

Police brutality more widespread during Bersih 3.0, says Bar Council
The Malaysian Insider
May 01, 2012
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KUALA LUMPUR, May 1 — The Bar Council has blamed the police for the violence of last Saturday's Bersih 3.0 rally, accusing the authorities of human rights violations and widespread brutality.

Lim Chee Wee, who is Bar Council president, said that its monitoring team found more instances of police brutality compared to last year's Bersih event.

A highly critical Lim said the authorities had failed to take heed of criticisms and recommendations outlined by the Malaysian Human Rights Commission (Suhakam) with regards to police conduct during Bersih's first two rallies, and lamented on how "little has changed."

"It is incomprehensible, if not a reflection of the sheer incompetence or arrogance of the police force that it has not learnt from its past mistakes in the management of assemblies of people exercising their constitutional right, so well documented and analysed by Suhakam in its two reports and the pending ongoing inquiry.

"Police brutality this time around has been magnified, there is more police brutality (compared to last year.) There was arbitrary use of tear gas, water cannons," Lim told reporters here.

The lawyer said that last weekend's events showed an "urgent" need for the police force to undergo a "transformation programme", to be changed by force of statute through the establishment of an "independent and credible external mechanism."

"This will be achieved through the Independent Police Complaints and Misconduct Commission (IPCMC) envisaged by the Royal Commission on the Enhancement of the Management and Operations of the Police," Lim added.

The Bar's interim report found, among other things, the use of force by the police was far worse this time around. — file pic

He said the Bar's interim report on the Bersih 3.0 rally had found that:

1. The rally was peaceful until around 3pm when the police unleashed water cannon and tear gas on the crowd;
2. The use of force by the police without any obvious provocation or cause, was far worse, indiscriminate, disproportionate and excessive;
3. Police brutality was more widespread;
4. There was a concerted effort by the police to prevent and stop any recording of their

actions and conduct;

5. Police fired tear gas directly at the crowd and their firing pattern was to box in the participants rather than allow them to disperse quickly

6. After which pockets of retaliatory behaviour was exhibited by some participants of the rally to the wrongful use of force by the police;

7. The police were observed taunting and mocking the crowd;

8. When items were thrown by some of the participants at the police, the police stooped to return like for like; and

9. Not all police personnel were wearing and displaying their police identification number on their uniforms.

Lim also said that the authorities had disregarded provisions within the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (UNBPUFF), the United Nations Code of Conduct for Law Enforcement Officials (UNCC), and Amnesty International guidelines.

"Principle 13 (of the UNBPUFF) states that in the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum use," he said.

Lim also pointed out that a 2006 Suhakam report had recommended that the police and Federal Reserve Unit (FRU) implement a five-stage process in any utilisation of force: "verbal persuasion, unarmed physical force, force using non-lethal weapons, force using impact weapons and deadly force."

"At which point did the police comply with the recommendations set by Suhakam?" he asked.

The Malaysian Insider

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Source: <http://www.themalaysianinsider.com/malaysia/article/police-brutality-more-widespread-during-bersih-3.0-says-bar-council/>