

Hanif admits Bersih panel has no legal powers
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By Clara Chooi

PUTRAJAYA, June 18 — Tun Hanif Omar admitted today that the Bersih 3.0 investigative panel he heads has no power to offer legal immunity to its witnesses but gave his assurance that they would not be hauled to court for their testimonies.

The former Inspector-General of Police (picture) also admitted that the panel does not have any power to compel witnesses to come forward, confirming criticisms raised by Bersih 2.0 and the Bar Council over the panel's legal standing.

"The panel is absolutely administrative. We have no powers to compel people.

"So in that sense, we are very much dependent on voluntary (testimonies)," Hanif told a press conference here after the panel kicked off its inquiry today.

The Bar Council has said that the "Hanif panel" would be of limited utility due to its lack of legal powers to summon witnesses or to requisition necessary documents for its probe, as well as its inability to offer legal immunity to protect its witnesses from defamation or self-incrimination.

This is apart from the council's claim that the panel's findings would likely be biased due to the involvement of Hanif, who had previously declared his anti-Bersih stand.

"We cannot give protection as well (to witnesses), but of course we don't put you into any frame of trouble — we have got our legal adviser as well... we won't put witnesses at risk," Hanif said.

The Bar Council has also said it was unnecessary for the Hanif panel to probe Bersih 3.0 as the Malaysian Human Rights Commission (Suhakam) is already conducting its own inquiry.

As such, council president Lim Chee Wee had said council members would not attend the Hanif panel inquiry but later conceded they were willing to meet the panel out of its policy of engagement.

Hanif maintained today that Suhakam's inquiry would be limited to the issue of human rights, unlike the panel he heads.

He said the government-formed panel was an "additional alternative" for those who do not want to use the other available avenues.

"What are the other avenues available? One is the normal process of police investigation, and then the court, the next one is Suhakam.

"So is there anything beyond that? Suhakam of course has to go by its Act, limiting its role to human rights issues [but] other issues outside human rights, other issues that do not go to court, that people want to bring up, that is an alternative avenue and that is ourselves," he said.

Hanif said his panel has not been given any timeframe to complete its probe and could even

include in its final report findings from the police and Suhakam's investigations as well as court decisions.

"So this morning we were interested in the parameters of sub-judice, and so we will call for the actual charge sheets of those charged in court so that we can know how close we can move (in the inquiry)," he said.

The Hanif panel was formed on May 2 by the Home Ministry following numerous allegations of police brutality against Bersih 3.0 participants and members of the media.

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