



Extrait du FIDH - Worldwide Human Rights Movement

<http://www.fidh.org/Government-should-respect>

Government should respect fundamental freedoms in upcoming BERSIH 3.0 rally

- [english] - Asia - Malaysia -

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Description :

FIDH urges the Malaysian government to respect and protect the right to freedom of assembly and expression, guaranteed in the Constitution, in the lead up to and during the upcoming rally on 28 April being organized by BERSIH (the Coalition for Clean and Fair Elections) in the Merdeka Square in Kuala Lumpur, Malaysia. Solidarity rallies are also planned in other locations in Malaysia and dozens of cities around the world on the same day.

FIDH - Worldwide Human Rights Movement

Paris-Bangkok, 26 April 2012. The International Federation for Human Rights (FIDH) urges the Malaysian government to respect and protect the right to freedom of assembly and expression, guaranteed in the Constitution, in the lead up to and during the upcoming rally on 28 April being organized by BERSIH [1] (the Coalition for Clean and Fair Elections) in the Merdeka Square in Kuala Lumpur, Malaysia. Solidarity rallies are also planned in other locations in Malaysia and dozens of cities around the world on the same day.

The first BERSIH rally took place in 2007 and the second, known as BERSIH 2.0, took place in 2011. The BERSIH 3.0 rally on 28 April is expected to draw a large number of participants. In July 2011, law enforcement officials used excessive force in dispersing peaceful demonstrators participating in BERSIH 2.0 in Kuala Lumpur, resulting in at least one death and numerous injuries. [2] Police also detained or arrested close to 1,700 people in connection to the demonstration.

FIDH is deeply concerned by recent acts of harassment and intimidation against peaceful protesters or those associated with BERSIH. On 20 April, Mr. Tan Hong Kai, an intern of FIDH member organization SUARAM, was arrested on allegation of trespassing while putting up BERSIH posters in University Science Malaysia; Tan was released later that day under police bail. On 22 April, the Kuala Lumpur City Council (DBKL) and police officers raided a protest campsite at the Merdeka Square and arrested two activists under Section 186 of the Penal Code (obstructing public servants from performing their duties); they were released later that day under police bail. On 24 April, the authorities again arrested three student activists and one supporter at the same campsite and took them to the Dang Wangi district police station at Kuala Lumpur.

The Malaysian authorities should cease harassing and intimidating people who are peacefully exercising their constitutionally guaranteed rights, said FIDH.

On 16 April 2012, organizers of the BERSIH 3.0 rally faxed a letter both to the DBKL and the police to inform them of their intention to hold the event at Merdeka Square. On 19 and 22 April, the Home Minister Hishammuddin Hussein said the government would allow the demonstration to proceed because it did not consider it to be a "national security threat". However, on 23 April, the mayor of Kuala Lumpur, Ahmad Fuad Ismail, said that the event cannot be held in the Square because it contained "political and dissenting elements"; the police have also rejected Bersih's application citing "safety" concerns.

" As a member of the UN Human Rights Council, Malaysia should take all necessary measures to fully protect and facilitate the right to peaceful assembly and expression of opinions. The heavy-handed crackdown of last year's BERSIH rally has not yet been accounted for, yet the government is already beginning a new round of intimidation and obstruction ," said Ms. Debbie Stothard, FIDH Deputy Secretary-General.

The BERSIH demonstration will take place just less than two weeks after the Malaysian parliament's lower house hurriedly passed, without amendments, the Security Offences (Special Measures) Act on 17 April 2012, a mere seven days after it was first tabled and in spite of strong opposition from civil society in Malaysia and internationally. Although it replaces the much criticized Internal Security Act (ISA), the Security Offences Act still falls below international human rights standards. A highly restrictive Peaceful Assembly Act was similarly passed in haste in November 2011, without genuine consultation with civil society. [3]

Provisions of the new Security Offences Act restrict a range of fundamental rights. Individuals suspected of security offences could be detained for up to 28 days without charge or access to the courts. The Act also grants police significant discretionary power to detain suspects incommunicado for 48 hours and to intercept any communications

without judicial authorization.

" The Malaysian government should respect international human rights standards and the calls of civil society and take concrete action to implement truly democratic reforms, including the repeal of repressive laws. The upcoming BERSIH demonstration will test the sincerity of the government's commitment to these obligations. Otherwise their commitments to reform are merely rhetorical, and undermine the legitimacy of their UN Human Rights Council membership ." said Ms. Souhayr Belhassen, FIDH President.

[1] BERSIH, which means "clean" in Malay, is a non-partisan, civil society campaign endorsed by over 60 Malaysian non-governmental organizations calling for immediate electoral reform in eight main areas, including anti-corruption, free and fair access to the media, and postal ballot reform.

[2] See FIDH press release on 11 July 2011: <http://www.fidh.org/Malaysia-FIDH-condemns-violent-and>

[3] See FIDH press release on 21 December 2011: <http://www.fidh.org/Passage-of-peaceful-assembly-bill>