

Press Release from Bersih 2.0 *Dated: 9th August 2020* *TRUST DEFICIT IN PUBLIC INSTITUTIONS DUE TO LACK OF INSTITUTIONALIZED INDEPENDENCE*

The Coalition for Clean and Fair Elections (Bersih 2.0) reiterates our call (1) for legal reforms to free key public institutions from the control and influence of the Executive, that is, the Prime Minister's Office, so that public confidence in these institutions could be restored and that there is a clear separation of powers between the three branches of government.

We refer to the public outcries by various segments of society over the recent charges of corruption against former Finance Minister Lim Guan Eng, the conviction of former PM Najib Razak, even the acquittals of Musa Aman and Riza Aziz of corruption and money laundering charges.

Public perception of selective prosecution or immunity from prosecution is unavoidable as the power to appoint people into key positions such as the Attorney-General, who is also the Public Prosecutor, the Commissioners of the Malaysian Anti-Corruption Commission (MACC), Inspector-General of Police, the Chief Justice, President of the Court of Appeal, Chief Judges, members of the Judicial Appointment Commission, and many other institutions, lies in the hand of the Prime Minister.

Bersih 2.0 calls for key appointments to be taken out of the PM's hands and the processes be transparent to the public and scrutinized by the relevant Parliamentary Select Committees except in the case of judicial appointments where the process must be absolutely independent and free from political interference. The independence of these institutions will not be complete without necessary reforms to ensure their autonomy in finance and staffing. Until such reforms are codified in law and put into practiced, the actions, decisions and integrity of these institutions will always be questioned, a discredit to some of the good works done by them.

The Pakatan Harapan (PH) government had promised to implement such reforms in their manifesto but failed to deliver them through legal amendments even though they declared that they have set them free administratively. Their missed opportunity is now coming back to haunt them.

Bersih 2.0 had stated previously issued a joint statement with Gabungan Bertindak Malaysia

(GBM) and Angkatan Belia Islam Malaysia (ABIM) called the Six-Point Multi-Party Deal to Reconfigure Multiparty Competition and End the Endless Machinations (2), that there should be Equality Before Law, that while judicial reform to restore its independence and impartiality must continue, an independent and non-political Public Prosecutor's Office must be quickly established so that the Attorney General's Chambers (AGC) can operate separately with providing legal advice to the government and law-drafting as its main functions.

The current political instability in this country caused by party or coalition-hopping is the direct result of such perceived persecution by the government of the day. Everyone wants to be aligned with whoever is holding Federal power to escape wrongdoings, whether real or fabricated.

Meanwhile, we hope that these institutions - MACC, AGC, PDRM and the judiciary will themselves push for reforms and carry out their public duties professionally and transparently. If anyone is convicted, due process of the law must be followed and based on irrefutable evidences.

Statement issued by:

The Steering Committee of Bersih 2.0

(1) Press release dated 5th September 2018 (English) -

<https://www.bersih.org/media-statement-5-september-lim-guan-engs-case-shows-institutional-reform-should-no-longer-be-delayed/>

In BM -

<https://www.bersih.org/kenyataan-media-5-september-kes-lim-guan-eng-menunjukkan-pembaruan-institusi-tidak-boleh-ditangguhkan-lagi/>

(2) Press release dated 10th June 2020 (English) -

<https://www.bersih.org/press-statement-from-bersih-2-0-gbm-and-abim-10-june-2020-a-6-point-multi-party-deal-to-reconfigure-politics-and-end-endless-machinations/>

In BM -

<https://www.bersih.org/kenyataan-media-bersih-2-0-gbm-dan-abim-10-jun-2020-persetujuan-6-perkara-pelbagai-parti-bagi-penjajaran-semula-politik-dan-penamatan-komplot-politik-yang-tidak-berkesudahan/>