

31 JULY 2021

# **#LAWAN Protest**

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## MONITORING REPORT

BY  
HUMAN RIGHTS ORGANISATIONS WORKING ON FREEDOM OF  
EXPRESSION  
AUG 2021

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*This report is produced by civil society organisations who share a common interest in protecting, promoting, and defending the right to freedom of expression and freedom of assembly and was led by Justice for Sisters, Centre for Independent Journalism, Kryss Network and Amnesty International Malaysia.*

31 July 2021 #LAWAN Protest Monitoring Report



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## Abbreviations

COVID-19	Coronavirus disease 2019
FOA	Freedom of assembly
FOE	Freedom of opinion and expression
IC	Identification card
IGP	Inspector-General of Police
MCO	Movement Control Order
MP	Member of Parliament
SOP	Standard operating procedures
SSR	Sekretariat Solidariti Rakyat
Suhakam	Suruhanjaya Hak Asasi Manusia Malaysia (Malaysian Human Rights Commission)
PAA	Peaceful Assembly Act 2012

## Acknowledgments

This report would like to acknowledge the significant contributions of individuals, including Nalini Elumalai, Cheryl Yesudas, Suri Kempe and Kaiser, who were part of the monitoring team on 31 July 2021. The individuals, in their respective roles, contributed to the monitoring, coordinating responses and drafting of the report.



## Executive Summary

This monitoring report covers incidents related to the #LAWAN protest on 31 July 2021, and covers developments in the period between 17 July and 13 August 2021 based on:

- events leading up to the #LAWAN protest,
- the #LAWAN protest, and
- the events that followed the protest.

The events leading up to the #LAWAN protest are important in assessing the escalation of police actions against the protesters, the intensity of state reprisals and the environment for the exercise of the constitutional rights of freedom of assembly and expression in the context of the COVID-19 pandemic.

In the last 20 years, Malaysia has seen a range of social movements, which have often been met with heavy handed responses by the State. The Coalition for Clean and Fair Elections or Bersih is a prime example. The Bersih organisers and protesters faced multiple forms of human rights violations for calling for fair and free elections and holding the then administration accountable for election irregularities and gerrymandering.

Malaysia's political dynamics have been tumultuous since the 14th General Election. The Sheraton move by a group of Members of Parliament (MP) created political instability and forced a change in administration that did not reflect the peoples' vote. The Mahiaddin administration came into power on 1 March 2020 when Malaysia was still facing the beginning of the COVID-19 pandemic. Despite the emergency and Movement Control Order (MCO) that were imposed, cases of COVID-19 transmissions and deaths rose to new heights. It is in this context that #LAWAN emerged as a campaign and movement, calling for the resignation of the then Prime Minister, among other things.

Between 17 July and 8 August 2021, the police carried out at least 47 investigations or questioning under various laws based on media reports and other sources. The laws in question are:

- Section 9 (5) of the Peaceful Assembly Act 2012,
- Section 21A Prevention and Control of Infectious Diseases Act 1988,
- Regulation 10 of the Prevention and Control of Infectious Diseases (Measures within Infected Local Areas) (National Recovery Plan) Regulations 2021,
- Section 269 of the Penal Code,
- Section 505(b) of the Penal Code,
- Section 233(1) of the Communications and Multimedia Act 1998, and

- Section 4(1) of the Sedition Act 1948

The actions by the police leading up to the protest amounts to an obstruction to freedom of expression and assembly. We view this as a missed opportunity for the police to have played a proactive role in facilitating the protest to mitigate safety risks in relation to COVID-19.

The monitoring team made the following key observations:

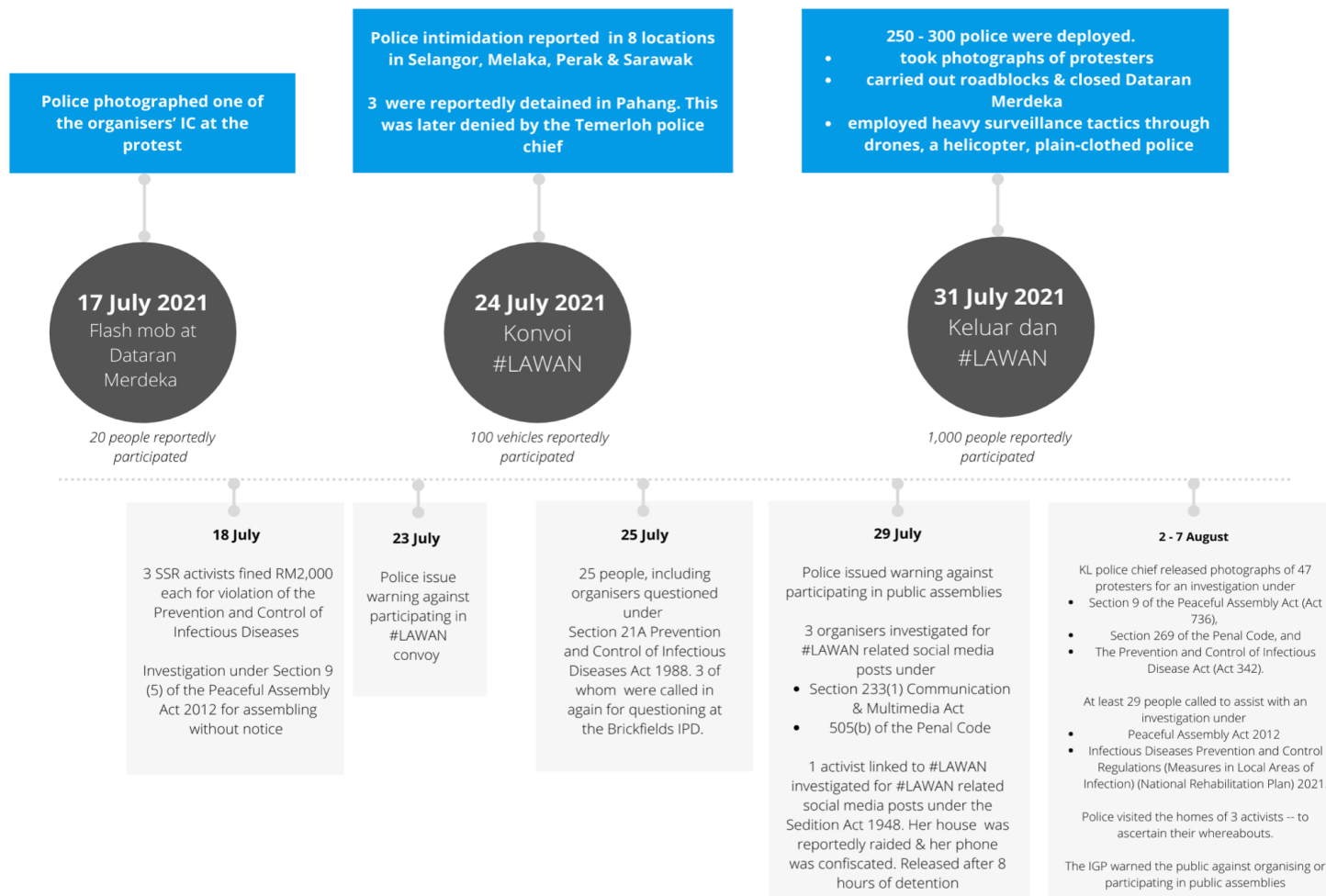
- The pre-protest investigations and arrests violate freedom of expression and freedom of assembly online, and appeared to be acts of intimidation to stop the criticisms on the inefficiency of the then administration in addressing the COVID-19 pandemic.
- At the protest while the police appeared to accommodate the protesters and facilitate their safety in carrying out the protest, the closure of Dataran Merdeka and the observance of heavy surveillance (use of at least one drone and one helicopter at close range) are not in line with international human rights standards in relation to freedom of assembly. Following the protest, the police released photos of 47 people who participated in the protest, and encouraged the media and the members of the public to provide information about them to the police.
- Organisers and protesters were harassed and intimidated by the police in various ways, raising concerns over the well being of the organisers and protesters. Leading up to the #LAWAN protest, at least 28 investigations were made against organisers and protesters. Just two days ahead of the protest, three of the organisers were investigated under the Communications and Multimedia Act 1998 and the Penal Code for #LAWAN related social media posts. Meanwhile, another activist linked to #LAWAN was investigated and arrested under the Sedition Act 1948.
- Some media personnels did not comply with #LAWAN marshals' instructions to observe SOPs for safe distancing. The tendency for media personnel to crowd around to take photos of specific incidents for their use as "news" was quite high.
- Attempts were observed online to demonise the organisers and protesters through disinformation. This included saying that COVID-19 clusters came from the #LAWAN protest when none were reported. The lack of protection against online harassment, doxing, and disinformation were also observed.

The police appear to have increased their heavy handed response against public assemblies and protests following the #LAWAN protest as evidenced by the police repression of the protest by the MPs on 2 August and a candlelight vigil at Dataran Merdeka on 19 August 2021 where 31 people were arrested.

The #LAWAN protest demonstrated many good practices by the organisers and protesters that can be adopted and further developed including:

- Adequate human capacity to manage the protest with excellent team coordination by the organisers;
- High level of self-management and regulation in relation to protest etiquette and COVID-19 measures amongst the protestors;
- SOP compliance to manage COVID-19 risks before, during and after the protest;
- Communication channels by the organisers to ensure credible information was disseminated before, during and after the protest; and
- Coordination and collaboration with Suhakam, Bar Council, and civil society organisations and medical practitioners prior to and during the protest;

Fundamental liberties must be protected at all times, even in the restrictive circumstances of a pandemic. The pandemic, as reiterated by Clément Nyaletsossi Voule, the UN Special Rapporteur on the Rights to Peaceful Assembly and of Assembly, cannot be used as a pretext to quash freedom of expression and assembly, especially criticisms and protests against the government's failures. In line with international human rights standards, the authorities must be held accountable to adhere to a higher standard of protecting fundamental freedoms in times of crisis, not to a lower standard.



*A snapshot of the police response to the #LAWAN related actions*

Table I: A snapshot of the police response to the #LAWAN related actions

Date	#LAWAN-related action	Action by the state		
		Before	During	After
17 July 2021	Flash mob at dataran merdeka attended by reportedly 20 people	n/a	Police photographed one of the organisers' IC	Three SSR activists were fined RM2,000 each for violation of the Prevention and Control of Infectious Diseases  Three were investigated under Section 9 (5) of the PAA for allegedly assembling without notice to the police
24 July 2021	A nationwide convoy participated by 100 vehicles	Police issued warning	Protesters reported police intimidation in 8 locations in Selangor, Melaka, Perak and Sarawak  Three individuals were reportedly detained in Temerloh, Pahang. This was later denied by the Temerloh police chief	25 people, including organisers were questioned under Section 21A Prevention and Control of Infectious Diseases Act 1988. 3 of whom were called in again for questioning at the Brickfields IPD. Three SSR activists were also fined RM2,000.
31 July 2021	Keluar dan #LAWAN protest at Dataran Merdeka attended by 1,000 people	Police issued warning against participating in public assemblies  Investigated three organisers for #LAWAN related social media posts under <ul style="list-style-type: none"> <li>- Section 233(1) of the CMA,</li> <li>- Section 505(b) Penal Code</li> </ul> Investigated one human rights defender linked to #LAWAN under	Police were seen taking photographs of protesters  Police had roadblocks and closed Dataran Merdeka  Police employed heavy surveillance tactics by using drones and a helicopter and plain-clothed police	Kuala Lumpur police chief Datuk Azmi Abu Kasim released photographs of 47 protesters who have been identified through their photo and video footage for an investigation under <ul style="list-style-type: none"> <li>- Section 9 of the Peaceful Assembly Act (Act 736),</li> <li>- Section 269 of the Penal Code, and</li> </ul>

		<p>the Sedition Act 1948 for #LAWAN related social media posts. Her house was reportedly raided and her phone was confiscated. Released after 8 hours</p>		<p>- the Prevention and Control of Infectious Disease Act (Act 342).</p> <p>Police called at least 29 people to assist with an investigation under</p> <ul style="list-style-type: none"> <li>• the Peaceful Assembly Act 2012 and</li> <li>• the Infectious Diseases Prevention and Control Regulations (Measures in Local Areas of Infection) (National Rehabilitation Plan) 2021.</li> </ul> <p>Police visited the homes of three youth activists -- to ascertain their whereabouts.</p> <p>The IGP warned the public against organising or participating in public assemblies</p>
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# 1. Introduction

Ahead of the #LAWAN protest on 31 July 2021, Sekretariat Solidariti Rakyat (SSR), a youth activist group, invited civil society organisations who share a common interest in promoting and protecting freedom of opinion and expression in Malaysia to monitor the protest. As a symbolic move, the protest was initially planned to occupy Dataran Merdeka, a spacious field in the centre of Kuala Lumpur to accommodate hundreds of protesters to better allow for safe distancing.

The protest was a culmination of several actions led by SSR against the management of COVID-19 by the then Mahiaddin-led administration. SSR had initiated the Black Flag campaign to demand change in leadership, followed by a flash mob [at Dataran Merdeka](#) involving a smaller group of SSR members, and a vehicle convoy carrying black flags.

Three demands were put forth by the organisers and echoed consistently throughout all #LAWAN related actions including the #LAWAN protest. The demands are as follows:

1. Resignation of the Prime Minister Mahiaddin Yassin
2. Full-term Parliament Session
3. Automatic Loan Moratorium for all Malaysians

#LAWAN's demands were anchored on the rising numbers of deaths due to Covid-19 which were attributed to the failure of the then Mahiaddin-led administration to manage the pandemic. They also called on his administration to be accountable for its actions in first suspending Parliament and then obstructing a full seating, and in failing to provide timely welfare aid to the people.

Civil society organisations decided to show solidarity with the people and SSR, the organisers of the protest, by agreeing to observe and document the State's response to the protest, the conduct of the organisers and participants of the protest, and to provide analysis on the state of the right to assembly, association and expression.

The following organisations were involved in both onsite as well as online monitoring pre, during and post the protest: the Centre for Independent Journalism (CIJ), KRYSS Network, the Malaysian Centre for Constitutionalism and Human Rights (MCCHR), Amnesty International Malaysia, Justice for Sisters, Freedom Film Network, Sisters In Islam, and Sinar Project.

## ***Monitoring Objectives***

The #LAWAN protest is one of the first public actions of moderately large scale to take place in a pandemic. The protest affirms the exercise of the right of freedom to expression, assembly and association in a restrictive pandemic environment against the backdrop of rising arbitrary application of laws and State intimidation against criticisms on the management of the COVID-19 pandemic in the country.

The observations and recommendations contained herein aims to:

- better understand the critical need to do even more to protect and promote freedom of expression, assembly and association in Malaysia during times of crises such as the COVID-19 pandemic
- contribute to the assessment of the state of freedom of assembly, association and expression in Malaysia.

### ***Monitoring Methodology***

The monitoring team consisted of three sub-teams :

- an onsite monitoring team,
- an online monitoring team, and
- an offsite response team in charge of media communication.

The monitoring team comprised 10 organisations who share a common concern that the rights and freedom of expression of all Malaysians who were present physically at the protest to capture:

- the flow of the protest,
- the role of various stakeholders during the protests,
- the organising aspect of the protest, and how safety and security of participants was maintained,
- the behavioural conduct of state actors and any intimidation mounted by them, as well as
- the compliance with SOPs.

### ***Freedom of Expression, Peaceful Assembly, and Association***

Articles 19 and 20 of the Universal Declaration of Human Rights (UDHR) protect the rights to freedom of opinion and expression, and freedom of assembly and association respectively. It is important to note that the exercise of the freedom of assembly and association is not limited to the physical or offline sphere, but also extends to the online sphere. A 2018 General Assembly [resolution](#) on Promotion and protection of human rights and fundamental freedoms, including the rights to peaceful assembly and freedom of association calls on states to “ensure that the same rights that individuals have offline, including the rights to freedom of expression, of peaceful assembly and of association, are also fully protected online, in accordance with human rights law”.

In 2016 , in a [joint report](#) of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions



on the proper management of assemblies the Special Rapporteurs affirmed that those who take part in assemblies have a number of protected rights. These include the following :

- freedom of peaceful assembly, expression, association and belief;
- participation in the conduct of public affairs;
- bodily integrity, which includes the rights to security, to be free from cruel, inhuman or degrading treatment or punishment, and to life;
- dignity;
- privacy; and
- an effective remedy for all human rights violations.

In the same report, the Special Rapporteurs outlined the role of the State in managing an assembly.

- 1. State shall respect and ensure all rights of persons participating in assemblies.** This includes, among others, the state refraining from restricting the exercise of the rights where it is not expressly allowed under international law; prevent actions by non-State actors that could interfere with their exercise; create, facilitate or provide the necessary conditions for the enjoyment of rights. No assembly should be treated as an unprotected assembly.
- 2. Every person has the inalienable right to take part in peaceful assemblies.** States should not require organisers to obtain prior authorization to hold an assembly, in law or practice. Where a notification system is in place, it must facilitate peaceful assembly, and must not operate as a de facto requirement for prior authorization.
- 3. Any restrictions imposed on peaceful assemblies shall comply with international human rights standards.** Any restrictions imposed must have:
  - a. a legitimate and formal basis in law (the legality principle),
  - b. conform to the principle of proportionality. Blanket bans, including bans on the exercise of the right entirely or on any exercise of the right in specific places or at particular times, are intrinsically disproportionate, because they preclude consideration of the specific circumstances of each proposed assembly
  - c. must be appropriate to achieve its protective function,
  - d. must be narrowly tailored to the specific aims and concerns of the authorities, and
  - e. take into account an analysis of the full range of rights involved in the proposed assembly.
- 4. States shall facilitate the exercise of the right of peaceful assembly.** The State's obligation to facilitate includes the responsibility to provide basic services, including traffic

management, medical assistance, and clean-up services. Organisers should not be held responsible for the provision of such services, nor should they be required to contribute to the cost of their provision.

A primary function of law enforcement, in addition to the obligation to facilitate, is protecting the safety and rights of those who participate in assemblies, as well as monitors and bystanders. Law enforcement agencies should continually work on strategies to build trust with the communities they serve.

- 5. Force shall not be used unless it is strictly unavoidable, and if applied it must be done in accordance with international human rights law.**
- 6. Every person shall enjoy the right to observe, monitor and record assemblies.** States have an obligation to protect the rights of assembly monitors. This includes respecting and facilitating the right to observe and monitor all aspects of an assembly, subject to the narrow permissible restrictions outlined in article 19 (3) of the International Covenant on Civil and Political Rights.
- 7. The collection of personal information in relation to an assembly must not interfere impermissibly with privacy or other rights.** The use of undercover officers to collect intelligence relating to assemblies is problematic. It is highly intrusive and carries a high risk of rights violations and therefore should not be allowed unless reasonable grounds exist to suspect that a serious criminal act is likely to be committed.
- 8. Every person has the right to access information related to assemblies.**
- 9. Business enterprises have a responsibility to respect human rights in the context of assemblies.**
- 10. The State and its organs shall be held accountable for their actions in relation to assemblies.**

In April 2020, the Special Rapporteur on the rights to freedom of peaceful assembly and of association [outlined ten principles to ensure freedom of assembly and association during the pandemic](#). He noted the concerning trend of many countries using the pandemic as a pretext to curb freedoms by passing broad and vague laws restricting public assemblies with disproportionate penalties without public consultations. He added:

“governments have seized on the crisis to suspend constitutional guarantees, to pass sweeping emergency laws and to rule by decree ... in many cases, it appears the measures adopted are geared more at cementing control and cracking down on oppositional figures than at ensuring public health”

**Ten key principles as outlined by the Special Rapporteur on the rights to freedoms of peaceful assembly and of association are as follows below:**

- First: ensuring that new legal measures respect and comply with human rights standards.

- Second: ensuring that the public health emergency is not used as a pretext for rights infringements.
- Third: democracy cannot be indefinitely postponed.
- Fourth: ensuring inclusive participation.
- Fifth: guaranteeing freedom of association and assembly online.
- Sixth: protecting workplace rights to freedom of association and assembly.
- Seventh: freedom of expression must be ensured.
- Eighth: civil society's participation in multilateral institutions must be secured.
- Ninth: international solidarity is needed more than ever.
- Tenth: future implications of COVID-19 and responding to popular calls for reform.

Freedom of expression, peaceful assembly and association are protected under Article 10 of the Federal Constitution but the existing legislative landscape has several wide ranging laws restricting the exercise of freedom of expression, assembly and association. Among others are the Peaceful Assembly Act 2012, Sedition Act 1948, Section 233 of the Communication and Multimedia Act 1998 which are all largely used to stifle dissent and anti-establishment criticisms. Since the outbreak of COVID-19, other legislations have also been used to restrict the exercise of freedom of assembly especially the Prevention and Control of Infectious Diseases (Measures within Infected Local Areas) (Recovery Movement Control) (No. 3) Regulations 2021 and it is often used in combination with the Peaceful Assembly Act 2012 or the Sedition Act 1948.

Provisions of the Peaceful Assembly Act 2012 have been subject to scrutiny for many years, particularly Section 9(1) and 9(5). Section 9(5) was declared unconstitutional by the [Court of Appeal in 2014](#). However, another bench of Court of Appeal judges [declared Section 9\(1\) to be constitutional in 2015](#). International human rights laws on the other hand, crystalised the right to assembly and expression as a right that cannot be interpreted narrowly. Any notification to the authorities for the conduct of an assembly is meant to reflect the state's positive duty to facilitate and assist the assembly to protect public safety, prevent any possible disorder or crime and to reroute traffic if necessary. This position is also echoed by [Suhakam in 2019](#). Civil society organisations have also consistently opposed the criminalisation of the failure to provide a [5 days notice](#) to the authorities before the conduct of an assembly. That is in itself a violation to the freedom of assembly and expression. This is aggravated by the fact that the RM10,000 fine is excessive and disproportionate.

Under the Emergency Proclamation that came into effect on 12 January 2021, the government promulgated six emergency ordinances without parliament oversight or any consultation with the public despite carrying harsh penalties such as the Emergency (Essential Powers) (No. 2) Ordinance 2021, also known as the 'Anti-fake News Ordinance'. It is uncertain whether these emergency ordinances are still in force because the government's revocation of these laws on 26

July 2021 is now widely disputed. Unless revoked earlier, these laws remain in force for six months after the Emergency Proclamation expired on 1 August 2021.

## 2. Incidents Leading to the Protest

Two public actions, also organised by SSR, preceded the #LAWAN protest and they carried the same demands as the 31 July 2021 protest:

- A flash mob at Dataran Merdeka attended by reportedly 20 people on 17 July 2021, and
- A nationwide convoy participated by 100 vehicles on 24 July 2021.

Following each action, the police called in the organisers and participants of the actions for questioning under several laws, in particular:

- The Prevention and Control of Infectious Diseases (Measures within Infected Local Areas) (National Recovery Plan) Regulations 2021
- Section 9 (5) of the Peaceful Assembly Act 2012

The police carried out at least 25 investigations in Kuala Lumpur, Selangor, Melaka, and Kedah in relation to the flash mob and vehicle convoy between 18 and 28 July 2021. Of which, at least, 3 SSR organisers were fined RM2,000 each for violating the Prevention and Control of Infectious Diseases Act 1988.

From 29 July 2021 onwards, the police focused on pre-#LAWAN protest investigations. The police carried out investigations and arrests of #LAWAN organisers as well as activists linked to #LAWAN for social media postings related to the protest and the government's handling of the pandemic, among others. The police investigated at least three SSR members under:

- Section 505(b) of the Penal Code for allegedly making statements conducive to public mischief, and
- Section 233(1) of the Communications and Multimedia Act 1998 for allegedly sharing offensive content online.

The police also investigated and arrested Sarah Irdina of MISI: Solidariti under Section 4(1) of the Sedition Act 1948. The police confiscated her phone and had reportedly obtained a search warrant to raid her home. Contrary to media reports, the monitoring team learned that the police raided her home without a warrant and in the absence of her lawyer.

These arbitrary investigations and arrests of human rights defenders are consistent with the trend and history of the police suppressing voices of dissent against the government. The preemptive investigations and arrests raises serious concerns as to the validity of the police's narrative and claims that they are purely prohibiting the protest and #LAWAN actions on the grounds of the pandemic or for public health reasons.

The police, who were generally aware of the actions by #LAWAN, issued warnings to the public against participating in the actions under the pretext that public assemblies are disallowed under

the MCO. These warnings were issued in writing prior to each action, except for the flash mob event.

Aside from police intimidation and harassment prior to the protest, *Malaysiakini* reported that the police took photographs of one of the organisers' IC at the flash mob event.

### 3. Observations During Protest

The #LAWAN protest began at 10.30am and ended peacefully at 12.30pm. However, there were several negotiations with the police that disrupted the protest. Around 1,000 people of diverse ethnicities, gender identities and expressions and age participated in the protest. The monitoring team observed a majority of them to be within the age group of 18 to 35 years old.



*Photos I: #LAWAN protesters grouping at the gathering point*

At about 10.30am, protesters were seen grouping on the pavement in front of the Masjid Jamek LRT station near the entrance of Masjid Jamek Sultan Abdul Samad which served as the gathering point of the #LAWAN protesters. As soon as protesters started grouping, organisers could be seen to be among the crowd, managing protesters to comply with COVID-19 SOPs, handing out sanitisers and conducting crowd management.

After failed attempts to negotiate entry into Dataran Merdeka by organisers, protesters continued to gather all along Jalan Tun Perak for about 30 minutes as the team observed a growing crowd getting into formation for a protest march, four by four.



*Photos II: Protesters sitting in rows with adequate distance from each other*

The marshals were seen instructing the protesters to sit on the street when the front of the march reached past the intersection of Jalan Parlimen, Jalan Tuanku Abdul Rahman and Jalan Tun Perak.





*Photos III: Protesters occupying Jalan Tun Perak-Jalan Raja intersection after the police denied them access to Dataran Merdeka*

By 12.20pm the police instructed the organisers to disperse. The organisers then informed the participants of the protest to disperse. Protesters dispersed quickly without untoward incidents and the area was cleared by 1.00pm.

This report will include observations of actions by various parties, including actions by

- State apparatus,
- Media,
- Organisers,
- Protesters, and
- Other observers such as Suhakam and the Malaysian Bar Council.

### **3.1. Action by State**

It is estimated that at least 250 to 300 police personnel were present during the protest from 10.40am to 12.30pm and moved freely among the crowd without causing major disruption.

The observers noted the presence of the following units and personnel:

- Plain clothes police officers, some presumably from the Special Branch unit. The plain clothes police officers were generally identifiable in the crowd, as they were not in black clothes and in small groups among themselves. Some of these plain-clothed officers wore a neon-green vest labelled “PDRM”. They could be spotted taking photos of protesters. The lack of identifiable details (name tags, police vest) and anonymity of the plain-clothed police officers made it challenging for the protesters and organisers to identify them even when they were taking close-up photographs of protesters. In a press conference on 2 August 2021, the Kuala Lumpur police chief Datuk Azmi Abu Kasim released photos of 47 people involved in the #LAWAN rally based on photo and video footage of the protest.



- Police officers in uniform. Some of them were seen carrying MP5 rifles
- Traffic police
- About 12 - 15 civil defence officers were also deployed by the State. These officers, however, stayed on the side on the pavements closer to Dataran Merdeka throughout the protest.

Several vehicles were seen in the protest area, including a Bomba (fire engine) truck, an arrest truck (Black Maria) at Dataran Merdeka, and several police patrol cars.



*Photos IV: Plain-clothed police officers, civil defence personnel and armed police officers at the protest*

In general, the behaviour of police units on the ground was calm. However, a number of uniformed police officers were observed to be carrying firearms, including taser guns, handguns, and MP5 rifles. The monitoring team spotted at least 3 police officers with MP5 rifles. Some of them were seen in front of the Masjid Jamek LRT station and were later spotted before the barricade, at the crossroads of Jalan Raja standing in front of a police patrol car. Photo xx shows a police officer with a MP5 rifle standing behind the last line of protesters, a marshal and others behind him. The presence of police with firearms in the crowd and in close proximity to the protesters and others raise concerns over unwarranted risks and the repressive environment it creates.

Under the [Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#) among others, firearms can only be used for specific circumstances, for example, against imminent threats or to protect lives. Equipment and weapons that cannot achieve a legitimate law enforcement objective or which present unwarranted risks, particularly in the circumstances of an assembly, should not be authorised for use.

*Photos V: Police officers carrying firearms often in close proximity with protesters and others*

The deployment of firearms for the #LAWAN protests are excessive and unnecessary. It calls into question the police practices and SOP in handling public assemblies in accordance with international human rights standards.

### **Roadblocks and closure of Dataran Merdeka**

The police began blocking roads at around 9am on the morning of the protest. Several roads leading to Dataran Merdeka such as Jalan Tun Perak, the turn off to Jalan Tun Perak, Jalan Kuching, Jalan Parlimen, and the road in front of Sogo Shopping Complex were barricaded. This made it difficult for anyone to access the gathering spot and who chose to drive to Dataran Merdeka that morning, including taking an e-hailing service to get to Dataran Merdeka, the venue of the protest.



*Photos VI: Police barricade at Jalan Raja blocking access to Dataran Merdeka*

The police also barricaded Jalan Raja, the road leading to Dataran Merdeka from Jalan Tun Perak effectively preventing protesters from being able to access Dataran Merdeka. Jalan Raja was blocked with steel barricades and 3 police patrol cars were parked after the barricades. This frustrated the organiser's initial plan to enter Dataran Merdeka. This is observed as a violation of the peoples' right to freedom of expression and assembly as Dataran Merdeka is a public space. It is also a clear violation of the obligation of the state to facilitate public assemblies by obstructing the observance COVID-19 risk management measures or SOPs. Dataran Merdeka is obviously a larger square with the capacity to accommodate over 20,000 people. The merdeka [celebration in 2017 drew](#) a crowd of 18,000 people.

This attempt to disrupt the protest was also significant as the one road within the vicinity, Jalan Tun Perak, where the protesters were on, was left open until 11:30am. This meant that there were vehicles commuting through Jalan Tun Perak and thus, placed the protesters at risk due to the continuous flow of traffic. This often meant that protesters who were trying to maintain social distance at 4 pax per row, were forced to get closer to each other when they were told to move to the side and make way for these vehicles and motorcycles.



### Instruction to disperse

As the protest progressed from 10.40am to 11.00am, police presence increased rapidly. The police's immediate reaction was to order the crowd to disperse. At the beginning of the protest, at 10.40am, a group of police officers quickly arrived where the protesters had started gathering in front of the Masjid Jamek LRT Station along Jalan Tun Perak heading towards Dataran Merdeka and yelled at them to disperse or "bersurai".

Police personnel present at the said time also disallowed protesters from occupying the road and ordered protestors to gather only on the pavement despite an express request by organisers to allow protesters to occupy the road.



*Photos VII: #LAWAN protesters maintaining safe distance while occupying the Jalan Tun Perak-Jalan Parlimen intersection after being denied access to Dataran Merdeka*

As the crowd grew, the SSR team made a decision to occupy Jalan Tun Perak (two lanes heading towards Dataran Merdeka) in order to be able to comply with safe distancing requirements. Once the police saw the growing crowd, they allowed the protesters to occupy one lane of Jalan Tun Perak and both lanes when they were about halfway through the protest march.

### Obstruction of protest

The police appeared to lack cooperation with the organisers in assisting them in facilitating the protest. This was apparent in several instances:

- The police instructed the protestors to inch closer to the pavement in order to not block the flowing traffic along Jalan Tun Perak at the expense of the protestors being unable to maintain social distance. The protestors occupied the road to maintain social distance.

- Two police patrol cars were parked along Jalan Tun Perak outside the LRT station, in the middle of the protest formation, among protesters for an hour and they later drove the car through the formation of protesters in the middle of the protest, putting protesters' safety at risk. The police only cordoned off Jalan Tun Perak at 11:30am, an hour before they instructed the dispersal of the protest.



*Photo VIII: Police patrol cars moved through the crowd while protesters occupied one side of Jalan Tun Perak*

The police also provided organisers with conflicting information and directions. The monitoring team was made to understand that the police had initially allowed protesters to move from Jalan Tun Perak towards Dataran Merdeka to conduct the protest there. But this access was reversed in a matter of a few minutes and a conflicting direction was issued that Dataran Merdeka continued to be off-limits. This created confusion and caused frustration among protesters, affecting their movement, coordination and morale.

### **Intimidation and surveillance of protesters**

Besides the initial order to disperse, the police had not used force nor initiated any heavy handed action to disperse the crowd of protesters or disrupt the protest. They had however adopted various actions, including extensive surveillance, which cumulatively created a chilling effect on the protest.

Police personnel were also taking pictures and videos of protesters using their personal devices. Although most officers were doing so from a distance, several police officers were taking pictures of protesters standing right in front of them.





*Photo IX: Uninformed and plain-clothed police officers taking photos of protesters using their mobile phones*

The monitoring team observed instances in which male police officers took close-up pictures or videos of female protesters. It was also observed that the police continued to take photos of the protesters and observers, even after the protest ended and they were walking towards LRT stations.



*Photos X: A police helicopter hovering low above the #LAWAN protest site*

The monitoring team observed a few drones and a helicopter at the protest. It is believed that both these surveillance tools and vehicles belonged to the police. The monitoring team observed that the helicopter was flying at a very low altitude and made multiple rounds throughout the protest. This was in fact quite disturbing as the noise from the helicopter disrupted orders from organisers and marshalls from being heard by protesters. It made coordination and organising efforts for the organisers slightly more difficult.



*Photos XI: Drone sighted during the #LAWAN protest*

### **3.2. Action by Organisers**

Organisers of #LAWAN protest consisted of about 24 people. At the protest, the organisers played the following roles or had made arrangements to enable the following roles to be present at the protest :

- Negotiators to negotiate with authorities
- Marshalls. At least 32 people were appointed to be marshals during the protest. All marshals were easily identifiable in their white and red construction hats and white gloves.
- Crowd Control where a few organisers were equipped with hailers and communicating instructions for crowd control
- Communicated with relevant stakeholders to act as monitors and observers including civil society organisations, Suhakam and Bar Council.
- Photojournalist to also act as documenters

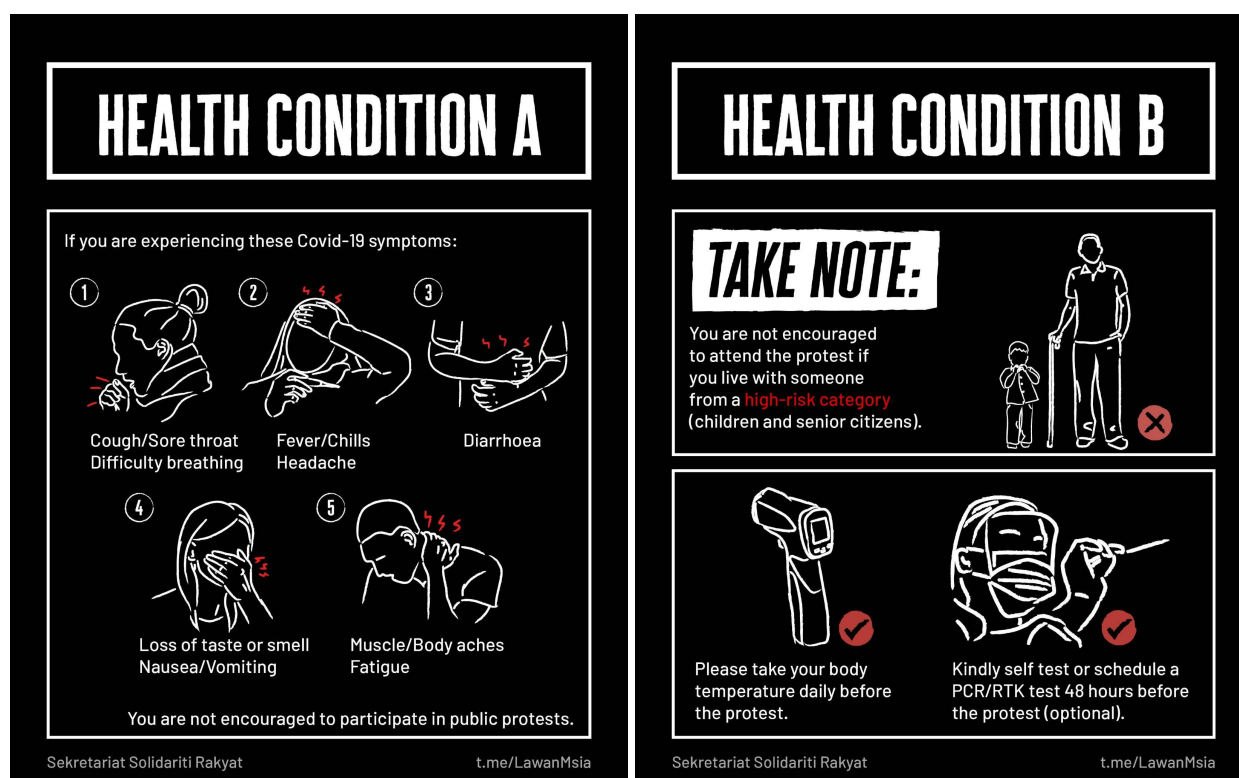




*Photos XII: Organisers demonstrated good management of the protest*

Prior to the protest, the organisers had released a series of commensurating precautionary measures to mitigate various risks to the protesters, namely risks of arbitrary arrest and detention as well as contracting COVID-19. Commendable actions on the organiser's part include

- Telegram group to channel credible information to protesters.
- Advice in preparation for possible intimidation and arrests of protesters.
- SSR had reached out to the Bar Council, Suhakam and civil society organisations to be present as neutral parties during the protest to monitor and intervene should there be heavy handed police action against the protesters and organisers. These steps are commendable steps by organisers to ensure the protesters are protected by minimising their risks to various human rights violations.



Illustrations I: A sample of health and safety infographics released before the protest © Sekretariat Solidariti Rakyat

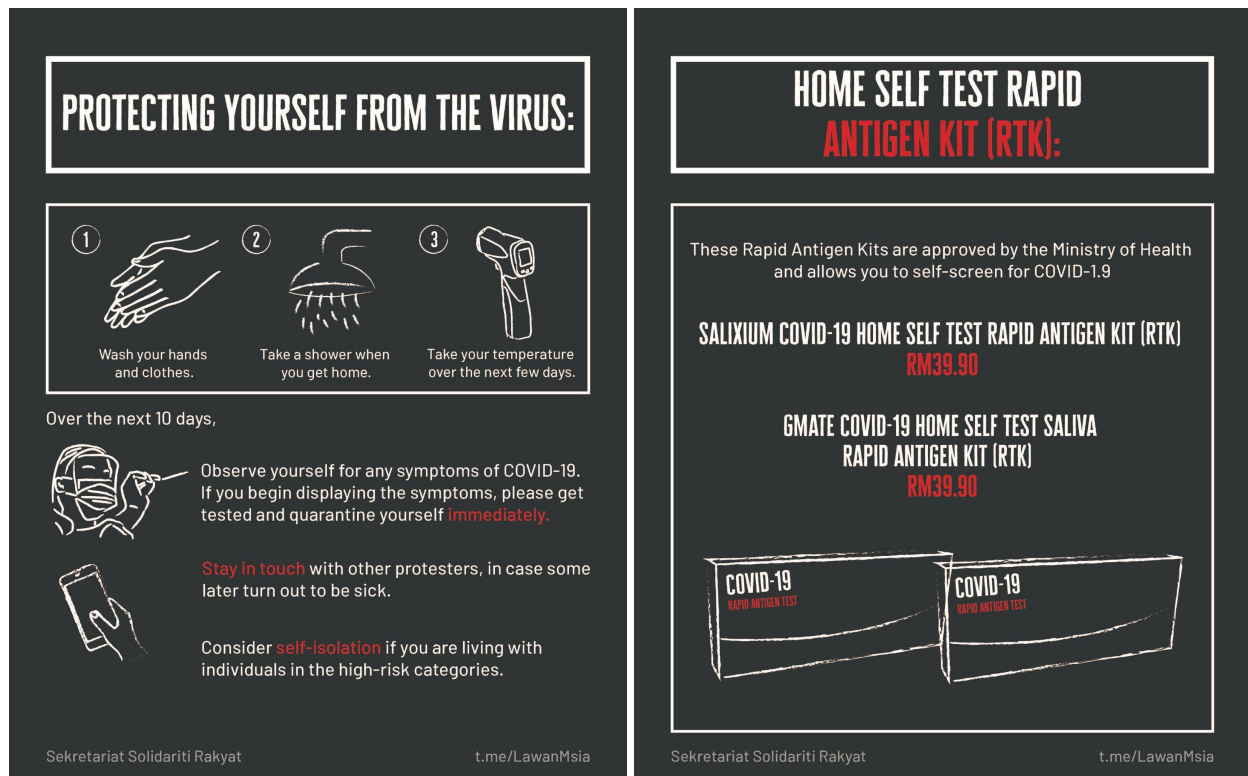
- In response to the public health risks, the organisers had made it an integral part of management of the protests that protesters need to have at least taken one shot of any COVID-19 vaccine before participating in #LAWAN. Communication in the form of e-posters and infographics were curated with great care to educate the public about precautionary measures before participating in #LAWAN. Among the information shared by SSR include:
  - taking an RTK or a PCR test or conduct a self-test and only attend the protest if they tested negative.
  - Advised and cautioned protesters who are living with high risks and vulnerable individuals like senior citizens and children to not attend the protest.
  - They had also requested and educated protesters through communication in the telegram group to self-quarantine after the protest and undertake a self-test for COVID-19 in five days after the protest.

The organisers had also taken multiple steps to ensure compliance with COVID-19 SOP during the protest. This included:

- distribution of water, hand sanitisers, emergency contact numbers to protesters consistently. Volunteers with boxes of hand sanitisers could be spotted generously among the crowd.
- The organisers had a medical team and an ambulance on standby during the protest in case of a medical emergency.



- SSR had their own photographers to document the protest.

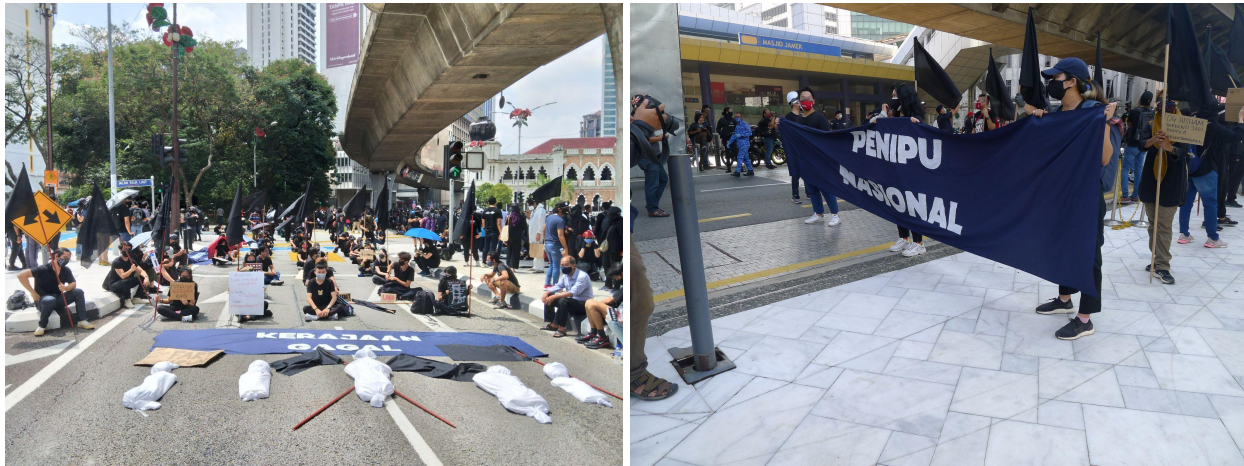


*Illustrations II: A sample of health and safety infographics after the protest © Sekretariat Solidariti Rakyat*

On 13 August 2021, the Director-General of Health had also clarified in a [press conference that](#) as of 13 August no COVID-19 cluster had been reported due to the protest. The collective actions of SSR had enabled young Malaysians to exercise their democratic right to expression and assembly in a pandemic with adequate precautionary and safety measures put in place.

### 3.3. Action by Protesters

In general, protesters complied with SOPs and directions from organisers. Protesters clad in mostly black were masked, some wore face shields. Protesters had placards and held sticks bearing a black flag signifying the #BenderaHitam or #BlackFlag campaign, the symbol of the #LAWAN movement.



*Photos XIII: #LAWAN protesters organised themselves in orderly fashion and fully complying with COVID-19 SOPs*

The protesters were organised into a neat formation maintaining a one-metre distance throughout the protest.

The protesters demonstrated a high level of self regulation and did not require much managing. For example, protesters ensured litter was picked up and the roads were clean on both sides of Jalan Tun Perak. This is a good practice that should be maintained by protesters.

The protesters, while exercising their autonomy unapologetically, remained unprotected and vulnerable to media sensationalism, scrutiny by right wing and conservative groups, various human rights violations, including intimidation and surveillance during and after the protest as well as legal actions post protest. The compulsory mask-wearing rule in public spaces accords a level of protection to the protesters where their faces are anonymised from the public and police.

There were several reactions by the protesters that received media and social media attention;

- A few protesters who showed their middle finger to a passing police patrol car caught the media's attention at the protest. The observers noted that the media attention encouraged these particular protesters. The 3-to-4-minute incident was recorded and circulated widely by the media and on social media. The protesters were perceived and labelled as 'provocateurs' who were paid by the state government or dissenters of the protest to infiltrate and to create chaos. Their behaviour was deemed as 'rowdy'. On social media, the middle finger incident was used by those critical of the protest, which likely included actors who are supporters of the then administration and possibly paid cybertroopers to demonise the protesters by calling them *derhaka* – Malay for treasonous, which was used against the Mahiaddin-led administration for its policy-making failures and for using the emergency to subvert the legislature. As a result of the negative reactions online, one of the protesters who showed his middle finger issued an apology and explanation of their actions.
- A group of protesters who smashed their skateboards on the road at the end of the protest next to the parked patrol car at the intersection of Jalan Tuanku Abdul Rahman, Jalan Tun Perak, Jalan Parlimen and Jalan Raja, and who immediately ran off.

These incidents reveal some level of policing of protesters. Their behaviour was closely watched and any perceived transgression of compliant/calm behaviour of a peaceful assembly was deemed deviant and deliberately disruptive to cause the organisers to look bad or to create trouble. The policing is also closely linked to the environment of repression of public assemblies and expression. The overall environment of surveillance and repression contributes to hypervigilance and policing of protesters by organisers, fellow protesters and bystanders offline and online. In this context, any behaviour that is deemed as transgressing 'good' protest behaviour is reprimanded even if the actions create no harm, or are not a big deal.

Some key human rights violations that the protesters faced include:

- Both plain clothes and uniformed police officers were seen taking photos of protesters. However, the protesters were also not seen refusing to allow the police to take their photos, despite the intrusive nature of the act. This suggests an unequal power relationship between the protesters and the police, to the extent that the protesters are unable to speak up against the police, including plain clothes officers taking their photos.
- Increased risk for online harassment and violation of privacy i.e photos taken and disseminated without their consent, targets of mis- and dis-information campaign, hate speech, and doxing.

### **3.4. Action by Media**

In general, the monitoring team observed that media practitioners more readily and often flouted COVID-19 SOPs by not practising safe distancing. The monitoring team observed several instances where media personnel rushed and formed a crowd close to each other or gathered closely around protesters to take photos or videos with minimum consideration to safe distancing. This includes

- the assembling of mock bodies as a form of protest gimmick when the protesters first started gathering at 10.30am,
- arrival of Tian Chua (a politician who arrived at the gathering spot at Masjid Jamek LRT)
- when the middle finger incident took place,
- when journalists were taking photos of placards and banners,
- when journalist were taking footages and photos of several youths hitting their skateboards on the roads
- when journalists were interviewing organisers and activists.



*Photos XIV: Media personnel not observing safe distancing during the protest*

Albeit, the difficulty present in maintaining safe distancing in the performance of one's duty as media, the monitoring team believed that more coordination among media organisations is essential, including for the protection of the media themselves.

### **3.5. Action by Others**

The Human Rights Commission of Malaysia (Suhakam) was present during the protest. Its team of observers was led by Commissioner Jerald Joseph together with Commissioners Dato' Mah Weng Kwai and Dr Nik Salida Suhaila. The Suhakam team could be identified by their official vests. Suhakam Commissioners were seen to be speaking to the police several times as well as with the organisers in discussion with the police.

The Malaysian Bar Council also sent a group of 30 lawyers led by council member Andrew Khoo to monitor the protest. They were easily identifiable in black and white formal attire.

Both Suhakam observers and the Malaysian Bar Council monitoring team were seen moving around among the protesters closely monitoring the protest with ease while communicating with organisers, police, protesters and members of civil society organisations.





*Photos XV: Suhakam observers and Malaysian Bar Council monitoring team at the protest*

On 1 August 2021, Suhakam released a statement of their observation concluding that the protest was [a peaceful protest](#). In the statement, Suhakam had among others [proposed](#) for authorities to focus on developing and consolidating procedures that would assist facilitation and organisation of public assemblies while minimising the risk of COVID-19 infection.

Suhakam also called for the [police to stop](#) investigating participants or organisers of the protest for exercising their fundamental rights to assemble.

Besides organised entities documenting the protest, it was also noted that several other individuals were also documenting the protests.

## 4. General Observations Online

### 4.1. During the protest

Through our observation, there were considerable amount of positive narratives and support for the protest flooding the #LAWAN hashtag. Many also shared similar frustration and disappointment towards the government. #LAWAN was trending on Malaysia's Twitter on the day of the protest and was recorded to have received more than 200,000 mentions on Twitter and is now continued to be used as a symbol of resistance and civil disobedience.

Based on our observations, some of the more harmful comments and mis- and disinformation came from the comment sections of media outlets, including live-streaming of the protest on YouTube or their social media platforms. Negative and hateful comments also tend to cluster under prominent social media posts on Facebook and Twitter i.e. conservative Facebook groups or Twitter accounts.

Overview of the attack narratives:

- Harm to public health and spread of COVID-19 or creation of new cluster, adding burden to the already overwhelmed healthcare system and frontliners.
- Show of disappointment at young people who are corrupted by politicians and were wasting their time rioting on the streets.
- Show of sympathy towards the government and belief that our COVID-19 predicament is inevitable and is part of the global trend. A change of government will not improve the situation.
- The #LAWAN protest is a communist agenda to topple the government.
- The #LAWAN protest is an agenda by the political party, Democratic Action Party (DAP), to threaten the Malay Muslim status in Malaysia.

### 4.2. Post-protest Intimidation

About 10 days after the protest, a Facebook post alleging that a participant of #LAWAN protest was not only infected with COVID-19 but had infected the whole family, was widely shared on different social media platforms. The misspelling of "KELUAR" as "KELAUR" on the placard raised reasonable suspicion on the validity of the post. The original photo, which was also shared online, does not have the spelling error. Therefore, we have good reason to believe that the photo has been distorted with the malicious intention to humiliate participants of the protest.



Photos XVI: Original photo of with “KELUAR” sign (blurring added to mask identities of protesters) © [Astro Awani](#)

On 13 August, the health director-general Dr Noor Hisham Abdullah responded to the [allegation and officially confirmed that there had been no COVID-19 clusters](#) or cases from the #LAWAN protest.

## 5. Incidents after #LAWAN Protest

Following the protest, the police carried out several actions that amount to violation of FOA, privacy and fundamental rights :

- The Kuala Lumpur police chief [Datuk Azmi Abu Kasim in a press conference released photos of 47 people](#) who allegedly attended the #LAWAN protest based on the photos and video footage of the protest. He called members of the media and public to assist the police in identifying the 47 people and all others present. He in fact, asked media personnels who were present during the protest to head to the police station to share the pictures taken during the protest with the police;
- Opened investigations on the protest and protesters for violating
  - Section 21A of the Prevention and Control of Infectious Diseases Act 1988,
  - Section 269 of the Penal Code and
  - Section 9 (5) of the Peaceful Assembly Act 2012

Between 2 and 8 August 2021, the police called at least 28 people, including the organisers, prominent public figures or human rights defenders, and the observers of the protest for an investigation;

- Police visited the [homes](#) of several activists linked to #LAWAN in Kuala Lumpur and other states in Malaysia. This was reportedly to verify their personal details, home address and whereabouts;
- The IGP [issued warnings](#) against organizing and participating in public assemblies as he claimed that they are illegal and contradict existing SOPs.

The police have shown a marked shift in their response to public protests and protesters following the #LAWAN protest on 31 July 2021. The two actions that followed the #LAWAN protest saw heavy handed measures by the police resulting in a climate of crackdown and infringement. The events include :

- A [protest by opposition MPs](#) at Dataran Merdeka on 2 August 2021 due to the closure of Parliament. The MPs were later called for an investigation under
  - Section 21A of the Prevention and Control of Infectious Diseases Act 1988,
  - Section 269 of the Penal Code and
  - Section 9 (5) of the Peaceful Assembly Act 2012
- A candlelight vigil at Dataran Merdeka [organised](#) by SSR to mourn those who passed away due to COVID-19 attended by less than 50 people. 31 people who attended the vigil



were arrested, their identity cards taken and then transported in two police trucks, detained and compounded for flouting the COVID-19 SOP. At least one person was carried and dragged by the police officers, leaving bruises on her body. The police refused to answer the question if the participants were being arrested, refused to allow lawyers access to those arrested and started investigating vigil participants and taking down 112 statements in relation to investigation under the Peaceful Assembly Act 2012.

Two vigil participants Nalina Nair and Sujatra Jayaraj were charged in court under Section 90 of the Police Act 1957 for unruly behaviour in the police station. Nalina and Sujatra claimed that they were consistently asking the police if they were under arrest and refused to hand the police their mobile phones as the police refuse to acknowledge that they are under arrest. This was then followed by the police's act to handcuff the two vigil participants.



*Photos XVII: Police interfering with a candlelight vigil remembering the lives lost to COVID-19 and forcibly removing vigil participants from the public square © [Hasnoor Hussain/The Malaysian Insight](#)*

## 6. Recommendations

### 6.1. Recommendations to the state

The Perikatan Nasional government's weaponising of repressive legislations, policies, and practises, as well as its continuous targeting of all kinds of opposition, including the events pre, during and post the #LAWAN protest are profoundly concerning. The administration's continued use of the emergency and of COVID-19 to justify its suppression of opposition and clamping down on dissent is seen as insidious and must be stopped as it is lethal for democracy, freedom of expression and the development of civic space. All measures to address the COVID-19 pandemic must be applied as necessary and proportionate for the protection of public health and be in full compliance with international human rights laws.

The State, specifically the Prime Minister, the Royal Malaysia Police, Attorney General Chambers of Malaysia, the and the judiciary, **must**:

1. Drop all harassment, investigations and charges against the organisers, protesters, Bar Council observers, Suhakam Commissioners and others with immediate effect. The police force is supposed to remain independent in carrying out its service to the people and its actions, responses and activities must be guided by international human rights standards to avoid detrimental effects to the people's fundamental rights and liberties;
2. Cease all heavy-handed tactics and abuse of the legal system to harass, silence and obstruct individuals exercising their right to freedom of expression and assembly. Unnecessary arrests and detention of government critics will burden an overstretched healthcare system with increased COVID-19 cases in police stations and lock-ups. Further, these actions will have long-term detrimental impacts on democratic progress and civic space. In this regard, the State must uphold their international human rights commitments, including by ratifying the International Covenant on Civil and Political Rights (ICCPR);
3. Recognise their positive duty and engage constructively with the protest organisers, medical team, media, independent observers and others prior to and post a protest to facilitate and ensure a safe and enabling environment for the exercise of freedom of assembly and expression;
4. Recognise their role, especially as public authorities, in curbing the transmission of COVID-19. Nonetheless, the COVID-19 crisis cannot be used to justify the suppression of the rights to freedom of assembly and expression and in using heavy-handed measures in restricting and dispersing peaceful assemblies. In this regard, the State, in compliance with international standards, is to develop policies and SOPs to protect, promote and realise the right to peaceful assembly, including but not limited to;

- a. Providing those participating in public assemblies access to and use of public space of their own choice, and to facilitate assemblies that are safe, while observing social-distancing rules, as endorsed by the WHO;
- b. Removing all obstructions to freedom of movements, including ensuring no roadblocks or suspension of public transportation. Crowd-control strategies that temporarily deprive individuals of their freedom of movement should be used exceptionally, where other means of achieving the same aim have been exhausted, and only for as long as is absolutely necessary;
- c. Facilitating protests by taking reasonable and appropriate measures to enable protests to take place without participants fearing physical violence or violations of their human rights, while minimising disruption and the risk to the safety of those affected by a particular protest;
- d. Adopting clear, transparent and operationally focused rules on the policing of protests, in compliance with the UN Code of Conduct for Law Enforcement Officials. Law enforcement agencies, must:
  - Assign officers who are experienced in managing protest events and are fully aware that their primary duty is to facilitate protests;
  - Receive adequate training and other resources so as to be restrained and proportionate in policing protests;
  - Establish clear law enforcement command structures and well-defined operational responsibilities, as well as points of contact within the law enforcement agency before, during and after protests. This is crucial in ensuring there are no conflicting commands or directives being issued to the protestors on the ground;
  - Wear regular gear and uniforms. Carrying firearms or donning “riot” or special enforcement gear should be exceptional measures, used only where strictly necessary in light of a full risk assessment and considering the potential for such equipment to be counter-productive to the de-escalation of tensions;
  - Clearly display numerals or other individualised identification at all times and refrain from preventing individuals from reading them during protests. Plain-clothes officers should be required to identify themselves before taking any police action, including in taking photos or videos of those participating in peaceful assemblies.
- e. Prohibiting the use of surveillance technique which is indiscriminate and untargeted surveillance of protesters and the organisers of protests, both in physical spaces and through the digital sphere. Photographing or videoing

assemblies for the purpose of surveillance and gathering intelligence can discourage individuals from exercising their freedom of assembly and expression, and therefore law enforcement can only subject individual protesters and organisers to targeted surveillance where there is a reasonable suspicion and a high degree of probability that a serious crime or specific threat to a legitimate aim has been or will be carried out. Surveillance materials, including photography and video recording of protesters and related data processing and retention must never breach the right to privacy of the individuals. Identifying data about organisers or protesters gained through surveillance should not be shared or made public, unless it is essential for an investigation of grave or serious crimes.

5. Guarantee that in the event of violations committed by law enforcement agencies, there should be immediate means of accessing redress and protection, including access to independent investigation or inquiry, and legal aid, for all individuals affected by said actions by the law enforcement agencies. In this regard, the State must proceed, without further delays, with the establishment of an Independent Police Complaints and Misconduct Commission (IPCMC).
6. Ensure that no individuals documenting police actions and human rights violations during protests are specifically targeted because of covering and reporting on protests.
7. Initiate a program of legislative reform to bring its legal framework in line with Malaysia's international human rights obligations, including by repealing the Sedition Act 1948 and substantively amending the Communications and Multimedia Act 1998, the Peaceful Assembly Act and problematic defamation and national security-related provisions under the Penal Code. There should be a moratorium on the use of these laws while undergoing reform initiatives.

## **6.2. Recommendations to Suhakam**

1. Engage with the State in developing a policy to facilitate public assembly and facilitate consultation with civil society groups.
2. Conduct a comprehensive assessment of the surveillance practices and tools employed by the police and other state agencies for public assemblies and its compatibility with human rights standards.
3. Conduct an inquiry on the police actions in relation to the #LAWAN protest.

## **6.3. Recommendations to Organisers**

1. The monitoring team notes that the organisers had adopted several good practices and developed good protocols to organise a protest during a pandemic. The team

recommends that these should be documented for the benefit of other organisers and the state .

#### **6.4. Recommendations to Media**

The media's "watch-dog" role is especially important during a protest, as their role is to provide key information on the authorities' handling of the protest, as a matter of legitimate public interest. Their presence also ensures that the authorities can be held accountable for their actions toward protesters, observers and the general public when it comes to policing large gatherings, including the methods used to control or disperse protesters or maintain public order during COVID-19.

The media must:

1. Develop SOP on covering protests during COVID-19 to ensure safe distancing and other COVID-19 risk mitigation measures. It is critical that media maintain at least 1 metre social distance from others at all times and in this regard should invest in better equipment and use long lenses whenever possible so as not to crowd the protesters or the authorities as that would also place them and the media at higher risks.
2. Clearly identify as media by carrying the media ID and wearing the press credentials prominently, especially when interviewing persons of interests and to maintain their objectivity.
3. Provide the most accurate, balanced and responsible reporting of the protest within the professional and ethical boundaries. Media must avoid usage of terminologies which may distract the audiences' attention from the protest message or label protestors negatively. Media must also refrain from propagating toxic narratives and in publishing identifying details of individuals who participate in public assemblies to prevent harassment and violence against identified protesters.

See [Annex 3: Guidelines for Media to Safely Cover Protests During COVID-19](#).

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# Annex 1: Chronology of Events

## Chronology of events post #LAWAN protest

### 17 July 2021

About 20 people participated in a flash mob organised by SSR at [Dataran Merdeka](#) to highlight the government's failure to curb the COVID-19 pandemic. The flash mob called for:

- the prime minister's resignation,
- for a full Parliament session to be held that was not just a 5 days "government ceramah" (lecture), and
- for automatic (loan) moratoriums to be extended to everyone.

Malaysiakini reported that the police made no arrest during the flash mob. However, the [police took photographs of one of the organiser's IC](#).

Dang Wang district police chief ACP Mohamad Zainal Abdullah announced that three individuals who participated in the flash mob will be questioned and fined for allegedly violating Regulation 10 of the Regulations and Control of Infectious Diseases (Measures in Local Areas of Infection) (National Recovery Plan) 2021, which prohibits assemblies.

[Investigations were also carried out](#) under Section 9(5) of the Peaceful Assembly Act 2012 for allegedly assembling without notice to the police.

### 18 July 2021

[Three SSR activists, Mohammad Abdullah Alshatri, Mohd Asraf Sharafi, Mohd Azhar and Muhammad Nur Taufiq Azhar, were questioned at the Dang Wangi](#) district police headquarters over the flash mob.

After three hours of questioning, they were fined RM2,000 each for allegedly breaching Regulation 10 of the Prevention and Control of Infectious Diseases (Measures within Infected Local Areas) (National Recovery Plan) 2021.

### 22 July 2021

SSR announced the nationwide convoy protest via its telegram channel.



### **23 July 2021**

[Police warned the public against taking part in a #LAWAN-themed](#) nationwide convoy protest as public assemblies are prohibited during the Movement Control Order (MCO).

### **24 July 2021**

A total of 100 vehicles reportedly took part in SSR's nationwide black flag convoy. The protestors drove in their vehicles while waving black flags while abiding by the necessary SOPs.

Later in the day, [SSR reported several individuals who took part in the protest convoys were intimidated](#) by the police. This includes :

- being prevented from participating in the convoy. The alleged intimidations took place at Quayside Mall in Kuala Langat, Selangor, Manjung in Perak, Pulau Melaka, Bandar Hilir, Limbongan, and Batu Berendam in Melaka, at Cyberjaya, Selangor, and at Kuching, Sarawak.
- three individuals were believed to have been detained in Temerloh, Pahang. However, Temerloh police chief Mohd Azhar Mohd Yusoff has since denied this.

### **25 July 2021**

SSR, in their Telegram channel, announced that [14 youths have been called in for questioning over the #LAWAN convoys](#) at the following police stations

- Brickfields, Kuala Lumpur (at least six individuals); The six were questioned under Section 21A Prevention and Control of Infectious Diseases Act 1988
- At least six others were questioned at Dang Wangi district police headquarters. - Among them are two SSR activists namely Mohammad Alshatri and Tharmelinggem Pillai
- Kajang and Sepang, Selangor (at least seven individuals);
- Melaka Tengah, Melaka (at least seven individuals), and
- Kulim, Kedah.

Also in relation to the convoy investigation, the police contacted one of the activist's mother for questioning. Numan Afifi's mother received a phone call from the police for an investigation as she is the owner of the car he was driving during the vehicle convoy. He, however, managed to convince the police to allow them to investigate him instead of his mother, who lives outside of Kuala Lumpur. During the investigation, the police threatened to investigate his mother.

## **26 July 2021**

SSR announced that they will proceed with a rally at Dataran Merdeka on 31 July despite police intimidation against them and prospective investigation under the Communications and Multimedia Act 1998.

## **29 July 2021**

Activist [Sarah Irdina Mohamad Ariff from MISI: Solidariti is arrested under the Sedition Act 1948](#) after giving her statement to the police over a #LAWAN-related social media posting. Based on communication with Sarah, we learned that her phone was confiscated and her home was raided without a warrant. The police conducted the raid without the presence of Sarah's lawyer. Prior to her arrest, her family was also harassed by the police.

[Tharma Pillai, Afiq Adib and Muhammad Alshatri were questioned by the police in connection to the 31 July rally](#) under

- Section 505(b) of the Penal Code for allegedly making statements conducive to public mischief and
- Section 233(1) of the Communications and Multimedia Act 1998 for allegedly sharing offensive content online

SSR, through a [media statement dated](#) 28 July 2021, announced that over 30 investigations were initiated by the police against youths who participated in the convoy and the dataran protest and were investigated under the Prevention and Control of Infectious Diseases Act 1988 (Act 342), Peaceful Assembly Act 2012 and the Sedition Act 1948.

Some SSR organisers or members were called repeatedly to the police station for investigations under different provisions of the law. For example Mohammad Alshatri bin Abdullah and Mohammad Asraf Sharafi were called more than 4 times to the police station for investigation under various laws.

Ahead of the #LAWAN rally, [Inspector-General of Police \(IGP\) Acryl Sani Abdullah Sani reminded the public about the prohibition of interstate travel and social activities](#). He also warned that those found in breach of SOPs will be committing an offence under the Prevention and Control of Infectious Diseases Act 1998.

## **Chronology of events post #LAWAN protest**

### **31 July 2021**

The [police announced they will be taking action against the organisers](#) and #LAWAN protesters for violating the MCO.

Five SSR members - Mohamad Abdullah Alshatri, Mohammad Asraf Sharafi Mohammad Azhar, Tharma Pillai, Qyira Yusri and Sevan Doraisamy - are [called up for police questioning](#) on 1 August in connection with their roles as organisers of the #LAWAN rally. The police later rescheduled the session to 2 August.

### **1 August 2021**

The IGP announced that [a total of 29 individuals](#) who attended the #LAWAN protest have been identified and will be called in to give their statements to assist in the police's ongoing investigations.

### **2 August 2021**

[11 SSR members](#) are questioned at Dang Wangi for allegedly violating COVID-19 SOPs of the National Recovery Plan as well as the Prevention and Control of Infectious Diseases (Measures within Infected Local Areas) Regulations 2021. The 11 are - Mohamad Abdullah Alshatri, Mohammad Asraf Sharafi Mohammad Azhar, Tharma Pillai, Qyira Yusri, Azura Nasron, Dobby Chew, Edylyn Beverly Joeman, Sevan Doraisamy, Siti Nurizah, Syazwani Mahmud and Asheeq Ali.

Kuala Lumpur police chief Datuk Azmi Abu Kasim, in a press conference, told the media that they have [identified 47 protesters](#) based on [photos and video footage of the protest](#). However, as the police were unable to fully identify them due to the use of face masks, the police encouraged protesters to come forward to assist with the investigation and the media and members of the public to assist the police in identifying the 47 people. He also added that the #LAWAN protest was being investigated under

- Section 21A of the Prevention and Control of Infectious Diseases Act 1988,
- Section 269 of the Penal Code and
- Section 9 (5) of the Peaceful Assembly Act 2012

### **3 August 2021**

Various individuals comprising activists, politicians and members of the public are called in for police questioning. The list includes MUDA politicians Amir Abd Hadi, Dr Thanussha Francis Xavier, Dr Teo Lee Ken, Dr Mathen Nair; PKR politician Chua Tian Chang; PSM member Sharan Raj, and others - Nashita Mohd Noor, Bad Latif Mansur, Asma Latiff, Teo Lee Ken, Mathen a/I Muniasupran and Numan Afifi Saadan. The investigations are under the Peaceful Assembly Act

2012 and the Infectious Diseases Prevention and Control Regulations (Measures in Local Areas of Infection) (National Rehabilitation Plan) 2021.

#### **4 August 2021**

[Police paid surprise visits to the homes of three youth activists](#) - Amir Abd Hadi, Dr Thanussha Francis Xavier and Qyira Yusri - to ascertain their whereabouts.

#### **6 August 2021**

[Police summoned a member of the Bar Council's monitoring team of the #LAWAN protest](#), Andrew Khoo, for questioning.

#### **7 August 2021**

Ahead of the #LAWAN 2.0 rally, the IGP warned [that stern actions will be taken against "stubborn" quarters who either organise or join in a protest](#). He advises the public against joining activities that are illegal and contradicting existing SOPs.

#### **8 August 2021**

The [National Human Rights Commission \(Suhakam\) announces that its commissioners](#) have been called in for police questioning over their attendance as monitors at the #LAWAN protest.

## Annex 2: Laws

### *Section 9 of the Peaceful Assembly Act 2012*

#### **Notification of assembly**

9. (1) An organiser shall, ten days before the date of an assembly, notify the Officer in Charge of the Police District in which the assembly is to be held.

[...]

(5) A person who contravenes subsection (1) committed an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

### *Section 505 of the Penal Code*

#### **Statements conducing to public mischief**

505. Whoever makes, publishes or circulates any statement, rumour or report—

(a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Malaysian Armed Forces or any person to whom section 140B refers, to mutiny or otherwise disregard or fail in his duty as such;

(b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public where by any person may be induced to commit an offence against the State or against the public tranquillity; or

(c) with intent to incite or which is likely to incite any class or community of persons to commit any offence against any other class or community of persons,

shall be punished with imprisonment which may extend to two years or with fine or with both.

*Exception*—It does not amount to an offence within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it without any such intent as aforesaid.

### *Section 233 of the Communications and Multimedia Act*

#### **Improper use of network facilities or network service, etc.**

233. (1) A person who —

(a) by means of any network facilities or network service or applications service knowingly

(i) makes, creates or solicits; and

(ii) initiates the transmission of,

any comment, request, suggestion or other communication which is obscene, indecent, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass another person; or

(b) initiates a communication using any applications service, whether continuously, repeatedly or otherwise, during which communication may or may not ensue, with or without disclosing his identity and with intent to annoy, abuse, threaten or harass any person at any number or electronic address,

commits an offence.

[...]

(3) A person who commits an offence under this section shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding one year or to both and shall also be liable to a further fine of one thousand ringgit for every day during which the offence is continued after conviction.

#### ***Section 4(1) of the Sedition Act 1948***

4. (1) Any person who--

(a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act which has or which would, if done, have a seditious tendency;

(b) utters any seditious words;

(c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication; or

(d) imports any seditious publication,

shall be guilty of an offence and shall, on conviction, be liable for a first offence to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to both, and, for a subsequent offence, to imprisonment for a term not exceeding five years; and any seditious publication found in the possession of the person or used in evidence at his trial shall be forfeited and may be destroyed or otherwise disposed of as the court directs.

#### ***Section 269 of the Penal Code for committing a negligent act likely to spread infection of any disease dangerous to life***

**Negligent act likely to spread infection of any disease dangerous to life**

269. Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

***Section 10 of Prevention And Control Of Infectious Diseases (Measures Within Infected Local Areas) (National Recovery Plan) Regulations 2021***

**Control of gathering**

10. (1) No person shall, during any designated phase, gather or be involved in any gathering in any premises within any infected local area whether for religious, wedding, sports, recreational, social or cultural purpose

***Section 21A Prevention and Control of Infectious Diseases Act 1988***

**Arahan Ketua Pengarah**

21A. (1) Ketua Pengarah boleh mengeluarkan apa-apa arahan mengikut apa-apa cara, sama ada secara am atau khusus, kepada mana-aman orang atau golongan orang supaya mengambil apa-apa langkah bagi maksud mencegah dan mengawal apa-apa penyakit berjangkit.

(2) Mana-mana orang yang melanggar mana-mana arahan Ketua Pengarah yang dikeluarkan di bawah subseksyen (1) melakukan suatu kesalahan.

[...]

**25 Pengkompaunan kesalahan**

Ketua Pengarah atau mana-mana pegawai diberi kuasa yang bagi maksud ini oleh Ketua Pengarah secara bertulis boleh, dengan keizinan secara bertulis Pendakwa Raya, pada bila-bila masa sebelum sesuatu pertuduhan dimulakan, mengkompaun mana-aman kesalahan di bawah Akta ini atau mana-mana peraturan-peraturan yang dibuat di bawah Akta ini yang telah ditetapkan oleh peraturan-peraturan sebagai suatu kesalahan yang boleh dikompaun dengan membuat suatu tawaran bertulis kepada orang yang disyaki dengan munasabah telah melakukan kesalahan itu untuk mengkompaun kesalahan itu apabila dibayar kepada Ketua Pengarah

- (a) Dalam hal seseorang itu merupakan seorang individu, suatu jumlah wang yang tidak melebihi sepuluh ribu ringgit; atau
- (b) Dalam hal sesuatu perubuhan, perbadanan, suatu jumlah wang yang tidak melebihi lima puluh ringgit.

## **Annex 3: Guidelines for Media to Safely Cover Protests During COVID-19**

Prepared by the Centre for Independent Journalism (CIJ) and Gerakan Media Merdeka (GERAMM)

August 2021

### **Preparation before the protest during COVID-19**

1. Prepare a Kit. Carry a grab bag with a small first aid kit, water bottle, high-protein snacks, masks, face shields, washcloth, eye protection, respirator mask, flashlight, power bank to charge phone, and a copy of ID or press card.
2. Obtain basic first aid skills on basic injuries and on how to deal with tear gas or water cannons.
3. Team up with another reporter or videographer. Reporting alone is dangerous, particularly if you are operating a camera or video camera and are observing your surroundings from behind a viewfinder. If this is not possible, media personnel on the ground should attempt to maintain regular contact with the offsite team or the editor in charge.
4. Prepare an Exit Plan. In the event there is a need to disperse urgently, it is best that the area/neighbourhood is mapped beforehand, identifying strategic points, including LRT/MRT stations. It is best to have a planned exit route for emergencies.
5. Assigning editors should ensure the following before the journalist or videographer goes to an assignment:
  - a. That the media practitioners conduct a PCR or RTK Antigen test before the assignment and has not come into any contact with a positive patient prior to the assignment;
  - b. Access to PPEs (masks, face shields and gloves) are readily available;
  - c. Assign emergency contact persons and have access to lawyers, if necessary.

### **Reporting Onsite During the Protest**

1. Media practitioners to maintain safe distancing at the protest



- a. Develop an SOP for media practitioners covering protests in order to ensure compliance with COVID-19 risk mitigation measures. If media practitioners are reporting a protest onsite, at a minimum, they should:
    - maintain at least 1 metre from others,
    - wear double masks, face shields and gloves;
    - carry wipes or sanitizing gel to keep hands clean;
    - avoid placing equipment and bag down anywhere;
    - wipe down equipment, bags and especially phones between assignments.
  - b. Invest in better equipment and use long lenses whenever possible to maintain social distance. Do not crowd the protesters or the authorities as that would also place them and the media at higher risks.
2. Clear identification as media
- a. Media to always carry their media ID and present themselves as journalists or videographers by wearing the credentials prominently. This is especially necessary if planning to interview persons of interest or to avoid reprisals from authorities.
  - b. Consider the choice of clothes. Avoid wearing flammable materials like nylon or anything that is loose-fitting that can be grabbed. To avoid being mistaken for a protester, use the best judgment and try not to wear clothing that matches what protesters are wearing (e.g., all black).
3. Encounter with police or other authorities.
- a. Identify who may be adversarial to the press. They may be protesters or the authorities themselves, so stand apart from them, clearly identifying oneself as the press. If concerned about possible threats from the police, stay closer to the crowd.
  - b. Continuously observe and read the mood of the authorities. Avoid sharing of information with strangers and be extra vigilant of plain clothes police as they may be conducting covert operations. Police can become more aggressive if the crowd is agitated or vice versa. Visual cues such as the appearance of police dressed in riot gear, shield walls, or throwing of projectiles are potential indicators that aggression can be expected. Pull back to a safe location, or plan a quick extraction when such 'red flags' like these are evident. This is especially important for photographers and videographers whose view is often limited.
  - c. If the police issue a dispersal order or give any other directives, promptly comply and prominently display the press credentials. Media personnel should contact the employer and/or a lawyer if they encounter any problems onsite.

- d. Media should act consistently with their roles as professional observers. They should avoid participating on any side during protests in any manner.
  - e. Record any interaction with the police, if possible, to ensure documentation of what happened in case of reprisals or any legal actions, including being charged with a crime.
4. Reporting the protest.
- a. Provide the most accurate, balanced and responsible reporting of the protest within the professional and ethical boundaries. The media's "watch-dog" role is especially important during a protest, as they provide key information on the handling of the protest by the organisers as well as the state authorities, as a matter of legitimate public interest.
  - b. Media should adopt a responsible and transformative role in reporting matters of public interest, such as protests, as a fundamental right of freedom of assembly and expression. In this regard, unless quoted with permission, attempts should be made to refrain from naming or identifying protestors to prevent potential reprisals or breach their right to privacy.
  - c. For purposes of accurate reporting, media should carry out their own crowd estimate and not solely rely on the organisers or the state authorities.
  - d. Avoid usage of terminologies which may retract from the protest message or label protestors negatively.

## **Post-Protest Actions**

1. Media personnel who were on the ground should quarantine themselves for 7 – 10 days to minimise risks of infection.
2. A COVID-19 test should be administered in the event there are any symptoms.
3. In the event of reprisals or investigations by the police related to the reporting of the protest, the media is to seek immediate legal counsel. The media should maintain adherence to legal standards related to the revealing of sources or handing over photographs or video footage, including phones and camera memory cards.
4. Media outlets should always pay attention to safety measures and provide appropriate training and equipment to their personnel, including for those freelancing, when assigning them to cover protests. Training for media should also include understanding of the role of media in the context of freedom of assembly and expression and assist the media in discerning between inappropriate versus transformative language and use of terminologies when reporting on events of public interest.

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