minister Hishammuddin Hussein for a full explanation and evidence that the Bersih 3.0 really was an attempted coup d'etat by the opposition... as (Hishammuddin) had a week before April 28 dismissed Bersih 3.0 as "not a security threat" and "not an issue as it had gained little traction with the public," said Lim.

How, he asked, had electoral reform movement suddenly turned "into a sinister anti-national conspiracy with a coup attempt to topple the government" when Hishammuddin had clearly stated that Bersih was not a security threat.