

Press Statement

The Malaysian government must investigate police violence at Bersih rally and take major steps to overhaul a policing system that facilitates and perpetrates human rights violations

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The Malaysian government must investigate police violence at Bersih rally and take major steps to overhaul a policing system that facilitates and perpetrates human rights violations.

SUARAM strongly condemns the use of unnecessary and excessive force by the police to stop the BERSIH 3.0 (Clean and Fair Election Coalition) Sit-In protest on 28 April 2012 at the Kuala Lumpur. SUARAM condemns the police and the government for preventing people from exercising their fundamental right to freedom of expression assembly and the police violence and attacks against peaceful protesters, journalists and the general public.

The Sit-in Protest was attended by more than 250,000 supporters of BERSIH. The Sit-In protest was held because people have lost faith in the Malaysian Election Commission which has lost its credibility after it failed to act on recommendations towards strengthening and improving the electoral processes in the country.

Unnecessary and Excessive force

The crowds that had gathered for the BERSIH 3.0 are from various section of Malaysian society, and they were peaceful. The riot police (FRU) fired tear gas and water cannons indiscriminately into the crowd in the main area where the peaceful protesters had assembled.

The excessive, dangerous and potentially fatal manner, in which teargas was used against the peaceful protesters, including key BERSIH leaders and other political party leaders supporting the gathering warrants serious attention. The unprecedented use of force inflicted thousands of injuries while around 471 people were arrested arbitrarily.

The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states that, "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force only if other means remain ineffective or without any promise of achieving the intended result" and whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall :

(a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved ;

(b) Minimize damage and injury, and respect and preserve human life ;

SUARAM believes any public protest or rally should be conducted peacefully and we do not condone any kind of provocative behavior during peaceful assemblies. We call on the authorities to investigate and prosecute anyone who behaved violently and caused any untoward incidents at the protest.

However their action of a small group of people do not justify the disproportionate response of the police in using excessive use of force to disperse the protesters and the continuous use of tear gas against them. Instead of conducting themselves professionally to manage the public order situation the police were involved in committing human rights violations including beating and kicking peaceful protesters.

SUARAM Ground Monitoring and Findings

SUARAM activists placed our monitoring and urgent arrest team at all the six meeting points. According to our data that we collected through SMS and phone calls, we received many phone calls to all our six hand phone numbers as well as to our office. We only manage to record 100 names of those arrested. We were unable to obtain the names or contact numbers of others as they did not provide their details. The data collected is as followed :

Table 1 : SUARAM monitoring BERSIH 3.0 2012/04/28

Complaints received via SMS and phone calls

Only 100 names were recorded of those arrested and detained that came through SMS and phone calls.

Complaints received as follows :

1. Arrested by police without reason
2. Beaten up by police before arrest took place
3. Minor Injury after police used tear gas and water canon
4. Identity card was not return back after released
- 5 Injured and send to General Hospital Kuala Lumpur
6. Fell down
7. Eye witness to police brutality with evidence
8. Police stopped people from entering the nearby LRT stations

Actions taken by SUARAM

1. Advised according to needs
2. Assistance on other issues like people missing, how to lodge police reports, where to find LRT stations and so on
3. Send out urgent alert to all local and international Ngos/CSOs/United Nations Special Rapporteurs/Prime Minister's office/Home Ministry and Bukit Aman
4. Recorded details of each individuals
5. Follow up with victims and witnesses

Status of those arrested

All released

Status of those injured and admitted in Hospital

SUARAM visited the victims at the General Hospital Kuala Lumpur on 29 April 2012. Met D^r. Abu Hassan and according to him the GHKL received up to 113 cases :

- 9 women's,

- 11 police officers,
- 13 admitted
- 1 went through surgery

As of yesterday only 7 were still admitted for follow up and for injuries. They are

- 2 journalists from The Sun and Hjarh
- 2 police officers
- 3 protesters (one is minor, 17 years old)

(Source : SUARAM Urgent Arrest and Monitoring Team)

IPCMC is more crucial now !

The history of human rights violations by the police, documented over the years by SUARAM, while using repressive laws such as Section 27 of Police Act and the recent Peaceful Assembly Act 2012 against the peaceful protesters clearly shows why the police should not be given such broad powers under the law and why there is a need for the setting up of an independent police oversight body in Malaysia. The government needs to set up the Independent Police Complaints and Misconduct Commission (IPCMC) as per the recommendations made by the 2005 Royal Commission on Policing without further delay.

The Malaysian government should also take major steps to overhaul a policing system that does not respect or protect the human rights of its citizens. For decades, successive governments have failed to deliver on promises to hold the police accountable for abuses and to build professional, rights-respecting police forces.

Malaysia is modernizing rapidly, but the police continue to use their old methods : abuse and threats. It's time for the government to stop talking about reform and fix the system.

We demand the Government :

1. To conduct a prompt, thorough and impartial investigation into all reports of unnecessary or excessive use of force by police during the BERSIH protest, in particular where it has caused injury. The findings of these investigations should be made public in a timely manner. Those suspected of arbitrary or excessive use of force, including those with command responsibility for such use, should be prosecuted and victims should be granted reparations.
2. To review or repeal Peaceful Assembly Act 2012 so that it is in line with Article 10 of the Federal Constitution which guarantees the right to freedom of assembly and other international human rights standards
3. To establish the Independent Police Complaints and Misconduct Commission (IPCMC) as per the recommendations made by the 2005 Royal Commission on Policing without further delay.
4. To take the necessary steps to sign and ratify without delay, and thereafter effectively implement the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as the Optional Protocol to this Convention and International Covenant on Civil and Political Rights (ICCPR).

Released by,

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