

Bar Council says Putrajaya's panel lacks basis, wants Hanif disqualified
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KUALA LUMPUR, May 11 — Putrajaya's independent panel for Bersih 3.0 has no legal standing, the Bar Council said today, adding that Tun Hanif Omar's anti-Bersih stand should disqualify him from leading the probe.

Council president Lim Chee Wee said that in Hanif's two reported remarks on Bersih 3.0, the former police chief had clearly shown his opposition to the April 28 rally by calling its participants communist sympathisers and agreeing with claims that it was held to overthrow the present government.

"Under these circumstances, given his views, I do not think it would be suitable for him to be a member of the panel. It would certainly disqualify him," Lim told a press conference after the Bar's extraordinary general meeting (EGM) this evening.

He added that the six-member panel, recently formed by the government to probe allegations of violence during Bersih 3.0, lacks the legal framework ordinarily available to bodies such as the Malaysian Human Rights Commission (Suhakam) and that this would nullify the legitimacy of any of its findings.

"It does not have legal immunity for itself or for witnesses participating in the proceedings.

"By immunity, I mean immunity against defamation and against self-incrimination," he explained.

Further to this, Lim asserted that the panel also lacks the legal power to subpoena witnesses and to requisition documents during its inquiry.

"Under these constraints, the panel would be of limited utility," he said.

Lim added that the Bar Council does not intend to participate in the panel's probe, pointing out that such inquiries should be conducted by Suhakam instead.

"It would lend greater weight if they invited one of the United Nation's Special Rapporteurs for assembly (as a panel member)," he added.

Earlier today, Bersih similarly dismissed the panel, saying the team led by Hanif would be biased and "nothing more than a glorified task force."

Prime Minister Datuk Seri Najib Razak had pledged last week that "credible, experienced and respectable" individuals would investigate the violence during Bersih's third rally for free and fair elections that descended into chaos after police clashed with protestors.

But Bersih pointed out in a press statement today that "no indication has been given by the government as to what law will regulate the establishment and functioning of this panel."

Najib's choice of the former Inspector-General of Police to head the panel came under immediate fire from the opposition and calls are growing for Hanif, who led the police for two decades since 1974, to recuse himself.

Chaos reigned on the streets of Kuala Lumpur for over four hours after 3pm on April 28 when police fired tear gas and water cannons and chased protesters down the streets to disperse what had initially been a peaceful protest calling for free and fair elections.

The Malaysian Bar had this evening approved a resolution condemning the police for using "excessive" and "indiscriminate" force to disperse Bersih 3.0 protesters on April 28, despite objections raised by a minority group of lawyers during today's EGM.

The resolution, passed by way of voting this evening, also demands apologies from the home minister and the IGP to the public and members of the media over the conduct of the police during the rally.

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