

Malaysian Bar: Indiscriminate, excessive use of tear gas, water cannons
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KUALA LUMPUR: The Malaysian Bar said there was indiscriminate and excessive use of tear gas and water cannons against the participants during the rally in the city centre on Saturday, July 9, which saw more than 1,600 arrested.

The Malaysian Bar said based on its monitoring team's observations, the police fired tear gas canisters very close to Tung Shin Hospital and had used water cannons while rally organisers were negotiating with the police.

In its findings issued on Tuesday, July 12 it said there was an unnecessary use of physical force or high-handedness by the police force towards the rally participants.

"A number of the monitors observed the police beating, hitting and kicking the rally participants," it said.

The Malaysian Bar said about 100 members of the Bar and pupils-in-chambers, including the office bearers of the Malaysian Bar, were part of the monitoring team.

The four teams were placed at Masjid Negara, Masjid Jamek, Puduraya bus station and Stadium Merdeka. The monitors wore their chamber attire and wore a "Pemerhati" tag while on duty.

Some monitors noted the police did give warnings prior to utilising tear gas and water cannons.

However, it was difficult for the huge crowd to hear what the police commandants said via their loud hailers, except for participants who were situated near the police.

It also said many monitors observed the police randomly or arbitrarily arresting rally participants, including those who were dispersing.

The Malaysian Bar said many monitors also noted that a significant number of police officers were polite towards the leaders of the public rally, the participants and the monitoring teams

On the behavior of the rally participants, it said the monitors reported that the former (except for one incident) behaved in a peaceful and calm manner during the rally.

"They chanted "Hidup Rakyat", "Bersih" and "Reformasi", and sang "Negaraku" and also "Rasa Sayang" on many occasions. The participants stopped marching when they approached police barricades.

"Their leaders negotiated with the police to allow them through to make their way to Stadium Merdeka. On most occasions, the police did not grant them passage, and ordered them to disperse," it said.

The Malaysian Bar said the police team stationed at the Jalan Hang Jebat entrance to Stadium Merdeka managed the crowd well, allowing them to assemble just beyond the barricades without unnecessary use of force, and permitting some speeches to be made.

As for the behaviour of the protestors, it said two monitors saw one or more participants throwing plastic water bottles at a television station reporter who was covering the Bersih 2.0 rally.

The Malaysian Bar said the outcome of the monitoring exercise showed people in Malaysia are mature and peace-loving when championing a cause they believe in.

“The rally participants generally behaved in a peaceful and calm manner; most importantly, we witnessed that people from a wide variety of backgrounds and from across Malaysia participated in the rally without any conflict. This is contrary to the fear of possible racial disharmony or riots, expressed by certain irresponsible public figures,” it said.

The Malaysian Bar said it supports and defends the right to assemble peaceably.

The right to freedom of assembly and expression is enshrined in Article 10 of the Federal Constitution of Malaysia.

“This is a fundamental feature of democracy, contained in the Universal Declaration of Human Rights (UDHR), which was adopted in 1948 by the United Nations General Assembly. Malaya in 1957, and Malaysia in 1963, embraced and accepted the UDHR when it was admitted to the United Nations,” it said.

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