

**16 August 2012**

## **Submission to the SUHAKAM Public Inquiry on Human Rights Violations Committed During and After BERSIH 3.0: Duduk Bantah on 28 April 2012**

The Coalition for Clean and Fair Elections (BERSIH 2.0) welcomes the Public Inquiry held by the Human Rights Commission of Malaysia (SUHAKAM) to determine any human rights violations committed during and after the BERSIH 3.0 peaceful assembly held on 28 April 2012 which commenced on 5 July 2012.

The BERSIH 3.0: Duduk Bantah rally was organised as an extension of BERSIH 2.0's on-going struggle for clean and fair elections in Malaysia. On 28 April 2012, the peaceful assembly was disrupted with human rights violations committed by the authorities who used heavy-handed tactics in dispersing and arresting participants of the assembly. Human rights violations continue to occur after the rally with police abuse of participants investigated for breaking the law during the rally. After 28 April 2012, leaders of BERSIH 2.0 faced harassment from various groups and individuals for their work as human rights defenders.

BERSIH 2.0 submits the following issues to the SUHAKAM Panel of Inquiry for the Public Inquiry into the Incidents During and After the Public Assembly of 28 April 2012.

### **1. Police abuse of power and brutality against participants of BERSIH 3.0: Duduk Bantah in Kuala Lumpur on 28 April 2012**

The BERSIH 3.0 peaceful assembly held on 28 April 2012 is popularly known as BERSIH 3.0: Duduk Bantah. Peaceful assemblies were held in most major cities throughout Malaysia including Kuala Lumpur, Kota Kinabalu, Sibu, Kuching, Johor Bahru, Melaka, Ipoh, Penang and Kuantan. The largest turnout was in Kuala Lumpur where it was estimated around 250,000 persons participated in the peaceful assembly. The assemblies in all locations were held successfully without any untoward incidents, however in Kuala Lumpur, the situation turned violent and chaotic when the police force fired tear gas canisters and used water cannons against participants of BERSIH 3.0. The use of tear gas and water cannons was highly unnecessary as participants of the assembly were peaceful.

#### **a. Human rights violations and abuse of power committed by the police:**

- i. Lack of warning and insufficient time given to participants of the assembly to disperse before tear gas canisters and water cannons were fired. The Office of

the United Nations High Commissioner the Human Rights 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 and firearms only if other means remain ineffective or without any promise of achieving the intended result.”<sup>1</sup>

- ii. Disproportionate and excessive deployment of tear gas and water cannons even when participants were attempting to disperse. In a parliamentary reply, the Home Ministry revealed that 909 tear gas canisters and 58 tear gas grenades were fired during BERSIH 3.0: Duduk Bantah to disperse participants of the rally.<sup>2</sup> This is a drastic increase in comparison to the BERSIH 2.0 rally on 9 July 2011 where only 262 tear gas canisters were fired.<sup>3</sup>

The police fired tear gas canisters directly at the crowd, causing individuals to be hit by tear gas canisters.<sup>4</sup> A participant was hit by a tear gas canister when a police officer shot a tear gas canister at him within a 5 metre distance to stop him from recording events taking place at the rally.<sup>5</sup> Another woman who was attempting to escape from tear gas was hit by two tear gas canisters when police officers fired tear gas canisters at her and other participants at a 10 metre distance which caused her to be hit by two tear gas canisters.<sup>6</sup> In addition, we have footage that shows a tear gas canister flying low at a crowd which hit a man who fainted from the impact.<sup>7</sup> This clearly illustrates that tear gas was fired with the intention to harm participants.

Tear gas was also fired in such a way that it led to participants being boxed in to narrow spaces and prevented them from being able to disperse quickly.<sup>8</sup> Several participants have also testified of not being able to leave the area immediately because most of the roads were blocked and the LRT station (Masjid Jamek) was closed down.<sup>9</sup> Monitors from the Bar Council also stated in their report that they felt trapped when gas was fired at both the left and right of Masjid Jamek. They tried to take the straight route, but Jalan Tun Perak was also filled with smoke.<sup>10</sup>

At 4.20pm, monitors observed that Jalan Tuanku Abdul Rahman and and Jalan Masjid India were blocked and were told by some people that they did not know which way to leave as most of the roads heading back to Jalan Sultan, Jalan Petaling and Jalan Tun Perak were blocked by the police.<sup>11</sup> Monitors were also

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<sup>1</sup> Appendix II: II\_Z01, p. 2

<sup>2</sup> Appendix II: II\_N01

<sup>3</sup> *Ibid.*

<sup>4</sup> Appendix I: Table 1

<sup>5</sup> Appendix I: C27

<sup>6</sup> Appendix I: C47

<sup>7</sup> Appendix II: II\_VO1

<sup>8</sup> Final Report of the Malaysian Bar on Bersih 3.0 rally held on 28 April 2012 in Kuala Lumpur, p. 2 Retrieved on 28 July 2012 from

[http://www.malaysianbar.org.my/index.php?option=com\\_docman&task=doc\\_view&gid=3709&Itemid=332](http://www.malaysianbar.org.my/index.php?option=com_docman&task=doc_view&gid=3709&Itemid=332)

<sup>9</sup> Appendix II: II\_N02

<sup>10</sup> Final Report of the Malaysian Bar on Bersih 3.0 rally held on 28 April 2012 in Kuala Lumpur, p. 49 Retrieved on 28 July 2012 from

[http://www.malaysianbar.org.my/index.php?option=com\\_docman&task=doc\\_view&gid=3709&Itemid=332](http://www.malaysianbar.org.my/index.php?option=com_docman&task=doc_view&gid=3709&Itemid=332)

<sup>11</sup> *Ibid.*, p. 60

informed that LRT stations had been closed, except for Dang Wangi and Pasar Seni stations. Many individuals approached monitors and said they would like to leave the area but could not do so due to police blocks and tear gas.<sup>12</sup> Moreover, an article by Member of Parliament Tony Pua shows tweets from the RapidKL official Twitter announcing as early as 3.12pm that Masjid Jamek LRT was now closed, followed by other stations.<sup>13</sup> Participants cannot be expected to disperse quickly when key stations are closed off, especially when tear gas and water cannons were causing panic and confusion amongst the crowd.

- iii. Indiscriminate, disproportionate, unjustified and excessive use of force against participants who largely did not display any act of provocation or misbehaviour. **A video by a participant depicts a policeman grabbing a young man in a Bersih shirt and pulling him away from a small crowd. Other policemen then join in and assault the man, who eventually manages to run away.**<sup>14</sup> Another video shows a traffic policeman aiming his gun at protestors who were then forced to move towards Jalan Tuanku Abdul Rahman which was filled with tear gas.<sup>15</sup> An eyewitness at the Sogo shopping mall saw other police officers nearby who did not stop the traffic policeman and instead went after protestors.<sup>16</sup>
- iv. Indiscriminate and arbitrary arrest and assault of participants or suspected participants in the absence of any evidence of misbehaviour. Participants who had already dispersed were also arrested or assaulted. Participants who were having meals at restaurants were also arrested or assaulted.<sup>17</sup> One common occurrence is large groups of police ganging up to beat up individuals who were alone and defenceless.<sup>18</sup>

One individual was eating at a restaurant at the Masjid Jamek area at around 7.20pm when a few police officers pulled him out of the restaurant and beat him.<sup>19</sup> Another man was riding his motorbike around 5.00pm at Sogo area when a police officer stopped his vehicle and took his keys.<sup>20</sup> He was pulled from his motorbike by a few police officers who beat him and he was dragged on the road towards the provisional detention area at Dataran Merdeka.<sup>21</sup> He claims that on the way to Dataran Merdeka, he was beaten and kicked by at least 30 police officers.<sup>22</sup> He lost his motorbike during the incident.<sup>23</sup> Another man was riding past IPD Dang Wangi on his motorbike at around 7.00pm when he was attacked by 8 to 12 uniformed police officers who forcefully took off his shirt to

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<sup>12</sup> *Ibid.*

<sup>13</sup> Appendix II: II\_N03

<sup>14</sup> Appendix II: II\_V02

<sup>15</sup> Appendix II: II\_V03

<sup>16</sup> Appendix II: II\_N04

<sup>17</sup> Appendix II: II\_V04

<sup>18</sup> Appendix I: C03, C04, C05, C07, C09, C10, C13, C14, C15, C18, C20, C24, C25, C26, C28, C30, C31, C32, C33, C35, C36, C38, C42, C43, C44, C45, C46, C48 and C49, and Appendix II: II\_V05

<sup>19</sup> Appendix I: C39

<sup>20</sup> Appendix I: C36

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*

reveal the BERSIH 3.0 shirt he was wearing beneath his shirt.<sup>24</sup> The police officers beat him up before releasing him.<sup>25</sup>

Members of the medical team were not spared from arrests and assaults. A medical team member was eating at a restaurant when police officers entered the restaurant and arrested him and other people in yellow shirts.<sup>26</sup> He was arrested and assaulted despite showing his medic armband to the police. One officer ripped the armband off his arm.<sup>27</sup> Another medical team member was arrested and beaten by DBKL and police officers inside the DBKL building when administering first aid to an injured woman.<sup>28</sup> The injured woman he was attending to was beaten by the officers as well.<sup>29</sup>

- v. Vicious assaults by groups of police personnel on individuals who were already under arrest. Those who were under arrest were forced to run the gauntlet where they would be beaten and verbally assaulted by police officers.<sup>30</sup> One individual claimed that he and a few others who were arrested were sprayed with pepper spray when they were in a police truck.<sup>31</sup>
- vi. Preventing individuals including media personnel on duty from recording incidences of police violence and abusing and/or arresting such individuals. Police also confiscated recording devices and memory cards from media personnel and individuals. Al Jazeera reporter Harry Fawcett reported that his team attempted to film an incident of police assault when they were roughed up and had their camera “busted” by the police.<sup>32</sup> Malaysiakini journalist Koh Jun Lin was assaulted, arrested and had the memory card from his camera confiscated by the police.<sup>33</sup> He repeatedly identified himself as media personnel and showed them his press tag, which they confiscated.<sup>34</sup> BERSIH 2.0 documented accounts from three other individuals who were assaulted and had the memory cards from their recording devices confiscated by the police.<sup>35</sup> In a video, police officers targeted a man who was filming them and as he was arrested and led away, other officers rushed up to him and kicked him.<sup>36</sup>
- vii. Failure to wear or display police identification number or name on their uniform. The video above clearly shows a participant arrested by two police officers who did not have name tags or police identification number on their uniforms.<sup>37</sup> BERSIH 2.0 also documented accounts from at least seven individuals who were

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<sup>24</sup> Appendix I: C49

<sup>25</sup> *Ibid.*

<sup>26</sup> Appendix I: C30

<sup>27</sup> *Ibid.*

<sup>28</sup> Appendix I: C13

<sup>29</sup> *Ibid.*

<sup>30</sup> See Paragraph 1(b)(iii)

<sup>31</sup> Appendix I: C48

<sup>32</sup> Appendix II: II\_V06

<sup>33</sup> Appendix I: C21

<sup>34</sup> Appendix II: II\_N05

<sup>35</sup> Appendix I: C06, C07 and C46

<sup>36</sup> Appendix II: II\_V07

<sup>37</sup> *Ibid.*

assaulted or arrested by police officers without any identification marker on their uniform.<sup>38</sup>

- viii. Unprofessional conduct by some police personnel towards participants of the rally that could be construed as mocking, taunting or provoking participants. One individual who was arrested and assaulted was verbally assaulted with crude and racist language at least three times.<sup>39</sup> He was called “Babi cina” (“Chinese pig”), “Ini babi binatang banyak lansi punya” (“This pig animal is very arrogant”) and “Cina babi, balik China lah, lan chiew lu babi” (“Chinese pig, go back to China, fuck you pig”).<sup>40</sup> He also alleged that as he was made to run the gauntlet,<sup>41</sup> police officers were singing “Inilah barisan kita dan hidup UMNO” (“This is our front, long live UMNO”),<sup>42</sup> indicating bias.
- ix. Unjustified confiscation of participants’ belongings during assault or arrest. BERSIH 2.0 documented two individuals who had their valuables taken by police officers during their arrest. One participant had his gold necklace taken by police officers<sup>43</sup> while another individual lost his tablet, watch and Bluetooth headset to the police.<sup>44</sup> Another individual claims he was robbed of his wallet containing RM700 when he was beaten by 15 to 20 police officers in a restaurant.<sup>45</sup>

BERSIH 2.0 with the assistance of the Civil Rights Committee of the Kuala Lumpur and Selangor Chinese Assembly Hall (CRC-KLSCAH), Suara Rakyat Malaysia (SUARAM) and Lawyers for Liberty (LFL) has collected testimonies or evidence from individuals who were victims of the human rights violations described above, most of which we submit to the Panel of Inquiry in Appendix I.

28 April 2012 was a day of unprecedented violence by the authorities. BERSIH 2.0 is particularly concerned that there was a premeditated plan on the part of the authorities to inflict maximum pain and suffering on the participants of the rally. BERSIH 2.0 would like to raise a few contentious issues relating to the BERSIH 3.0 assembly. The truth of these incidents must be established.

b. Questionable events during BERSIH 3.0: Duduk Bantah

- i. Incident of the breaching of barriers surrounding Dataran Merdeka:

The BERSIH 3.0 sit-in at Kuala Lumpur was peaceful up until the point when the police attacked peaceful participants of the rally with tear gas and water cannons, and consequently the situation worsened when the police started to indiscriminately and brutally assault and arrest participants. The police have since shifted the blame by claiming that they had to act to disperse the crowd

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<sup>38</sup> Appendix I: C03, C04, C10, C14, C20, C30 and C41

<sup>39</sup> Appendix I: C41

<sup>40</sup> *Ibid.*

<sup>41</sup> See Paragraph 1(b)(iii)

<sup>42</sup> Appendix I: C41

<sup>43</sup> *Ibid.*

<sup>44</sup> Appendix I: C33

<sup>45</sup> Appendix I: C43

after the breach of the barriers surrounding Dataran Merdeka. Firstly, there is no justifiable reason why Malaysians are prohibited from peacefully assembling at Dataran Merdeka. Secondly, the scale of the heavy-handed reaction from the police towards the breach of the barriers was highly unnecessary.

It must also be noted that at the Jalan Raja/Jalan Tun Perak intersection, the police appeared to retreat at the exact same time that the barriers were breached and tear gas and water cannons were fired within minutes of the breach.<sup>46</sup> The timing for the retreat and the firing of tear gas and water cannons appeared to be synchronised. Despite an apparent breach of the barriers, there was no reaction from the police in attempting to stop or arrest any persons. The manner in which the police behaved right after the breach showed that they were not perturbed by the actions of those who entered Dataran Merdeka.

Thirdly, the retreating police caused confusion in the minds of the participants in that it gave them the impression that they could freely enter Dataran Merdeka.<sup>47</sup> Participants therefore did so, slowly, thus the force with which the cannons and tear gas were employed is wholly disproportionate and unjustifiable.

- ii. Deliberate spread of rumours to provoke anger of police personnel against participants:

On 28 April 2012, rumours were circulated via SMS and social media networks that a police officer had died due to physical assaults by participants of the rally. This caused many to speculate that this was the reason why the police were lashing out violently at participants of the BERSIH 3.0 assembly. The source of the rumour remains unknown. To illustrate how widely the rumour spread, the police using their official Twitter account under @PDRMsia at 7.57pm on 28 April 2012, tweeted a clarification stating “PENGESAHAN: Kematian melibatkan pegawai polis sepertimana yang digembar-gemburkan adalah tidak benar”.<sup>48</sup> There are also several blogs which published posts before and after this clarification appeared that claimed a police officer was beaten to death by participants of BERSIH 3.0.<sup>49</sup> In fact, one participant who was assaulted was told by the police that this rumour was the reason for the aggression.<sup>50</sup>

This rumour may have caused what appeared to be a violent outrage by the police against participants of the rally. It must be established how this rumour spread, who spread this rumour and if this rumour may have been intentionally spread or have been used as an excuse by certain police personnel to use violence against participants of BERSIH 3.0. Moreover, an inspector from Dang Wangi police station told the on-going Suhakam inquiry panel that he was not informed of any police officers who were injured during BERSIH 3.0,<sup>51</sup> so the police must clarify these contradictory statements.

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<sup>46</sup> Appendix II: II\_V08

<sup>47</sup> *Ibid.*

<sup>48</sup> Appendix II: II\_Z02

<sup>49</sup> Appendix II: II\_Z03, II\_Z04, II\_Z05, II\_Z06 and II\_Z07

<sup>50</sup> Appendix I: C33

<sup>51</sup> Appendix II: II\_N06

iii. Forcing arrested individuals to run the gauntlet

The gauntlet is an old method of torture where men are arranged in two lines facing each other and they would strike the person who is forced to run between them.

A number of participants of the BERSIH 3.0 assembly who were arrested related their experience of being forced to run the gauntlet as they were escorted to the provisional detention area near Royal Selangor Club. Individuals were punched, kicked and hit with batons as they walked through the gauntlet.<sup>52</sup> Some individuals also claimed that they were verbally assaulted.<sup>53</sup> As mentioned earlier, an individual claimed that the officers sang “Inilah barisan kita dan hidup UMNO” (“This is our front and long live UMNO”) as he walked through the gauntlet.<sup>54</sup>

It is our view that this shows a premeditated plan to inflict violence and torture against participants of the rally.

## 2. Police abuse against participants of BERSIH 3.0: Duduk Bantah after 28 April 2012

After 28 April 2012, the police released images of 141 individuals who were identified to have allegedly broken the law during the rally. Two of these individuals who cooperated by voluntarily submitting themselves to the police to aid investigations were abused by police personnel. The two individuals are Khalid Ismath and Mohd Safuan.

Khalid Ismath voluntarily went to IPD Dang Wangi on 5 May 2012 to cooperate in investigations of the BERSIH 3.0 public assembly and was detained overnight by the police.<sup>55</sup> He claimed to have been subjected to prolonged interrogation and psychological torture by police personnel during his detention.<sup>56</sup>

Mohd Safuan voluntarily went to IPD Dang Wangi on 14 May 2012 to give his statement on his participation in BERSIH 3.0 assembly and was detained overnight at the lock up.<sup>57</sup> He claimed to have been assaulted by police personnel and other detainees during his detention including being kicked, slapped and hit with a pipe.<sup>58</sup> He was also told by police personnel to confess that he damaged a police vehicle during the rally.<sup>59</sup>

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<sup>52</sup> Appendix I: C07, C30, C38 and C41

<sup>53</sup> Appendix I: C30 and C41

<sup>54</sup> Appendix I: C41

<sup>55</sup> Appendix III: III\_N01

<sup>56</sup> *Ibid.*

<sup>57</sup> Appendix III: III\_N02

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*

### 3. Violation, restriction and repression of the right to freedom of peaceful assembly

BERSIH 2.0 submits that the BERSIH 3.0 peaceful assembly saw one of the worst violations of the right to freedom of peaceful assembly in recent times in Malaysia. Violations of the right to peaceful assembly include:

- a. Police brutality against peaceful participants of the assembly as described above.
- b. Extensive attempts were made by the authorities to restrict participants from gathering at the location chosen by the rally organisers. Dataran Merdeka is a public space that is frequently used for other gatherings and events. There is no valid security reason why the fundamental human and constitutional right to assemble cannot be exercised at Dataran Merdeka. However, the authorities were unreasonably adamant against the use of Dataran Merdeka for the BERSIH 3.0 peaceful assembly as evidenced by the following:
  - i. On 16 April 2012, BERSIH 2.0 through Pusat Kesedaran Komuniti Selangor submitted a letter to the city council, Dewan Bandaraya Kuala Lumpur (DBKL), to inform DBKL of the use of Dataran Merdeka for the BERSIH 3.0 public assembly and to request for DBKL cooperation for the assembly.<sup>60</sup> On 19 April 2012, DBKL replied to inform that the application to use Dataran Merdeka for the assembly was rejected on the grounds that the use of Dataran Merdeka is specifically for “national level events”.<sup>61</sup>
  - ii. On 16 April 2012, BERSIH 2.0 through Pusat Kesedaran Komuniti Selangor submitted a letter to OCPD of Dang Wangi, ASP Mohamad Zulkarnain bin Abdul Rahman, to notify him that BERSIH 3.0: Duduk Bantah will be held at Dataran Merdeka on 28 April 2012.<sup>62</sup> On 23 April 2012, ASP Zulkarnain in a reply letter stated that the assembly was not approved due to unspecified security reasons.<sup>63</sup>
  - iii. On 26 April 2012, the police obtained a court order under Section 98 of the Criminal Procedure Code (CPC) which prohibits any person from gathering at the venue of the rally, Dataran Merdeka, from 28 April 2012 to 1 May 2012.<sup>64</sup> From 12.00am of 28 April 2012 onwards, DBKL and the police sealed off Dataran Merdeka barring entry of any persons by using plastic and metal barricades and razor wire at the areas surrounding Dataran Merdeka and entry points leading to the square.
- c. After turning down BERSIH 2.0’s notification letter for the assembly, a contradictory stand was taken by the police the day before BERSIH 3.0 when the Kuala Lumpur police chief said that the gathering was permitted in the vicinity of Dataran

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<sup>60</sup> Appendix IV: IV\_L02

<sup>61</sup> Appendix IV: IV\_L03

<sup>62</sup> Appendix IV: IV\_L01

<sup>63</sup> Appendix IV: IV\_L04

<sup>64</sup> Appendix IV: IV\_C01



Merdeka, but those who encroach into the area and its bordering streets would face arrest, based on the court order obtained by the police.<sup>65</sup>

- d. After 28 April 2012, organisers and participants of BERSIH 3.0: Duduk Bantah continued to face repression of their right to freedom of assembly. The Government who is responsible for facilitating the people's fundamental right to assemble peaceably instead chose to punish individuals who exercise this right.

The chaos and violence of 28 April 2012 involving a small fraction of the largely peaceful crowd remains to be thoroughly and independently investigated. Instead of initiating a thorough and independent investigation of the untoward incidents to identify the actual cause of the incident, the Government chose to place the blame on the organisers of the BERSIH 3.0 rally who did not instigate or perpetrate the violence.

- i. Nine individuals face charges by the government in relation to their participation in BERSIH 3.0: Duduk Bantah or activities related to the public assembly.<sup>66</sup> The charges include participating in unlawful assembly, defying the court order barring entry into Dataran Merdeka, rioting, causing mischief, failing to obey an order of a public servant and abetting to incite individuals to dismantle barricades.
- ii. The Government repression against organisers of the BERSIH 3.0 rally took a different form compared to participants of the rally. The Malaysian Government has filed a civil suit against 10 members of the BERSIH 2.0 Steering Committee under Section 6(2) of the Peaceful Assembly Act 2012, claiming for damages to vehicles amounting to RM122,000.<sup>67</sup>

On 18 June 2012, DBKL issued a notice of claims for loss and damages incurred during BERSIH 3.0 to BERSIH 2.0 Co-Chairperson Ambiga Sreenevasan and BERSIH 2.0 Steering Committee member Maria Chin Abdullah.<sup>68</sup> The damages claimed by DBKL amounts to RM351,203.45.<sup>69</sup>

#### **4. Harassment and demonizing of human rights defenders**

- a. Harassment and attacks against BERSIH 2.0:

- i. Targeted attacks against BERSIH 2.0 Co-Chairperson Ambiga Sreenevasan

Prior to the BERSIH 3.0 assembly, Co-Chairperson of BERSIH 2.0 Ambiga Sreenevasan has been facing attacks amounting to acts of intimidation and harassment from various individuals and groups. However, these attacks intensified after 28 April 2012. Ambiga was subject to attacks from various groups and individuals such as calls for her arrest<sup>70</sup> and revocation of her citizenship;<sup>71</sup> and called an enemy of the nation<sup>72</sup> and a Hindu *Kafir*.<sup>73</sup> In

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<sup>65</sup> Appendix IV: IV\_N01

<sup>66</sup> Appendix III: III\_T01

<sup>67</sup> Appendix IV: IV\_S01

<sup>68</sup> Appendix IV: IV\_S02

<sup>69</sup> *Ibid.*

<sup>70</sup> Appendix V: V\_N05

<sup>71</sup> Appendix V: V\_N04 and V\_N06

addition, individuals and groups also carried out burning of her images,<sup>74</sup> protests outside her place of residence<sup>75</sup> and distribution of defamatory fliers stating 10 reasons why Ambiga should be expelled from the country.<sup>76</sup> In another incident on 19 May 2012 at Merlimau, Melaka where Ambiga was supposed to attend a function, around 200 people including members of Perkasa pelted stones and eggs at attendees of the event.<sup>77</sup>

On 30 June 2012, Ambiga received a death threat via email.<sup>78</sup> The email claimed that two thugs had been hired to kill her.<sup>79</sup> She has since lodged a police report regarding the death threat.<sup>80</sup>

The government was slow to reproach Ambiga's attackers. Instead, the Deputy IGP Khalid Abu Bakar was reported to have stated that the protests outside Ambiga's house on 10 May 2012 by Malaysia Small and Medium Entrepreneurs Alliance (Ikhlas) was not an offence or invasion of Ambiga's privacy<sup>81</sup> and that the police would not take action against the group for gathering.<sup>82</sup> Eventually the police and DBKL took action by stationing officers outside Ambiga's house to ensure that the traders who were protesting against Ambiga did not set up set up stalls as planned.<sup>83</sup>

#### b. Demonizing of BERSIH 2.0

The government through the media and other published materials attempted to manipulate public perception against BERSIH 3.0 and the organisers by spinning the violence that occurred on 28 April 2012. It painted a picture that the organisers and supporters of BERSIH 3.0 had intentionally caused chaos during the rally.

##### i. Control of media:

The government through the media it controls blamed the organisers of BERSIH 3.0: Duduk Bantah for the chaos that erupted during the 28 April 2012. As stated by Centre for Independent Journalism (CIJ) in its media analysis of how four mainstream newspapers covered BERSIH 3.0, media reports on the rally were unbalanced as it mainly showed the small instances of acts of violence committed by some participants of the rally.<sup>84</sup> The reports failed to give equal coverage of the widespread violence committed by police officers against

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<sup>72</sup> Appendix V: V\_N11

<sup>73</sup> Appendix V: V\_V03

<sup>74</sup> Appendix V: V\_N04

<sup>75</sup> Appendix V: V\_N07, V\_N08 and V\_N14

<sup>76</sup> Appendix V: V\_Z01

<sup>77</sup> Appendix V: V\_N12

<sup>78</sup> Appendix V: V\_N15

<sup>79</sup> Appendix V: V\_Z03

<sup>80</sup> Appendix V: V\_Z04

<sup>81</sup> Appendix V: V\_N10

<sup>82</sup> Appendix V: V\_N09

<sup>83</sup> Appendix V: V\_N13

<sup>84</sup> Appendix V : V\_Z05

participants of the rally.<sup>85</sup> In addition, the organisers of BERSIH 3.0 were not given right of reply to the negative reports.

An example of this is a 23 minute feature video entitled “BERSIH 3.0 Itu Kotor” aired at primetime 9.00pm on 13 May 2012 by the national television station owned by the government.<sup>86</sup> The feature repeatedly showed the same footages where participants of BERSIH 3.0 are seen to be purportedly acting violently.<sup>87</sup> The film also featured the opinions of a few individuals who vilified BERSIH 3.0.<sup>88</sup> The feature failed to include footage of brutality committed by the police, the peaceful assembly prior to violence or interviews with the organisers or supporters of BERSIH 3.0.

In addition, cable provider Astro censored two news reports on the BERSIH 3.0 assembly by international news channels BBC and Al Jazeera.<sup>89</sup> In the BBC report, the portions that were censored include footage of interviews with two participants of BERSIH 3.0 and a narrative that explained people were beginning to disperse when the barrier was breached and police fired tear gas at the crowd.<sup>90</sup> Astro admitted to censoring the reports to comply with local content regulations but did not specify what the regulations were.<sup>91</sup>

ii. Distribution of materials vilifying BERSIH 3.0

In May 2012, the Information, Communication and Culture Ministry published flyers entitled, “Hidup Biar Beradab Bukan Biadap: BERSIH 3.0 Yang Kotor”.<sup>92</sup> In July 2012, the flyers were found at the backseat of a taxi in Kuala Lumpur.<sup>93</sup> The flyer called BERSIH 3.0 an enemy of the country, painted the picture that BERSIH 3.0’s intention is to cause chaos in the country and warned the reader against subversive elements in BERSIH 3.0.<sup>94</sup>

BERSIH 2.0 hopes that the Panel of Inquiry will take the above issues into consideration during the course of the Public Inquiry into the Incidents During and After the Public Assembly of 28 April 2012. BERSIH 2.0 extends all cooperation with SUHAKAM for the inquiry.

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<sup>85</sup> *Ibid.*

<sup>86</sup> Appendix V: V\_V02

<sup>87</sup> *Ibid.*

<sup>88</sup> *Ibid.*

<sup>89</sup> Appendix V: V\_N03

<sup>90</sup> Appendix V: V\_N01

<sup>91</sup> *Ibid.*

<sup>92</sup> Appendix V: V\_Z02

<sup>93</sup> Appendix V: V\_N16

<sup>94</sup> Appendix V: V\_Z02