

An Act Of Bad Faith To Charge PKR Trio
MalaysianMirror.com
22 May 2012
By Lim Kit Siang

It is an act of utter bad faith for the Najib administration to charge the Leader of the Opposition, Anwar Ibrahim and PKR leaders Azmin Ali and Badrul Hashim for breach of the Dataran Merdeka barricades during the Bersih 3.0 rally on April 28 when this should be one of the major terms of reference of a full and impartial inquiry into the Bersih 3.0 violence promised by the Prime Minister.

Did Anwar and Azmin give the signal for the crowd to breach the barricades, as the Home Minister Hishammuddin Hussein maintained in his interview with Sunday Star "The search for the real story" two days ago?

But the views of Hishammuddin cannot be the basis or reason for the prosecution of Anwar, Azmin and Badrul, especially as Hishammuddin has given the country the assurance that by an impartial and comprehensive inquiry into the Bersih 3.0 violence which would be established to find out the truth of what happened on April 28.

The sudden and abrupt prosecution of Anwar, Azmin and Badrul in connection with the breach of the Dataran Merdeka barricades smack of mala fide on the part of the Najib premiership because it is clearly designed to pre-empt and avoid any independent, impartial and comprehensive inquiry into this important issue. This is all the more deplorable when the trio had strenuously denied giving the signal to breach the barricades, as borne out by video testimony.

The terms of reference of the Hanif Omar "independent advisory probe" have not been finalized, but clearly with the prosecution of Anwar, Azmin and Badrul, this important issue would be excluded on the ground that it would be sub judice as there is already a pending case specifically on the matter in the courts.

This is apart from the important consideration of the total unsuitability of having Hanif Omar to head the panel as it is like appointing Dr Mahathir to head a commission of inquiry into RM100 billion losses suffered by the country from the various financial scandals during his 22-year premiership.

With the prosecution of Anwar, Azmin and Badrul, even the Suhakam probe into Bersih 3.0 violence could be prevented from inquiring and establishing whether anyone of them had given the signal for the breach of the Dataran Merdeka barricades.

This is because Section 12(Part III) of the Human Rights Commission of Malaysia Act 1999 on "Powers of Inquiry of the Commission" states:

"12. Commission may inquire on own motion or on complaint

(1) The Commission may, on its own motion or on a complaint made to it by an aggrieved person or group of persons or a person acting on behalf of an aggrieved person or a group of persons, inquire into an allegation of the infringement of the human rights of such person or group of person.

(2) The Commission shall not inquire into any complaint relating to any allegation of the infringement of human rights which -

(a) is the subject matter of any proceedings pending in any court, including any appeals; or

(b) has been finally determined by any court.

(3) If the Commission inquires into an allegation under subsection 12(1) and

during the pendency of such inquiry the allegation becomes the subject matter of any proceedings in any court, the Commission shall immediately cease to do the inquiry."

The Human Rights Commission (Suhakam) must be commended for its decision yesterday to conduct a public inquiry into the Bersih 3.0 rally, saying it could "no longer wait" for Putrajaya's independent panel to release its terms of reference.

Was the sudden and abrupt decision by the Attorney-General to charge Anwar, Azmin and Badrul in connection with the breach of the Dataran Merdeka barricades caused by information received by the government that Suhakam was going to make such an announcement and a last-minute decision to oust and pre-empt any Suhakam inquiry from conducting an independent and impartial investigation into the "breach" on the Dataran Merdeka barricades?

The Prime Minister, the Home Minister and the Attorney-General should not tie the hands of the Suhakam inquiry from carrying out an independent, impartial and comprehensive inquiry into the Bersih 3.0 violence, including whether Anwar and Azmin had given the signal for the breach of the barricades, as well as the following eight issues:

1. Was there a coup d'etat attempt in Bersih 3.0 to topple the government?
2. Why was there a police rampage of excessive, disproportionate and indiscriminate use of force, whether tear-gas, chemically-laced water cannon or physical violence and brutality against peaceful protestors after 3 pm and lasting some five hours that day?
3. For those who broke through the "barricade", why the police did not just take action against them instead of punishing the vast peaceful majority who had gathered in peace and wanted to disperse in peace?
4. Why were some police personnel without name tags and numbers?
5. Why were media and press representatives targeted and attacked by the police, with cameras smashed, memory cards removed?
6. Why were some of the LRT stations ordered to close after the tear gas/water cannon rampage started? Was it the intention of the police to disperse the people or to "trap" them to "teach them a lesson"?
7. Was it true that the airwaves were purposely jammed so that communication was hindered causing further confusion in the midst of a stressful situation?
8. Who in the police force or the Home Ministry were responsible in giving the greenlight for these human rights violations and disregard of principles for the use of force and firearms by police personnel?

To establish the bona fides of the government in wanting to establish the truth of what happened on April 28, the Attorney-General should withdraw and put on hold all prosecutions in connection with Bersih 3.0 rally until the outcome of an independent, impartial and comprehensive inquiry.

LIM KIT SIANG

<http://www.malaysianmirror.com/media-buzz-detail/6-nation/57769>