

Govt Cannot Revoke The Right To Assemble In Public Places
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The statement by the Home Minister that certain laws will be reviewed to allow the public to assemble in specific places, such as stadiums, without the need for a police permit is an attempt to restrict demonstrations in public places.

We would like to remind the Minister that he has no right to stop any peaceful demonstrations that people choose to participate in.

The right to demonstrate is part and parcel of the right to freedom of expression guaranteed in our Constitution. The right to freedom of expression means nothing if it does not include expressing our views in 'public places' including streets, parks, plazas, in front of government buildings, and even shopping complexes. Such public spaces have come to be considered as 'free speech areas'.

Obtaining a police permit for a demonstration should merely be a formality to inform the police of the time and place where a demonstration or rally is organized. This is done so that the police will be able to redirect traffic and to ensure safety of the public and of the participants of the assembly. A permit cannot be denied on the grounds that the event is controversial or will express unpopular views.

In great contrast, what we have seen in demonstrations in Malaysia recently, for example during the May Day Rally on 1 May 2011, is the presence of the police who behave provocatively by indiscriminately using violence against participants of the event. Neutral observers, such as SUHAKAM, and Bar Council can testify to this.

SUARAM would like to remind the government that the National Human Rights Commission, SUHAKAM had recommended in its 2007 report that 'peaceful assemblies should be allowed to proceed without a license'.

Reporting on the inquiry into a public demonstration against fuel price increases in Kuala Lumpur on 28 May 2006, the Commission concluded that the police had used excessive force; that they had infringed on the rights of some of the participants; and that certain officers could be charged under the Penal Code.

Article 20 of the Universal Declaration of Human Rights and Article 10 of the Federal Constitution clearly guarantees our right to freedom of assembly. Nowhere does it impose restrictions on where people can exercise this freedom.

We are human beings who have the basic human right to hold peaceful protests and marches to express our opinions and to draw the attention of the public to issues which concern us all.

This is a widely recognized right in the international community and we would like to stress to the government that this right cannot be taken away from the citizens of Malaysia.

Suara Rakyat Malaysia (SUARAM)

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