

## **Court throws out PAS' challenge to Assembly Bill**

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An application by PAS for leave to challenge and halt the passage of the Peaceful Assembly Bill was dismissed with costs by the Kuala Lumpur High Court (Appellate and Special Powers Division) today.

In dismissing the application, judge Rohana Yusof said at least two of the applicants, as members of Parliament, had ample opportunity to discuss and oppose the passage of the Bill in the House, instead of abusing the court process to do so.

The application was also premature, Justice Rohana said, as the Bill was still in the midst of being passed into law. When it becomes law, its validity can still be challenged in court.

Any attempt by the court to remedy or rule on the matter, she ruled, would constitute interference in the parliamentary legislative process and be in breach of the doctrine of separation of powers.

Rohana awarded RM8,000 in costs to the government.

Prime Minister Najib Abdul Razak and the government are named as the first and second respondents in the application filed the Islamic party's deputy president Mohamad Sabu, treasurer Dr Hatta Ramli and central committee member Dzulkefly Ahmad on Dec 2.

The trio were represented by lawyer Mohamad Hanipa Maidin, who was assisted by Aminuddin Zulkifli and Ahmad Zambri As'ad Khuzami.

Met by reporters immediately after, Hatta expressed his disappointment with the court's decision.

"Our hope was that the court which has the power, would protect the constitution but it seems that the court has abandoned that role," he lamented.

Hatta added that they will appeal the dismissal of their leave to ask for a judicial review of the Bill.

NONEMohamed Sabu (left in photo), who was also present, disputed arguments that MPs had ample opportunity to oppose what he claimed was a "rushed" bill with less than adequate time given to parliamentarians to effectively debate it.

"They never even had a chance to do so (in the Dewan Rakyat)," Mohamad complained.

He said that should the Bill become an act then they will once again file an application to challenge it.

Lawyer Hanipa however was unfazed by the dismissal as according to him this was just the first part in a series of actions that his clients has instructed him to pursue against the Bill.

However, he expressed consternation that their leave was rejected at the preliminary stage where the standards and tests of thresholds should have been much lower than a full-blown trial.

He is also unhappy with the award of damages to the government as they have yet to be served and become a party to the suit.