

PKR wants IGP cited for contempt over PAA
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Inspector-general of police (IGP) Khalid Abu Bakar should be hauled up for contempt of court for his insistence that protesters must give a 10-day notice before a rally despite the Court of Appeal ruling it unconstitutional.

This is because no stay of execution has been filed yet, thus the decision stands said PKR lawyer N Surendran.

"We will write to the attorney-general (AG) to bring the IGP's statement to his attention and institute contempt proceedings against him," Surendran told Malaysiakini yesterday when contacted.

The Court of Appeal on April 25 declared Section 9(5) of the Peaceful Assembly Act 2012 (PAA), which provides for a fine of up to RM10,000 for not giving a 10-day notice to the authorities, as unconstitutional.

However, Khalid yesterday insisted that the law still stands arguing the government is in the process of appealing the decision.

He had said police have also initiated investigation against the May Day rally organisers under the said law.

Over 50,000 people turned up at the demonstration at Dataran Merdeka, Kuala Lumpur to protest the Goods and Services Tax.

Surendran, who is also Padang Serai MP, described Khalid's assertion as "legal nonsense" as the government must first obtain a stay of execution against the ruling if it hopes to keep the law pending appeal.

'IGP deliberately misleading public'

"No stay of execution notice has been served on us nor have the deputy public prosecutor applied for a stay of execution.

"The IGP is deliberately misleading the public when he said the 10-day notice is still in effect, and his statement is in gross contempt of court," he said.

He added that even if the government were to apply for a stay of execution, it is rarely granted in cases where a law had been declared unconstitutional as it has wide-ranging effects on the public.

"The only way the 10-day notice can be brought back into effect is for the government to win the appeal at the Federal Court," he said.

Surendran urged the public to disregard the IGP's statement, adding that they can still conduct demonstrations without the 10-day notice and not run afoul of the law.

Surendran is part of Selangor deputy speaker Nik Nazmi Nik Ahmad's legal team who challenged the constitutionality of Section 9(5) of the PAA after he was charged under the law for his involvement in the Black 505 protest on May 8, 2013.

The Court of Appeal had ruled the section was "unreasonable" as it effectively banned spontaneous rally and also threw out the charge against Nik Nazmi.

This is not the first instance the the IGP has spoken publicly in contrary to a court ruling, last month having claimed that the police would not act against a Muslim father abducting his son, despite the High Court having given custody to the Hindu mother S Deepa.

While the High Court ruled against an earlier Syariah Court ruling giving custody to the father arguing it was a matter under the couple's civil marriage as Hindus, Khalid still insisted there are "two court rulings".