

## **Police ticked off for poor handling of Bersih 3.0 rally**

**MalaysiaKini.com**

**April 17, 2013**

**By Ram Anand**

The police force had acted in "bad faith" in its handling of the Bersih 3.0 rally on April 28 and this violated the spirit of the Peaceful Assembly Act (PAA) 2012, the Human Rights Commission (Suhakam) said at the conclusion of its inquiry into the rally.

Suhakam, in releasing the inquiry report today on alleged human rights violations during the rally, also said that the police had taken "unreasonable measures" that were not justified in trying to control the crowd during the rally, which included preventing media personnel from carrying out its duties.

It said the '3R 1C 1E' (Restraint, Restraint, Restraint, Caution and Enforce) approach of the police was not reflective of the PAA legislation which had come into force just five days before the rally.

"The exercise of restraint is not quite the same as facilitation, which connotes a more active and participatory role," the commission said after the six-month inquiry that began last July.

It said that the police had not assisted or facilitated in the dispersal of participants during the assembly, which had turned ugly after a police barricade was breached at Dataran Merdeka in Kuala Lumpur.

"The participants were not given sufficient and reasonable time to disperse in an orderly and safe manner," the three-member panel concluded in its 80-page report, which also included 25 recommendations.

The commission said that the police should have immediately arrested the individuals who were responsible in breaking the barricade, especially because the incident took place within a visible distance for some officers.

"Instead, for reasons only best known to them, the police made the decision to disperse the crowd using water cannons and tear gas without conducting early arrests," the report said.

"The police had also acted in bad faith, in fact their actions show that there were deliberate efforts to stop media personnel from doing their jobs," it further added, referring to the violence against media personnel during the rally.

The report notes that despite a host of police reports lodged against police personnel regarding their conduct during the assembly, the police had not completed investigation nor taken action into any one of these reports after almost a year.

'Lack of cooperation by police'

Suhakam also took issue with a lack of cooperation by the police during the inquiry, as they had failed to send a full list of officers on duty that day and did not send any officer who was able to respond to allegations of police brutality during the rally.

The inquiry panel's chair Khaw Lake Tee said that as a result, the commission were left to draw their own inferences based on the 49 witnesses who had come forward to testify.

"Our own conclusions, as a result, may not necessarily be favourable to the police," Khaw said after reading out the report.

She also noted that this is not the first time the commission has made recommendations to the police regarding its conduct in handling public assemblies, with many of the recommendations not being implemented by the force.

"We can't say they have not implemented at all. There are a few that have been taken it, but largely, we need to meet them again and try take this a step further," she said.

Khaw said that the commission will need to meet the police and will keep reminding the force of the recommendations until the latter adopts them.

"But our (commissioners) term expires next week. So we need to inform the new batch of commissioners and remind them to keep following on this issue," she said, while seeming to be cautiously optimistic that the police would eventually adopt the recommendations.

Among the key recommendations in the report were:

That police make public all of its Standard Operating Procedures (SOP) in handling such assemblies so that the public can be informed.

That police review and amend its SOP and standing orders accordingly to better

handle public assemblies.

That police make a clear distinction between a riot and a peaceful rally.

That police allocate a reasonable amount of time in allowing rally participants to disperse in an orderly fashion.

That police personnel at all times wear permanent name tags or identification body numbers.

Officers wearing plainclothes should not be involved in dispersal or arresting processes.

That police and media have a briefing between each other before such assemblies.

The need for the police to complete its investigations on the police reports lodged by the public in relation to acts committed by police personnel.

Copyright © 1999-2012 Mkini Dotcom Sdn. Bhd  
Source: <http://www.malaysiakini.com/news/227111>