

## **PKR leader charged over Kelana Jaya black rally**

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**By Koh Jun Lin**

Seri Setia assemblyperson Nik Nazmi Nik Ahmad was charged under the Peaceful Assembly Act (PAA) today for failing to give 10 days' notice to the police for the May 8 Blackout 505 rally.

Nik Nazmi is being held liable as the event's organiser and is accused of committing the offence at the Kelana Jaya Stadium at 8.30pm on that day.

NONENik Nazmi, who is PKR communications chief, pleaded not guilty to the charge before Petaling Jaya sessions court judge Rozina Ayob and has been released without bail.

The offence under Section 9(1) of the PAA carries a fine up to RM10,000 upon conviction, and Nik Nazmi could be disqualified as an elected representative if the fine exceeds RM2,000.

Deputy public prosecutor Tun Abdul Majid Tun Hamzah demanded that bail be imposed as this was necessary to ensure Nik Nazmi's attendance in court.

However, Nik Nazmi's counsel Eric Paulsen countered that Nik Nazmi is not only an assemblyperson, but one who had just won the general election with a larger majority, and is therefore an upstanding member of society.

Prosecution's call for bail rejected

Rozina then inquired if Nik Nazmi had arrived in court on time upon being summoned last night, to which the response was in the affirmative.

"There shall be no order on bail for now, but the court will consider bail if he misses a hearing," she ruled.

NONENik Nazmi arrived at the Petaling Jaya court complex about 9am, arriving in his car. There was by then a heavy police presence in the court complex, including traffic police and the members of the Light Strike Force.

Some 20 supporters greeted him on his arrival. There were as many reporters present, many of whom could not enter the courtroom as it was overcrowded and the judge would not permit anyone to stand in the public gallery.

During the proceedings, Paulsen also informed the court that his client intended to challenge the law he had been charged under in the High Court, on grounds that it is "unconstitutional".

Fine of up to RM10,000 if convicted

The offence under Section 9(1) of the Act carries a fine of up to RM10,000 upon conviction, and Nik Nazmi could be disqualified as an elected representative if the fine exceeds RM2,000.

The Act requires the organiser of any public assembly to inform the local district police chief - in this case the Petaling Jaya OCPD - about the event at least 10 days in advance. Written notice was provided to the police on the same day as the rally.

The case will come up for mention again on June 4, pending the prosecution furnishing the defence with documents to be used as evidence in the case, and the defence application to the High Court.

NONEspeaking to reporters later, Paulsen (right), who is also an adviser to the NGO Lawyers for Liberty, said the 10-day notice required under PAA was unreasonable, oppressive, and contradicted the right to peaceful assembly under the federal constitution.

He said other countries, even Burma, required only five days, or no notice at all.

Nik Nazmi pointed out to reporters that all the Blackout 505 rallies had been peaceful, and therefore he had committed no wrong. Prosecuting him would be a waste of government time and resources, particularly that of the police.

To a question, Nik Nazmi said he does not know whether others would be charged as well, but noted that his summons sheet contained the names of the speakers and the content of their speeches at the rally.

"I don't know if that is an indication that all of them will also be brought for speaking at that rally, but there have been statements of that nature coming from the CPO of Selangor (Tun Hisan Tun Hamzah), so I wouldn't be surprised if that is the course of action," he said.

NONEIn an immediate reaction, PKR vice-president N Surendren criticised the charging of Nik Nazmi's and police investigation into the black rallies.

"It has nothing to do with preserving order, but everything to do with trying to intimidate and harass the opposition. It's an utter abuse of the PAA," he claimed.

Surendren (left) vowed that such crackdowns by the government and police on the right of public assembly and democratic expression of dissent will not stop the party and the rakyat from expressing their legitimate grievances.

He also urged the police, Prime Minister Najib Abdul Razak and the Attorney-General's Chambers to cease and desist in their draconian tactics and apologise - not only to Nik Nazmi and other opposition leaders who were targeted for intimidation because of the hugely popular black rallies - but to the rakyat for their abject transgression as well.

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