

## **AG's Chambers: Gov't not appealing Bersih 2.0 verdict**

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**By Hafiz Yatim**

The government is not appealing last month's Bersih 2.0 verdict which quashed Home Minister Hishammuddin Hussein's order to declare the coalition of non-governmental organisation as an illegal organisation.

This was revealed by head of the appeals and trial division of the Attorney-General's Chambers Kamaluddin Md Said to Malaysiakini today as time lapsed for the government to file an appeal.

"There is no appeal for the Bersih case," said Kamaluddin in a short SMS.

The government had until Aug 24 to appeal Kuala Lumpur High Court Justice Rohana Yusof's decision which quashed Hishammuddin's decision on July 1 last year to declare the coalition of non-governmental organisations for clean and fair Elections as an illegal organisation.

As such Bersih 2.0 remains a recognised entity which need not be registered as its lawyers had argued a coalition of loose NGOs does not need to be registered with the Registrar of Societies (ROS).

On July 24, Justice Rohana in quashing Hishammuddin and the ROS order said the minister's order was "tainted with irrationality".

'Illegal, but gov't met Bersih'

In her decision, she said that despite the authorities having declared Bersih as illegal, it continued to engage with Bersih officials.

"There was negotiation between Bersih and the respondent (government) as to the location of the July 9, 2011 rally," she said.

"There was an audience with (the Agong for) the first applicant (Bersih co-chairperson) Ambiga Sreenevasan) and there was no censure of Bersih (in conducting) its activities (the July 9, 2011 rally) as scheduled."

The court had further taken judicial notice that Hishammuddin had made a public statement to allow the Bersih 3.0 rally to proceed on April 28 this year.

"Even if it can be said that Bersih was endangering security before the order was made, it cannot be the case that - after one week - such reason was no longer valid or applicable.

"In short, Bersih cannot be a society used for purposes detrimental to security on July 1, 2011 - and then, no longer so a week later. Even if that is so, then the declaration should have been lifted accordingly," said Justice Rohana.

Following the decision, many quarters including the opposition have called on the government not to demonise the coalition and its participants. Hishammuddin, in commenting on the decision, said it would seek the advice from the attorney-general following the decision.

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