

Bersih urged to sue Putrajaya over 'witch hunt'
Malaysian Insider
July 24, 2012
By Clara Chooi

KUALA LUMPUR, July 24 — Electoral reform group Bersih 2.0 should sue the federal government for its "witch hunt" last year against those sporting the group's signature yellow, DAP MP Tony Pua said today after a High Court here declared it a lawful society.

The authorities became the "butt of international jokes" at the time, Pua added, when premises and vehicles were searched for "illegal" yellow shirts and other Bersih 2.0 paraphernalia.

"The civil society group and its associated organisations will have a legal basis now to claim redress from both the Home Ministry and the Royal Malaysian Police (RMP) for damages, harassment, embarrassment and loss of property," he told The Malaysian Insider via Blackberry Messenger.

He was responding to the Kuala Lumpur High Court's decision today to quash Home Minister Datuk Seri Hishammuddin Hussein's order last year and declare Bersih 2.0, a coalition of over 84 non-governmental organisations, a legal entity.

"The declaration that Bersih is a legal entity will also hopefully bring to an end one of the ugliest episodes of the Najib administration," Pua said, adding that Hishammuddin and the police should also apologise to Malaysians.

Speaking at a separate press conference here, PKR strategy director Rafizi Ramli said he was not surprised at today's court ruling as it was "ridiculous" in the first place for the government to have declared Bersih 2.0 illegal.

He pointed out that the associate members of the coalition were, in their own right, legally registered entities.

"It was just a matter of time that the court would validate this. Unfortunately, throughout the entire discourse on Bersih, the Umno-owned media were allowed to politicise and demonise the group without any basis or facts," he said.

The minister's order is quashed because Bersih is a lawful society. — Datuk Rohana Yusof

PKR deputy information chief Sim Tze Tzin called the court ruling a "people's victory" for Malaysians who backed the polls watchdog's fight for free and fair elections.

He urged the group to continue pressuring the government to meet its demands and warned the Barisan Nasional (BN) government against continuing its attacks against those who support the movement.

In her ruling today, High Court judge Datuk Rohana Yusof said the coalition of civil societies known as Bersih 2.0, though not officially registered, can be considered a society under the Societies Act.

"The minister's order is quashed because Bersih is a lawful society," Justice Rohana said.

Prominent lawyer and former Malaysian Bar president Datuk Ambiga Sreenevasan and 13 of her colleagues in Bersih's steering committee had in July last year filed a judicial review seeking that the BN government's July 1, 2011 ban against the movement be lifted.

Hishammuddin had last year declared the movement unlawful, citing Section 5 of the Societies Act 1966 as investigations had shown that Bersih 2.0 was not a registered organisation and that it was creating unease among Malaysians.

Bersih 2.0 had led tens of thousands to demand for free and fair elections in the capital city on July 9 last year, which resulted in some 1,600 arrests but ultimately resulted in the government agreeing to set up a bi-partisan parliamentary polls panel.

The group held a similar rally on April 28 this year, coining it "Bersih 3.0", and is currently being sued by the Kuala Lumpur City Hall for some RM351,000 in damages.

The government's statement of claim lists 15 vehicles, mostly belonging to the police, that had to be repaired at a cost of RM122,000.

The government also wants general damages, interest and a declaration that Bersih breached Section 6(2)(g) of the newly-passed Peaceful Assembly Act 2011.

Ambiga has countersued the government for allegedly violating her constitutional rights over the April 28 rally, saying the Najib administration had abused its power by ordering the police and DBKL to block the event from taking place at Dataran Merdeka.

Prime Minister Datuk Seri Najib Razak had said when tabling the law in Parliament last year that it would be "revolutionary" and allow Malaysians to participate in public gatherings "in accordance with international norms."

The April 28 rally that saw tens of thousands gather at six different locations before heading to Dataran Merdeka was peaceful until about 2.30pm when Ambiga asked the crowd to disperse.

But her call was not heard by most of the crowd who continued to linger around the historic square, which the courts had already barred to the public over the weekend.

Just before 3pm, some protestors breached the barricade surrounding the landmark, leading police to disperse the crowd with tear gas and water cannons.

Police then continued to pursue the rally-goers down several streets amid chaotic scenes that saw violence from both sides over the next four hours.

The Malaysian Human Rights Commission (Suhakam) and an investigative panel set up by the government are currently holding separate inquiries on Bersih 3.0, following reports of the excessive use of force by police to disperse protesters.

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