

Malaysia: PSM activists discharged but not acquitted

Saturday 15 October 2011, by [LOONE Susan](#) (Date first published: 10 September 2011).

The 24 Parti Sosialis Malaysia activists facing charges under the Internal Security Act (ISA) and Societies Act were given a discharge not amounting to an acquittal by a Butterworth sessions court today.

The decision on six other activists, who were absent today, was put off to Oct 28.

Judge Ikmal Hishan Mohd Tajuddin delivered the ruling after deliberating on it for almost two hours

Earlier, DPP Suhaimi Ibrahim recommended the discharge not amounting to acquittal, saying a court case on whether Bersih 2.0 was an illegal movement or not was pending.

He said the NGO coalition had been granted leave to challenge the ban on it by the Home Ministry.

Suhaimi said his recommendation was also based on the government's plan to abolish the ISA by next March.

Defence lawyer K Prabakaran argued that the charges should be dismissed outright as the 30 had not committed any offence on the date of their arrest on June 25, for Bersih 2.0 was only declared illegal on July 1.

"A penal law cannot be retrospective," Prabakaran said, and noted that none of those who had taken part in the Bersih 2.0 rally in Kuala Lumpur on July 9 had been charged to date.

He also noted that the ISA was slated for repeal in March and that the detainees were to be released.

".. The charges (against the 30) should not be hanging over their heads. There is ample reason to pronounce a discharge amounting to an acquittal," Prabakaran submitted.

On Sept 19, police dropped charges against the 30, including six who were charged under the Emergency Ordinance, in view of the impending repeal of the ISA.

They had been arrested while on their way to attend a PSM-organised forum titled Udahlah, Bersara in Penang.

They were initially held on suspicion of 'waging war against the Agong'. However, on Aug 3, they were charged with possession of subversive materials.

'What was outcome of allegations?'

Outside the courtroom, PSM secretary-general S Arutchelvan said the decision was not surprising as the government had dropped other cases related to Bersih 2.0, especially after Najib announced the repeal of the ISA.

The only argument today, he said, was whether the discharge would include a full acquittal.

“The result today is more of a face-saving exercise for the police who arrested our activists illegally,” he told reporters after judge Ikmal delivered his decision.

“We had been accused of several things - waging war against the (Agong), being a Bersih 2.0 organiser, colluding with external powers and attempting to revive communism,” Arutchelvan said.

“There were are also allegations that we owned weapons and that our supporters planned to bomb the police station... today it is proven that these are all lies.”

He urged the authorities to act against the police personnel responsible for abuse of power, including harassment of PSM female detainees while held in Kepala Batas in June.

On Aug 17, the three women members of PSM had lodged a formal complaint with the police disciplinary board about “mistreatment, abuse of power and sexual harassment.

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