

Lawyer Says UMNO Leader Ignored Polling Complaints

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KUALA LUMPUR — The secretary general of Malaysia's dominant political party, the United Malays National Organization, ignored complaints of irregularities in party polls, argued a lawyer representing 11 dissident UMNO members.

Raja Aziz Addruse maintained Tuesday in the country's High Court that UMNO's chief administrative officer, Agriculture Minister Sanusi Junid, "did nothing about their complaints," even though the party's constitution stipulates that the secretary general must look into all allegations of irregularities made by party members.

Raja Aziz's argument countered earlier statements by a lawyer representing the party's mainstream members. The lawyer, G. Sri Ram, maintained that the dissidents failed to exhaust all avenues within the organization to resolve the polling irregularities before resorting to a legal suit, thereby violating provisions in the UMNO constitution.

Tuesday was the third day of a hearing on a suit filed last June by the party dissidents, who say that violations of Malaysian law and UMNO's constitution took place in the early polling process prior to the party's triennial elections last April. The dissidents are seeking to have the party polls declared invalid and fresh elections held.

Victory Margin

In the UMNO polls last year, Prime Minister Mahathir Mohamad narrowly escaped defeat in the closest elections in the party's 42-year history. Dr. Mahathir garnered the support of only 51% of the 1,479 election delegates, retaining his post as party president with a victory margin of just 43 votes more than those won by his challenger, former Trade and Industry Minister Razaleigh Hamzah. Had Dr. Mahathir lost, many political analysts believe he almost certainly would have had to give up the premiership, which customarily accompanies the UMNO presidency.

The case has generated some anxiety among Malaysians. UMNO still is badly split after the bitterly contested elections and the subsequent purging of Dr. Mahathir's UMNO opponents from government and party posts. Party members and political analysts speculate that UMNO again might face another heated election tussle if the dissidents succeed in overturning the April leadership polls.

Raja Aziz contended that the 11 dissidents had pursued the only course available to them in attempting to correct the polling irregularities by filing complaints with Datuk Sanusi. The lawyer noted that the UMNO secretary general is obliged under the organization's constitution to refer all complaints to party bodies for investigation. The lawyer said the party official failed to order investigations.

Raja Aziz also maintained that the dissidents didn't attempt to secure a court

injunction forcing Datuk Sanusi or the party's Supreme Council, UMNO's chief policy-making arm, to heed their complaints because it was unlikely that the court would have granted such an order. He explained that the court probably wouldn't have issued an injunction because the irregularities weren't clearly evident at the time.

When the complaints and the subsequent suit were filed last year, the dissidents lacked the evidence needed to prove that polling irregularities had occurred, said Raja Aziz. The lawyer noted that Datuk Sanusi initially had denied that unapproved party branches participated in the polling process, one of the irregularities charged by the dissidents. In addition, Malaysia's registrar of societies initially refused to release party records to the dissidents to support their allegations, he added.

Since then, however, High Court Judge Harun Mahmud Hashim ordered that party records be released to the dissidents through the registrar. Lawyers for both sides now agree that some delegates at the lowest level of the UMNO election hierarchy had been nominated from party branches that weren't approved by the registrar of societies. Additional election delegates failed to meet the party's qualifications. A total of 45 delegates selected at the branch level were unsuitable under the party rules and Malaysian law, Raja Aziz contended.

The lawyer argued that the irregularities — affecting 30 branches within four larger divisional groupings — violated provisions of UMNO's constitution and the country's Societies Act. The miscues in the early stages of the election process tainted subsequent stages leading to the final leadership elections, he said.

Asserting Their Rights

On other legal points, Raja Aziz maintained that members of UMNO possess a contractual relationship with the party, contrary to earlier arguments made by Mr. Sri Ram. Therefore, he added, the dissidents should be "allowed to assert their rights" by asking that the tainted elections "be annulled."

Raja Aziz also denied that the suit was flawed, as argued by Mr. Sri Ram, who pointed out that the losers and the winners in the April party polls aren't parties represented in the suit. Raja Aziz said UMNO's current leadership and the losers are party to the suit through the naming of Datuk Sanusi, the party administrator, appointed by the organization's leaders, as one of the defendants.

Besides, Raja Aziz added, "it's not only the winners and the losers who have an interest." Restricting the case to only winning and losing party candidates, he said, "completely overlooks the independent interests of the voter."

Lawyers involved in the case said the hearing probably will conclude this week.