

Democracy butchered in the halls of Parliament
Malaysiakini.com
Disember 19, 2010

COMMENT Parliament suffered a devastating blow when the ruling coalition BN illegally and fraudulently suspended top law-makers from the opposition Pakatan Rakyat in a chaotic sitting of the House on Dec 16.

NONEThe opposition leader Anwar Ibrahim and three other senior leaders of the alliance were suspended for six months through two separate resolutions in a process fraught with misinterpretation, misrepresentation and deceit.

Coming at a time when the national elections are expected to be called just around the corner, this parliamentary debacle has undoubtedly charged up political tension by several notches.

The origin of this tragedy sprang from a sitting in the House on 17 March 2010 when Anwar linked Prime Minister Najib Abdul Razak's 1Malaysia slogan to the One Israel campaign under former Israeli premier Ehud Barak via international consultant Apco Worldwide, which has served both governments.

This was clearly a counter offensive by Anwar to neutralize Umno's strategy to demonise Anwar as an Israeli stooge all these years. It was meant to unmask Umno's hypocrisy and certainly does not contain any anti-Jew element, as Anwar repeatedly stressed.

However, Umno did not take this insinuation kindly, and moved on April 22 to refer Anwar to the committee of rights and privileges for disciplinary action for "misleading" the House, despite Anwar having given abundance of supporting evidence in the House on Mar 30, and despite Najib having failed to respond to Anwar's challenge to categorically deny Apco's involvement in the 1Malaysia concept.

Justice denied

In meetings of the BN-dominated privileges committee, Anwar was not only denied legal representation and calling of witnesses, but was himself denied the chance to submit his defence.

The committee's decision to punish Anwar was virtually made by ambush, as the two Pakatan members in the seven-member committee was not informed of the agenda in a short three-day notice of its fourth meeting on Dec 3, which later turned out to be the final.

NONEIn that fateful meeting, the two Pakatan MPs – Karpal Singh (in picture, middle) and R Sivarasa (left) - walked off in protest upon the committee deciding to make its final decision based solely on a letter from Apco and answers in the House from ministers – while emphatically rejecting the request to allow Anwar to make his defence or for any witness to be called.

This shocking move was a complete reversal of the earlier pledge that all relevant witnesses and all relevant documents would be examined – as pledged by the Speaker Pandikar Amin Mulia during the sitting in the House on April 22 and later re-affirmed in the committee's

first meeting on May 17.

Such a desperate move of the committee that defies all norms of justice and law was obviously prompted by fear that incontrovertible evidence from Anwar would be put on official record and do grave damage to Umno.

Besides, the calling of Apco CEO Brad Staples (below) who penned the Apco letter – which denied involvement in either 1Malaysia or One Israel – would have allowed the falsehood in the letter to be exposed and nailed.

NONEThe committee then decided to suspend Anwar for six months and admonish Karpal, chairperson of DAP, for unacceptable conduct during the committee meetings. These recommendations would be tabled in a resolution to Parliament on its last day of sitting for this session on Dec 16.

Then, out of the blue, another resolution was presented to parliament on the Dec 15, this time calling for punishing three other top PR leaders. This second motion called for suspension for six months of senior Pakatan members of parliament: Azmin Ali (deputy president of PKR), R Sivarasa (former vice president of PKR) and Karpal, who one day before was recommended for only “admonishment”.

Why this sudden twist of events? Sivarasa explained that this was attributed to the presentation of a minority report on the Anwar probe – co-authored by Karpal and Sivarasa – to the Speaker in the evening of Sept 14. This report, which contained details embarrassing to BN that were otherwise omitted in the main report, was meant to be distributed to all members of parliament for debate alongside the main report.

Hence, the decision to also axe Karpal and Sivarasah was made in reflex so that the misconduct of the privileges committee would not be formally exposed and recorded in Parliament. The Speaker promptly refused to admit this minority report on flimsy ground.

The sitting on Dec 16 is undoubtedly the most shameful episode in our parliamentary history. Leading MPs from the opposition were summarily punished without being allowed to defend themselves or accorded the customary notice of motion.

The Speaker, who was outrageously partisan, bulldozed through the motions without debate, which is the minimum decorum in any parliament. He was caught repeatedly lying to ward off the angry queries from the opposition.

To cap it all, the motion to suspend the trio was defective and fraudulent in the first place, having misinterpreted the relevant standing order and having contained lies on the alleged offence.

Bulldozer Speaker

Let me start with the Speaker.

pandikar aminPandikar Amin Mulia (left), who enjoys the dubious distinction of having rejected almost every motion from the opposition, is without doubt the most crudely partisan and spineless speaker we have ever had. In the melee on Dec 16, he was observed to have ordered a vote on the Anwar motion without debate only after having received a written note from Nazri Aziz, de facto law minister looking after parliamentary affairs, who proposed the two motions.

When Anwar demanded his right to answer the charges, Pandikar Amin replied that Anwar had already been given one week to respond, which instantly sparked off angry protests to this false claim.

When asked by Karpal Singh to recuse himself from presiding the current sitting due to conflict of interests as Pandikar also chaired the committee meetings, the latter said that he only chaired the committee meetings but did not take part in the deliberation.

This was found to be false, as Anwar pointed out that notes of meeting revealed that it was Pandikar who justified the decision not to call Anwar by quoting precedents.

Pandikar said that his justification for calling a vote without debate was the opposition's reluctance to take part in it. But the truth is, while Pandikar was making this claim in the House, Anwar was actually standing up, armed with a stack of documents and pestering to be allowed to defend himself.

Defective and fraudulent

NONEAs for Minister Nazri's (right) motion which accused the trio of breaching Standing Order 85 for having mentioned to outsiders evidence presented to the committee, this is clearly a misinterpretation of the Standing Order. The latter only prohibits the publication, not mentioning of evidences presented in the committee meeting.

When Karpal and Sivarasa gave a press conference on the day they walked out from the committee meeting on Dec 3, they only mentioned the Apco letter to explain why they had to walk out in protest. They have never published the Apco letter.

The allegation against Azmin cited in the motion was even more bizarre.

When Azmin proposed an urgent motion to debate the Anwar issue on Dec 6, his letter to the Speaker only states, "to debate the proceedings of the Rights and Privileges Committee on Dec 3, which had made the decision to deny the rights of the Permatang Pauh representative (Anwar) to defend himself in the investigation."

But the motion to censure Azmin read out by Nazri stated that the former had "published the content of the letter presented in the Rights and Privileges Committee in his letter to the Speaker on Dec 6".

So, Nazri's allegation is a complete lie, as Azmin did not even mention the Apco letter.

NONEAnother BN leader who joined the lying squad is Umno Youth leader Khairy Jamaluddin (right), who claimed that "Anwar had been given a fair process to defend himself. We in the BN had been prepared to debate the motion on his suspension."

The brazenness with which these BN leaders are spewing lies is staggering.

Pakatan leaders are, of course, right when they vowed to seek legal redress over such illegal suspensions precipitated by the unprecedented display of contempt for the nation's supreme institution.

And it would certainly be appropriate if Pakatan also moves to censure both Speaker Pandikar and Minister Nazri in the next session of parliament by referring them to the

privileges committee for disciplinary action. It is these culprits who truly deserve punishment which has wrongly been served on the four suspended Pakatan MPs.

Such moves would at least give some consolation to infuriated Malaysians who have been gnawing their teeth to see BN punished for the unforgivable destruction of the fundamental tenet of our system of government, even though none expects any justice from our failed institutions.

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