

Hanif Had Shot Himself In The Foot
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By Lim Kit Siang

Let me tell former Inspector-General of Police Hanif Omar frankly: "Tun, face reality that you have shot yourself in the foot disqualifying you from heading a credible and impartial probe into Bersih 3.0 violence."

Hanif should stop being obstinate on the matter or he would only end up in severely embarrassing and dishonouring himself, the Bersih 3.0 probe, the Najib administration and most important of all, Malaysia's international image and standing.

Haniff had asked his critics to check his track record in previous investigating committees before questioning his integrity to lead the independent panel to probe police brutality during the Bersih 3.0 rally, citing the case of the fatal shooting of 14-year-old Aminulrasyhid Amzah and his role in the Special Commission to Enhance the Operations and Management of the Royal Malaysian Police in 2004.

I had said publicly that I do not cast any aspersion on his integrity as a distinguished public servant and a Malaysian patriot, but on the question on the suitability of his heading a credible and impartial probe into Bersih 3.0 violence, regardless of whether the victim is police personnel, media representative or peaceful protestor, he had irremediably stained and disqualified himself because of his highly biased and prejudicial statements about the Bersih 3.0 "sit-in" in Dataran Merdeka on April 28.

If Hanif stands by his prejudicial statements against Bersih 3.0, he should appear before the Bersih 3.0 probe as a "star witness" to substantiate his allegations and definitely not as a Chairman to probe into the truth or otherwise of his allegations.

Or is Hanif clarifying that he had been misquoted by the mainstream mass media, for instance, Berita Minggu, which quoted him as supporting the wild and baseless claim of the Prime Minister that Bersih 3.0 was an attempted coup d'etat by the Opposition to topple the government; and that Bernama had misquoted him as alleging that he identified pro-communist individuals at Bersih 3.0 from demonstrations in the 1970s and on the use of provocateurs and children in the Bersih 3.0 rally as tactics of the communists?

Even if Hanif were to make amends by claiming that Berita Minggu and Bernama had completely misquoted him, and that he had never said what was attributed to him by the mainstream mass media, the damage had been done as the next question would be why he had allowed so many days to pass before making such corrections?

Nor can the damage, destroying all credibility in him as head of the probe into Bersih 3.0 violence, be repaired or undone with him retracting these statements and allegations reported by Berita Minggu and Bernama.

In any event, is Hanif prepared to retract all these statement and allegations about Bersih 3.0 attributed to him by the mainstream mass media?

This is why for the first time in the nation's 54-year history, a government announcement on the head of a public inquiry has met with instant and all-round rejection and even condemnation – why National Union of Journalists (NUJ), Suaram, Bersih 2.0 and even the Deputy Higher Education Minister Saifuddin

Abdullah for instance have declared their objection to Hanif's appointment.

The only persons who would be happy with Hanif's appointment would be the Prime Minister, Najib Razak, the Home Minister Hishammudin Hussein and the Inspector-General Ismail Omar - ranged against the entire justice-conscious civil society and Malaysian citizenry.

Is this what Hanif want?

Hanif's declining his appointment is in fact an opportunity for the Prime Minister to re-think the question of a proper, credible and legitimate inquiry into the Bersih 3.0 violence, as "independent advisory panel" announced by Hishammuddin on Wednesday raises many disturbing questions about its powers, role, terms of reference and relevance.

I fully agree with the human rights watchdog Proham that the Home Ministry had chosen the "weakest" of options available to investigate the violence which occurred during the Bersih 3.0 rally.

Proham said the first choice should have been a royal commission of inquiry, as under the Commissions of Enquiry Act 1950, it would ensure that the investigative body would be perceived as truly neutral, effective and independent.

A royal commission of inquiry would have the powers to compel witnesses to appear before the hearing which will be deemed to be judicial proceedings.

In addition the commission would have the legal protection from any liable suits and the witnesses who give evidence will be protected from any liable suits or other civil proceedings in respect of such evidence.

Another option is invoking powers of the Human Rights Commission (Suhakam) to undertake an independent inquiry.

Proham is right that these are better options than the so-called "independent advisory panel" established by the home ministry to be led by former inspector-general of police Hanif Omar as it would not have the necessary legal powers to conduct a proper investigation and also lacked balance in professional, ethnic and gender representation.

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