



**LAWASIA**

**THE LAW ASSOCIATION FOR  
ASIA AND THE PACIFIC**

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July 22, 2011

**LAWASIA STATEMENT  
MALAYSIA: REACTION TO BERSIH RALLIES**

LAWASIA, the Law Association for Asia and the Pacific, has observed with shock recent developments in Malaysia that saw citizens (including members of the legal profession) subject to considerable repression when seeking to exercise their constitutional rights of freedom of assembly and freedom of expression.

As an association formed of nationally-representative law associations of Asia and the Pacific region, it expresses its strong condemnation of the actions of the Malaysian authorities in attempting to prevent the planned BERSIH 2.0 rallies on 9 July and in subsequent police reaction to the rallies that proceeded, according to reports, peacefully.

It is especially concerned that reactions to the BERSIH movement are in significant breach of fundamental human rights as set out in the *Universal Declaration of Human Rights*, which provide, at Article 19 that: *Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers* and at Article 20 (1) that: *Everyone has the right to freedom of peaceful assembly and association.*

It understands that actions by the authorities included arrests, some under emergency provisions that allow for long detention without access to due court processes, a shut-down of public access to areas of Kuala Lumpur and elsewhere, and an eventual display of police brutality against rallying citizens and others that was both uncivilised and wholly unmerited.

Actions of this sort in any country will always deserve the strongest criticism from the legal community on both legal and humanitarian grounds.

Eyewitness and media reports of events on 9 July have highlighted arrests of more than 1600 people and alarmingly, an indiscriminate use of tear gas and water cannon by police on participants in rallies that were at pains to maintain a non-violent and disciplined attitude. Of considerable concern are further reports that haphazard crowd control methods employed by police saw a hospital compound in Kuala Lumpur affected by both tear gas and water cannon, an action for which there can be no justification.

In respect of police action on and around 9 July, LAWASIA notes that the Bar Council Malaysia, among others, has called for an independent investigation by SUHAKAM, the Human Rights Commission of Malaysia. It strongly supports this call for an independent assessment of the way in which police executed their crowd control functions in this instance, noting the Bar

Council's view that the actions of 9 July appear to constitute a serious breach of the *United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, which Malaysia adopted in 1990.

LAWASIA is further concerned to learn that arrests continue and that the wearing of BERSIH livery is considered sufficient grounds for arrest. Aside from the evident breaches of basic human rights this signifies, it defies understanding that any government which claims to support the democratic process can maintain credibility amongst voters when it feels threatened to this extent by a movement whose stated aims and activities are to promote clean and fair elections through achievable reforms.

Above all, LAWASIA encourages the Malaysian government to be mindful not only of the rights of its citizens but also of the message that its actions in respect of the BERSIH movement have sent to the wider world. The queries over Malaysia's fitness to hold a seat on the United Nations Human Rights Council, in view of its apparent disdain for the fundamental human rights of its citizenry aptly highlight international concern that aspirations to hold political power now far outstrip an adherence to the democratic principles on which the country was founded.

Given the leading role that Malaysia plays in the Asia Pacific region, its compliance with universally-held principles attached to human rights, the democratic process and the rule of law is of supreme importance in the examples it sets for lesser developed neighbour nations. It is of profound regret to the regional legal community that reaction to the BERSIH movement sees these principles cast aside, and of profound concern what this may signify for Malaysia's regional role in the future.

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