



We, the organisations and individual citizens for the Kempen Kebebasan Berhimpun (KKB) or Free to Assemble Campaign (FAC), demand the Parliament to immediately withdraw the draconian Peaceful Assembly Bill which is **unconstitutional** and **repressive**.

While superficially removing the need for police permit, it has imposed more unreasonable restrictions and hefty fines, making it worse than the existing restrictions under the Police Act.

The tabling of this bill, with such an Orwellian name and presented as an act of reform by the Najib Administration, is not only an assault to civil liberties but also an insult to common sense

and intelligence of Malaysians.

It must be withdrawn unconditionally while the amendment to the Police Act should be passed. If the Executive insists to pass it, a vote of division must be carried out to register the position of individual parliamentarians.

The Bill has five major flaws which makes hollow Article 10(1)(b) of the Federal Constitution which provides that “all citizens have the right to assemble peacefully and without arms”:

1. The Bill introduces “interests, rights and freedoms of other persons” as a ground of stakeholders’ objection to public assembly. This is an ugly game of “divide and rule” to pit the aggrieved minority who want to protest against an unsympathetic majority. [1] The power to weigh such conflicting interests is conveniently left to the police. This means public assemblies

in all populated areas can be easily ruled out on the ground of stakeholders' protest.

2. The Bill not only completely rules out "street protests" but also listed 12 categories of 'prohibited places' where assemblies are banned within a 50-metre radius. They include (1) dams, reservoirs, water catchment areas, (2) water treatment plants, (3) electricity generating stations (4) petrol stations, (5) hospitals, (6) fire stations, (7) airports, (8) train stations, (9) land public transport terminals, (10) ports, canals, docks, wharves, piers, bridges, marinas, (11) all places of worship, (12) kindergartens and schools.

3. The Bill requires a written notice of at least 30 days to be given to the police for any intended public assembly. This is much longer than 7 days needed in UK, 6 hours in Finland and 48 hours recommended by the National Human Rights Commission (SUHAKAM).

4. The Bill imposes age limit on participation of peaceful assembly whereby citizens under 21 cannot organise an assembly, citizens fewer than 15 cannot take part in assembly whereas children can only attend religious and custom assemblies, funerals, and assemblies approved by the Minister.

5. The Bill imposes hefty fine on organisers and participants of public assemblies. Those who fail to disperse according to the police order will be fined RM 20,000. Those who fail to serve notification to the police in time or observe restrictions imposed by the police will be fined RM 10,000.

6. We call upon all Malaysians to rise up to protest against this bill. Malaysians must be ready to stage civil disobedience to expose the abuse and arrogance of power embodied by this bill.

[1] See Tommy Thomas, "Peaceful Assembly Bill 2011 : unconstitutional and undemocratic" at the Malaysian Insider, November 23, 2011. URL: <http://www.themalaysianinsider.com/sideviews/article/peaceful-assembly-bill-2011-unconstitutional-and-anti-democratic-tommy-thomas/>