

# Bersih 17: Bail extended again

Thursday 27 December 2007, by [ARUTCHELVAN S.](#), [KUANG KENG Kuek Ser](#), [Malaysiakini](#), [Suaram](#), [ZHAFRI Khairil](#)  
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## Khairil Zhafri

Dec 26, 07 1:46pm

The 17 activists from Coalition for Clean & Fair Elections (Bersih) who were arrested for breaching a ban to gather at Parliament on Dec 11 have had their police bail extended again.

Latheefa Koya, one of the lawyers for the activists, told Malaysiakini that the police did not laid any charge against the Bersih 17 today and their bail was subsequently extended for another week to Jan 2, 2008.

“One of the investigating officers told our counsel, Amer Hamzah, about the extension,” said Latheefa.

This is the second of such bail extensions for the 17 - first one was granted on Dec 18 and it expired today.

Latheefa said that the police may need more time to conduct further investigation on the matter.

The 17 Bersih activists include a few key opposition party leaders - PKR information chief Tian Chua (right), PAS treasurer Dr Hatta Ramli and party Women’s chief Nuridah Mohd Salleh and central committee member Dr Lo’Lo’ Ghazali, and Parti Socialist Malaysia pro-tem chairperson Dr Nasir Hashim, secretary-general S Arutchelvan and party central committee member S Sivarajan.

On Dec 11, 26 Bersih members were arrested within the vicinity of Parliament when trying to submit a memorandum to protest the extension of Election Commission chairman’s retirement age through a constitutional amendment.

Nine of them were release unconditionally on the same day while the remaining 17 were let go on a police bail at about 10pm on the same day.

## Rare restraining order

Sentul police had obtained a rare court restraining order prohibiting named individuals and “other interested parties” from taking part in a gathering to submit the memorandum. However, no actual gathering took place.

Among the individuals included in the court order were PAS leaders Dr Syed Azman Syed Ahmad Nawawi, Mohamad Sabu and Adenaan Saad and Malaysian Trade Union Congress chief Syed Shahir Syed Mohamad.

All entries to Parliament were closed by the police and roadblocks have been set up around Kuala Lumpur, causing massive traffic jams. Federal Reserve Unit trucks and police personnel have also been positioned along Jalan Parlimen.

Most of those who attempted to get to Parliament were turned away.

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## **Police bail extended for Bersih 17**

### **Kuek Ser Kuang Keng**

Dec 18, 07 11:05am

Seventeen Bersih supporters arrested for breaching a ban to gather at the Parliament on Dec 11 have had their police bail extended to Dec 26.

The 17 were expected to be charged at the Kuala Lumpur Magistrate's Court this morning but were instead given a one-week bail extension.

In all, 26 members of Bersih were arrested on Dec 11 in the vicinity of Parliament House, while attempting to deliver the memorandum on the extension of the Election Commission chief's retirement age via constitutional amendment.

While nine were released unconditionally earlier in the day, the remaining 17 were only allowed to go on a police bail at about 10pm that night.

Among the last ones to be released that day included PKR information chief Tian Chua, PAS treasurer Dr Hatta Ramli and party Women's chief Nuridah Mohd Salleh and central committee member Dr Lo'Lo' Ghazali, and Parti Socialist Malaysia pro-tem chairperson Dr Nasir Hashim, secretary-general S Arutchelvan and party central committee member S Sivarajan.

Their lawyer Amer Hamzah Arshad today said that it was unclear if the 17 would be charged when they return to the court next Wednesday.

### **AG showing his power**

Meanwhile Tian Chua told Malaysiakini the bail could have been extended because the Attorney-General's Chambers was still studying the charges to be preferred against them.

"We were not holding rally when arrested, therefore the court injunction could not directly apply on us. They also cannot charge us for illegal assembly because we arrived Parliament separately," he said.

However, he ruled out the possibility that they will be freed without being charged although Attorney-General Abdul Gani Patail had shown some leniency yesterday by dropping the attempted

murder charge against 31 individuals who had allegedly taken part in an illegal assembly organised by Hindu Rights Action Force (Hindraf).

“The reason they dropped the charge yesterday was to show they have the absolute power to decide your fate. If we are not happy, we will put you in jail. But if you willing to express your regret, we will let you go.”

“They also want to show that only MIC can free you,” said Tian Chua, referring to MIC president S Samy Vellu who had appealed to Premier Abdullah Ahmad Badawi to release the 31 Indians.

“Hence they will not spare us, or else it will give the impression that holding assembly is not wrong. They are just facing problem on how to charge us,” he said.

### **A rare court order**

In the run up to the Bersih event, the police had obtained a rare restraining court order prohibiting four named individuals and other Bersih supporters from attending or taking part in the gathering.

The named persons are PAS leaders Dr Syed Azman Syed Ahmad Nawawi, Mohamad Sabu and Adenaan Saad and Malaysian Trade Union Congress chief Syed Shahir Syed Mohamud.

The order also stipulated that “other interested parties” are similarly prohibited from taking part in the gathering. It allowed the police to ‘arrest on sight’ those found in the vicinity of Parliament House.

A similar order was obtained by the police to ban the Hindraf rally on Nov 25.

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## **Bersih memo: Eight top opposition leaders, 10 others arrested**

Dec 11, 07 10:59am ( *Malaysiakini* )

Eight top opposition leaders were among 18 arrested this morning for trying to deliver a Bersih memorandum to Parliament on the extension of the Election Commission chief’s retirement age.

Among those arrested were PKR information chief Tian Chua, party secretary-general Khalid Ibrahim, PAS treasurer Dr Hatta Ramli and party Women’s chief Nuridah Mohd Salleh and central committee member Dr Lo’Lo’ Ghazali, and Parti Socialist Malaysia pro-tem chairperson Dr Nasir Hashim, secretary-general S Arutchelvan and party central committee member S Sivarajan .

According to eyewitnesses, the police surrounded Tian Chua’s vehicle and forcibly removed him before arresting him at about 10.40am. Another person in the car was also detained.

Chua had failed to stop at the roadblock and had insisted on moving forward before the police swooped in on him.

About 10 minutes later, Arutchelvan and another identified person were arrested for trying to break the police cordon. The PAS leaders were arrested shortly after.

At about noon, Khalid arrived in Jalan Parliament where he talked briefly to the press gathered just outside the Parliament gates.

"I don't think we will be able to submit a memorandum today. Our main priority now is to help those detained,' he told journalists.

A plainclothes police officer showed him the restraining court order which the Sentul police had obtained yesterday and ordered Khalid to leave.

Subsequently Khalid went to his car. While on his way there, Sentul district police chief ACP Ahmad Sofian Md Yassin instructed one of his men to arrest the PKR leader.

All those arrested have been sent to the Kuala Lumpur contingent police headquarters. Bersih activists said that those arrested include a teenager aged 13.

### **Rare restraining order**

It is further learnt that the police have surrounded opposition party PAS headquarters in Jalan Raja Laut to stop people from leaving the building for Parliament.

According to a statement this morning by the party, five patrol cars and a Federal Reserve Unit have been positioned around the building.

The police also pasted a copy of the restraining order at the building to warn people not to participate in today's event.

The police have blocked all roads leading to Parliament to prevent members of polls reform group Bersih from submitting a protest memorandum against a proposed constitutional amendment.

Yesterday, they obtained a rare restraining court order - the second of its kind following one to ban the Nov 25 Hindraf rally - prohibiting four named individuals and other Bersih supporters from attending or taking part in the gathering.

The named persons are PAS leaders Dr Syed Azman Syed Ahmad Nawawi, Mohamad Sabu and Adenaan Saad and Malaysian Trade Union Congress chief Syed Shahir Syed Mohamud.

The order also stipulated that "other interested parties" are similarly prohibited from taking part in the gathering. It allows the police to 'arrest on sight' those found in the vicinity of Parliament House.

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### **SUARA RAKYAT MALAYSIA**

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**Urgent Appeal: 11 December 2007**

**Continued crackdown: 23 arrested in relation to BERSIH's submission of memorandum to Parliament**

The government's crackdown on peaceful assembly continued, when the police arrested 23 individuals, including SUARAM executive director Yap Swee Seng, in relation to BERSIH's submission of a memorandum to the Parliament this morning.

Those arrested are reported to be held at the Kuala Lumpur Contingent Police Headquarters (IPK Kuala Lumpur). As of 2pm, 23 individuals are confirmed to be detained at IPK Kuala Lumpur.

Arrested at Lake Gardens (11am)

16 of them were arrested near Lake Gardens, when they were on the way to the Parliament:

1. S. Arutchelvan
2. Sivarajan Arumugam
3. Dr. Nasir Hashim
4. Tian Chua
5. Dr. Hatta Muhd Ramli
6. Abdul Razak Ismail
7. Dr Lo' Lo' Hj Muhd Ghazali
8. Ang Hiok Gai
9. Nurida Md Salleh
10. Sabri Shafie
11. Hashim Awang
12. Azira Ariffin
13. Nasruddin Hassan Tentawi
14. Abdul Muhaimin Roslan (13 years old)
15. Muhd Badillah Muda.
16. Tan Sri Khalid Ibrahim

Arrested at the Parliament (1pm)

Another 6 were arrested as they were leaving the Parliament building at approximately 1.00-1.30pm, after submitting the memorandum to the Parliament:

1. Dr Dzulkifli Ahmad
2. Yap Swee Seng
3. Wong Chin Huat
4. V. Gayathry
5. Mien Lor
6. Mokhtar Rozaidi

Arrested in front of IPK Kuala Lumpur (2pm)

At approximately 2pm, another activist, Noorashimah, was arrested in front of the Kuala Lumpur Contingent Police Headquarters (IPK Kuala Lumpur) when she protested the arrests.

Police intimidation at PAS headquarters

The police have also reportedly surrounded the Pan-Malaysian Islamic Party (PAS) headquarters at Jalan Raja Laut, Kuala Lumpur.

SUARAM strongly condemns the Malaysian government and the police for their ongoing crackdown and attacks on freedom of assembly, a fundamental right which is guaranteed under the Universal Declaration of Human Rights and the Federal Constitution of Malaysia. We demand for the unconditional and immediate release of all those arrested.

### **Urgent actions needed:**

Please write protest letters to the government and the police to express your strongest condemnation and outrage on the latest arrests and the ongoing crackdown on freedom of assembly and all form of dissent and criticisms. Please also demand the Malaysian government for the immediate and unconditional release of all those arrested.

Your protest letters should be sent to:

1. Prime Minister of Malaysia

Dato' Seri Abdullah Ahmad Badawi

Prime Minister's Office Malaysia

Perdana Putra Building,

Federal Government Administrative Centre,

62502 PUTRAJAYA,

Selangor, Malaysia.

Tel: + 60 3 8888 6000  
Fax: + 60 3 8888 3444

## 2. Inspector-General of Police

Tan Sri Musa Hassan

Ibu Pejabat Polis Diraja Malaysia,

50560 Bukit Aman,

Kuala Lumpur, Malaysia.

Tel: +603 2262 6015

Fax: +603 2272 5613

### **SAMPLE LETTER**

[Letterhead of your organisation]

Prime Minister of Malaysia

Dato' Seri Abdullah Ahmad Badawi

Prime Minister's Office Malaysia

Perdana Putra Building,

Federal Government Administrative Centre,

62502 PUTRAJAYA,

Selangor, Malaysia.

Tel: + 60 3 8888 6000

Fax: + 60 3 8888 3444

Dear Sir,

Re: Continued crackdown of assemblies - 23 arrested in memorandum submission

We are writing to you, once again, to express our outrage and to register our strongest condemnation over your government's ongoing crackdown on public assemblies. In the latest round of arrests, 23 individuals were arrested by the police in relation to the submission of memorandum by BERSIH to the Parliament.

We are appalled by your government and the police's latest actions and view this as yet another attempt by your government to intimidate Malaysian citizens from participating in any form of public assembly.

We demand that all those arrested be released immediately and unconditionally. We further demand that your government stop the assault on freedom of assembly and all forms of criticisms. We also reiterate our condemnation towards the repeated threats to use the ISA and the ridiculous charges pressed against demonstrators recently.

With this relentless attack on freedom of assembly, despite your rhetoric on your willingness to listen to the people, you have demonstrated the traits of an iron-clad ruler, with no regards whatsoever for basic human rights standards.

We strongly urge you, once again, to stop bringing shame to Malaysia, a member of the United Nations Human Rights Council. We would like to remind you that freedom of assembly is guaranteed by the Universal Declaration of Human Rights as well as the Federal Constitution of Malaysia.

Yours sincerely,

[Name]

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## **Vexed MPs stage walkout Yoges Palaniappan**

Dec 11, 07 4:46pm ( *Mkini* )

Sixteen opposition MPs staged a walkout from the Dewan Rakyat in protest of the arrest of 26 Coalition for Free and Fair Elections (Bersih) petitioners this morning.

The 16, including all DAP and PAS MPs who were present, walked out at about 3.55pm in the presence of Deputy Prime Minister Najib Abdul Razak. Prime Minister Abdullah Ahmad Badawi was scheduled to wind-up the debates on a controversial amendment five minutes later.

PKR's sole MP and party president Dr Wan Azizah Wan Ismail was not present in the House at the time.

The walkout came after M Kula Segaran (DAP-Ipoh Barat) debated on the constitutional amendment bill seeking to extend the retirement age of Election Commission members by a year to 66, a move that has elicited strong criticisms.

The opposition MP opposed the amendment and condemned the arrests.

"We feel there is no point to debate further on the Bill when the arrests have nullified our freedom of expression both in and outside the Parliament House." "We make laws in Parliament and it is the highest legislative body. How can the police just come in and start arresting people?" asked Kulasegaran when contacted later.

### **'Utter contempt'**

Met at the Parliament lobby, Parliamentary Opposition leader Lim Kit Siang said the MPs decided to walk out in protest of the bill as well as the arrests in the Parliament House earlier.

"We walked out in outrage not only of the bill that has no proper reform of the electoral system, but



also the arrest of some 20 persons in the parliamentary precinct," he said.

Describing the arrests as "utter contempt of the sanctity of the parliament", he said the arrests were contemptuous to all MPs.

"It's sad that only opposition MPs have the sense to stand for parliamentary dignity, while not a single BN (Barisan Nasional) MP or minister seems to be aware of the fundamental and critical importance of the issues involved," he said.

"I think this is a shameful day for the Malaysian parliament and a point must be made that it is intolerable and unacceptable."

Lim also explained that all DAP MPs will be present at the Jalan Duta High Court tomorrow at 9.30am to set aside the court order obtained by the police to deny access to Parliament.

He said the MPs will file a writ to set a side the order which he described as "irregular and in contempt of Parliament."

'An insult'

Here is what other opposition MPs said:

PAS MP for Kubang Kerian Salahuddin Ayub said he regrets the arrest of former vice president Mustafa Ali.

"It is an insult to parliament. He (Mustafa) was a guest of Tumpat MP Kamaruddin Jaafar and me. He was here to listen to the debate and arrested forcefully when we were going out for lunch," he said

"That's why we decided to walk out, to show that our parliament has lost its integrity," he said, adding that Inspector-General of Police (IGP) Musa Hassan had followed the orders of the government which is "scared of the public's voice."

He said the arrest was "stupid and rude". It also showed that the opposition leader and MPs are not respected, he added.

MP for Ipoh Barat M Kulasegaran was of the view that no court can give any order to control the happenings in Parliament.

"Parliament is supreme. I'm very surprised that the Kuala Lumpur Magistrate's Court has granted the order," he said, adding that he was sure the motion passed by the Dewan Rakyat to keep all routes leading to Parliament accessible was not produced to the magistrate.

"We feel the court has been misled into giving the order. The order should not have been given. The arrests in parliament are totally unwarranted and uncalled for," he added.

### **Take immediate action**

MP for Bukit Gelugor Karpal Singh said the arrests would be in contempt of parliament.

He said opposition MPs have taken the matter to Dewan Rakyat Speaker Ramli Ngah Talib, who promised to speak to the IGP.

"We hope something positive will come out of this consultation. We're also looking into whether the

order granted by the magistrate is valid and we're considering challenging it."

MP for Kepong Tan Seng Giaw said he had never seen such an unprecedented event in his 25 years as an MP.

"It should never be allowed. Parliamentary principle means no arrest should be made except by the parliament in the precinct of parliament which includes the house and all the parameters of the parliament until the fencing outside. The government must take immediate action to rectify the mistake," he said.

Lim who had a brief conversation with Prime Minister Abdullah Ahmad Badawi when the latter came out of the Dewan Rakyat, said that he had asked Abdullah on the arrests.

"He (Abdullah) said arrests cannot be made in the Dewan, but is allowed outside the Dewan," he said.

The controversial amendment was unanimously passed at 4.50pm.

Minister in the Prime Minister's Department Nazri Aziz, who is in charge of justice issues, defended the police action.

"They want to come and demonstrate today's amendment to the constitution. So they want to come in big numbers. We will not allow that," he told reporters at parliament.

"We have taken action against them and we are using the court system to prosecute these people."

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## **PARTI SOSIALIS MALAYSIA**

PRESS STATEMENT - 10 DISEMBER 2007 (10.00pm)

### **A WEAK PRIME MINISTER COMMISSIONED CRACKDOWN**

#### **Let's fight this Repression !**

Today is International Human Rights Day but the Prime Minister of Malaysia has commissioned yet another crackdown on public assemblies, against political activist, against activist lawyers and against organisers of peaceful assemblies. A proposed handing over of memorandum to the Parliament tomorrow is now marred with a restraining order.

The PM has warned that public safety is top priority but recent events would indicate that the unpopular PM is resorting to unpopular measures to create forced consent for the people to accept his rule of the game or face the punishment. Unlike what many think, it is normal for weak and insecure Prime Ministers' to resort to desperate attempts to clinch to power.

The PM is going on the offensive as he has failed to address immediate issues raised by the people and is trying to rule the nation using fear and intimidation. Gani Patail - the Attorney General himself, have been working hard in the last few days to ensure those detained by the police are denied bail. This is back-door ISA - detention without trial where offences which can be granted bail

is now taking hours to conclude if bail can be granted or not.

Till now 31 members who participated in a 'Hindraf' gathering on 25<sup>th</sup>. November and another two who were shot by the police in the Batu Buruk incident in Kuala Terengganu were both charged with attempted murder and denied bail. The charges are ridiculous at any standard.

Today, eight people, including five lawyers were charged with participating in an illegal assembly. They also faced a further charge of disobeying the police order to disperse. Another activist lawyer- Edmund Bon, was charged with obstructing Kuala Lumpur City Hall officers from performing their duties. He was also charged under section 186 of the Penal Code. Another seventeen people, including opposition leaders Tian Chua and Mohamad Sabu were also today charged with illegal assembly in connection with the Nov 10 mass rally organised by Bersih.

In all the cases, AG himself submitted that they should not be given bail on grounds that he believed that they would repeat the offence and alleged that some of them were "notorious". He also felt that only by denying them bail can they defer them from participating in further public assemblies. In both courts, though Gani was ruthless in his argument to deny bail, yet a huge turnout of people and continues outpour of defiance finally won the day when the courts allowed for bail.

The pathetic performance and reasoning by the AG and the uncalled bullying and intimidation by the Inspector General Of Police, and the continues fear echoed in the main stream media have once again created a tense atmosphere. The air is no longer calm and we have warned on previous posting of ours, that the ruling party will use the current situation to create further racial tensions in order to divide the fragile unity which exist among the races.

Parti Sosialis Malaysia (PSM) calls upon the people to march on and rise against the oppression and exploitation by the ruling party. We also call upon all progressive forces in all the parties and civil society movement to take the struggle forward using a class approach against the narrow race and religious politics advocated by UMNO and its coalition partners. The ruling party would once again use all tactics to divide the working class of Malaysia of all walks, race and religion. We have to be cautious and vary of these tactics and elevate above race and religions sentiments to fight for justice, equality and freedom.

Under this guise of tensions and crackdown, the Government is making us forget the scandals and among them, VK Lingam tape, the Altantuya murder, the raising cost of living, privatization of health, the failure to give workers minimum wage and many others. It is time for us to bring back these issues to the main agenda, consolidate the opposition and fight this repression.

Released by

S.Arutchelvan

Secretary general