

## **Najib Heading For Another Political Disaster?**

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The Police Royal Commission Report 2005 listed the complaints against bias, unreasonableness and discrimination in the exercise of police powers under Section 27 of the Police Act 1967 which vests police with the power to regulate assemblies, meetings and processions through the granting of a permit, including the following:

- Permits granted to opposition political parties or NGOs perceived to be critical of the government or aligned with opposition parties always have a number of conditions which are considered ridiculous and difficult to implement and tantamount to an indirect refusal of permission.
- There are complaints that the police do not seem to be neutral and impartial in the granting of permits, as would appear to be the case from their alleged numerous refusals of permits to opposition political parties and organisations perceived to be linked to them. There were also allegations that those attending the events were arrested and questioned as to why they did so and why they expressed opposition towards the government.
- According to some complaints, a peaceful demonstration that turned into rioting was not caused by the action of demonstrators but on the provocation of the police.

There is nothing to demonstrate that in the six years after the publication of the Dzaidin Police Royal Commission Report and its 125 recommendations, the Malaysian Police has won public confidence as it has transformed itself into an independent, incorruptible and professional police force, discarding the outmoded colonial police concept of "regime protection" and replacing it with the modern principles and concept of "democratic policing".

As a result, the rampant complaints against the lack of police independence and professionalism under Section 27 of the Police Act will continue to remain as major grievances under the Peaceful Assembly Bill unless there is a total change of police mentality and mindset that the police serve the people and the laws of the land and not the political masters of the day.

To end all politicking and bias, and suspicion that the police are serving the agenda of their political masters, the role of the Home Minister as the final arbiter in the Peaceful Assembly Bill should be removed and replaced by the courts.

The Australian Home Minister and the various Australian State Police Ministers have no role whatsoever in the decision-making process on freedom of assembly in Australia.

Under the Queensland Peaceful Assembly Act, which is one of the models adopted by the Barisan Nasional government for the Peaceful Assembly Bill, only five days' notice to the relevant authorities is required for the holding of a public assembly and the courts are the final appellate authorities over any police decision to prohibit any assembly.

Is the Prime Minister Najib Razak prepared to make amendment to Clause 16 of the Peaceful Assembly Bill which gives the Home Minister the powers as the final arbiter whether a peaceful assembly could be held and to vest these powers in the courts as in the Queensland Peaceful Assembly Act 1992 so as to eliminate all possibilities of political bias and politicking in the decision-making process?

The Home Minister, Hishammuddin Hussein is very fond of telling other people not to "politicise" issues when he as Home Minister had been most guilty of such politicking – as in the notorious cow-head stamping sacrilege in Shah Alam in September 2009 and the seditious lie by Utusan Malaysia earlier this year that DAP wants to create a Christian Malaysia.

The Home Minister's powers as final arbiter under the Peaceful Assembly Bill on whether assemblies could be held is only one of the objections to the Bill and this is why more time must be given not only to MPs but to the civil society, human rights groups and all concerned Malaysians to study the implications of the very badly drafted Peaceful Assembly Bill by referring it to a Parliamentary Select Committee.

I call on Najib to reconsider the decision to force the Peaceful Assembly Bill through all three readings in the Dewan Rakyat tomorrow as it will be proof that he has not learnt the lessons of his massive misjudgement and mishandling of the July 9 Bersih 2.0 peaceful rally for free, fair and clean elections in Malaysia.

Najib should be forewarned that he is heading for another political disaster after his July 9 Bersih 2.0 misjudgement if he rejects the proposal for a Parliamentary Select Committee on the Peaceful Assembly Bill.

## **LIM KIT SIANG**

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