



**Resolution Adopted at the 77th Annual General Meeting of the Malaysian Bar
(Held on 18 March 2023)**

**Resolution to Condemn the Royal Malaysia Police for Its Actions and Conduct during
the Walk for Judicial Independence on 17 June 2022**

Whereas:

- (1) At the Extraordinary General Meeting of the Malaysian Bar (“EGM”) on 27 May 2022, it was resolved that the Malaysian Bar organise and lead a peaceful protest against interference with the independence of the Judiciary and to uphold public confidence in the Judiciary.¹
- (2) In fulfilling the resolution, the Malaysian Bar organised the Walk for Judicial Independence (“WFJI”), which took place at 10:00 am on 17 June 2022, where approximately 500 participants — consisting of Members of the Bar, pupils in chambers and other individuals — assembled at Padang Merbok in Kuala Lumpur.
- (3) There was a disproportionately large police presence at Padang Merbok during WFJI.
- (4) Following a number of speeches from Members of the Malaysian Bar, the participants of WFJI attempted to walk to Parliament to hand over a memorandum entitled “Upholding and Protecting the Independence of the Judiciary and the Preservation of Public Confidence in the Judiciary” to the representative of the Prime Minister, YB Datuk Wira Mas Ermieyati bt Samsudin.
- (5) However, approximately 300 officers of the Royal Malaysia Police (“RMP”) equipped with full riot control gear unlawfully prevented the participants from walking to Parliament by forming “human chains” and barricading both entrances/exits of the Padang Merbok car park.

¹ “Resolution Adopted at the Extraordinary General Meeting of the Malaysian Bar Held at Wisma MCA, Kuala Lumpur”. *Malaysian Bar Website*, 27 May 2022. Accessed at: <https://www.malaysianbar.org.my/article/news/agms-and-egms/resolutions/resolutions-adopted-at-the-egm-of-the-malaysian-bar-friday-27-may-2022->.

- (6) The participants of WFJI were surrounded by police officers and were effectively prevented from leaving the Padang Merbok car park. All attempts to negotiate with RMP to proceed with the walk to Parliament that day proved unsuccessful.²
- (7) After WFJI, notices under section 111 of the Criminal Procedure Code (“CPC”) were served by RMP on the President of the Malaysian Bar, the Secretary of the Malaysian Bar, the Chief Executive Officer of the Bar Council Secretariat, and a member of the Bar Council.³
- (8) Besides WFJI, it appears that there is a pattern of intimidation toward participants and organisers of public protests despite the protection afforded under the Peaceful Assembly Act 2012. For instance, on 3 July 2022, eight youths were summoned for questioning due to their participation in the “Turun” demonstration, which approximately 100 students attended. “Turun” was organised by a coalition of youth activist groups to protest the spike in the prices of goods.⁴ Another incident occurred on 2 August 2021, when RMP personnel in full riot gear stopped opposition lawmakers from marching to Parliament to demand the resignation of the 8th Prime Minister of Malaysia, Tan Sri Muhyiddin Yassin, after he deferred a parliamentary sitting amidst political turmoil.⁵

Recognising that:

- (9) The actions of RMP at WFJI amounted to wrongful confinement and intimidation, and a violation of the fundamental liberties of the participants of WFJI under Articles 5, 8, 9 and 10 of the Federal Constitution.
- (10) RMP’s actions and conduct during and after WFJI also amount to misfeasance in public office, and a breach of its statutory duty to protect and facilitate the exercise of constitutional rights by citizens under the Peaceful Assembly Act 2012.

Therefore, it is hereby resolved that:

- (A) The Malaysian Bar condemns RMP in the strongest possible terms for its unwarranted and unlawful conduct at WFJI;

² “Press Release | The Walk for Judicial Independence — How the Police Had Failed”, *Malaysian Bar Website*, 24 June 2022. Accessed at: <https://www.malaysianbar.org.my/article/about-us/president-s-corner/presstatements/press-release-the-walk-for-judicial-independence-how-the-police-had-failed->.

³ “Press Release | Update on the Malaysian Bar’s Actions after the Walk for Judicial Independence”, *Malaysian Bar Website*, 15 December 2022. Accessed at: <https://www.malaysianbar.org.my/article/news/pres-statements/press-statements/press-release-update-on-the-malaysian-bar-s-actions-after-the-walk-for-judicial-independence->.

⁴ “Cops haul in eight youths for questioning over Pasar Seni inflation protest”, *The Vibes*, 3 July 2022.

⁵ “Malaysian opposition marches on parliament, demands prime minister resigns”, *CNBC*, 2 August 2021.

- (B) The Malaysian Bar calls upon RMP to uphold the right of freedom of assembly as afforded to every citizen of Malaysia under Article 10(1)(b) of the Federal Constitution, and the Peaceful Assembly Act 2012; and
- (C) The Malaysian Bar calls upon RMP to uphold and protect the fundamental rights and liberties afforded to the citizens of Malaysia under the Federal Constitution or any other written law.