

Get DBKL nod for rally at Dataran, Bersih told
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By Clara Chooi

KUALA LUMPUR, April 11 — Putrajaya has advised election watchdog Bersih 2.0 to seek the Kuala Lumpur City Hall's (DBKL) permission to use Dataran Merdeka for its rally this April 28.

Minister in the Prime Minister's Department Datuk Seri Mohamed Nazri Aziz, reiterating that the historical site was not a lawful gathering point under the Peaceful Assembly Act 2011 (PAA), said the group should negotiate with those in charge of the venue before staging any event there.

He pointed out that as with any other venue owned by a person, such events cannot be held there without first obtaining the permission of the owner.

The right to peaceful assembly... does not mean you can go to other people's land and do what you want

"When you have the right to peaceful assembly, it does not mean you can go to other people's land and do what you want.

"I can't just do things in front of your house, can I? I need to ask you first. So this is the process they have to follow," he told reporters when approached in Parliament yesterday.

Nazri conceded that no location has yet been gazetted as permit-free.

"Dataran Merdeka, I'm sure there is an owner... they need to negotiate with the owner and if the owner says okay, then (it's) okay," the de facto law minister said, adding later that he was not sure owns the square.

But apart from asking permission from the venue owner, Nazri said Bersih 2.0 need not obtain any permit from the police, in the spirit of the recently passed PAA.

The iconic Dataran Merdeka, or "independence square", where the Malayan flag was hoisted for the first time after independence, previously belonged to the Royal Selangor Club before it was acquired by DBKL in 1987.

According the city hall's website, DBKL is the authority responsible for managing and maintaining the square.

The PAA was proposed and passed last year after an uproar was raised over the government's handling of Bersih's last rally on July 9.

The rally had saw thousands throng the capital city's streets to march for free and fair elections during a time when gatherings were still deemed illegal without permit from the authorities.

At about midday, riot police fired tear gas and chemical-laced water to disperse protesters

who had assembled for an otherwise peaceful event calling for electoral reform.

The clampdown drew negative publicity for the Najib administration in the foreign media, and was seen as among the key reasons behind the proposal for the new assembly Act.

The Bersih pact looks intent on putting to the test the provisions for peaceful assembly under the new legislation and maintained last week that the new law still unconstitutionally impinges on the freedom of assembly.

Earlier yesterday, Home Minister Datuk Seri Hishammuddin Hussein gave the government's nod towards "Bersih 3.0", acknowledging that the event is meant to be peaceful and is therefore not considered a "security" threat.

He said, however, that Dataran Merdeka was not a lawful gathering point and urged the organisers to meet with the police and negotiate a more suitable location.

Hishammuddin urged Bersih to consider an alternate venue. But Nazri admitted that no specific location has yet been gazetted as an appropriate venue for such assemblies although the PAA has been passed.

The PAA states that the home minister may gazette "designated places of assembly" where organisers need not notify authorities in advance of a planned rally.

Gatherings may also be held anywhere outside a 50m radius of a prohibited place as long as police are given 10 days' advance notice.

The list of prohibited places includes dams, reservoirs, water catchment areas, water treatment plants, electricity generating stations, petrol stations, hospitals, fire stations, airports, railways, land public transport terminals, ports, canals, docks, wharves, piers, bridges, marinas, places of worship and kindergartens and schools.

In view of this provision, Nazri agreed that rallies like this Friday's planned protest by anti-Lynas groups at mosques nationwide are not allowed as places of worship are specifically listed in the law as prohibited areas.

"Do it elsewhere," he advised the groups. "Why do it at places they know they are not supposed to go?"

St Mary's Cathedral is just under 50m north of Dataran Merdeka, across Jalan Raja.

Bersih 2.0 chairman Datuk Ambiga Sreenivasan had last week insisted on Dataran Merdeka for the rally, pointing out that it has been used numerous times for large-scale events.

"That is the plan. We have not considered any other place," she had told The Malaysian Insider.

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