

Bail increase draws flak from Bersih 1.0 participants

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PAS deputy president Mohamad Sabu, PKR vice-president Tian Chua and 14 others, whose acquittal on a charge of illegal assembly in 2007 was overturned by the High Court in Kuala Lumpur yesterday, have condemned the judge's decision to raise the bail imposed on them.

Mohamad, who is better known as Mat Sabu, and the others were ordered to enter their defence by judge Ghazali Cha, who also raised their bail from RM2,000 to RM5,000 each.

Shocked by this decision, their lawyer, Narsha Khan, said the High Court has never before increased the amount of bail without a basis and a request from the prosecution.

"This is unprecedented. We cannot let such an order remain. If not, the next time one is called to make one's defence, the judge can increase the bail arbitrarily," Narsha told Malaysiakini in the lobby of KL High Court.

The group will appeal the judge's ruling to overturn the sessions court judgment delivered on Nov 19, 2010, as well as the "unjustified" high bail imposed.

Meanwhile, a leader of the NGO Lawyers for Liberty, Latheefa Koya, also expressed puzzlement on the bail decision, since there was no question of the defendants running away.

"Any increase in bail should be at the discretion of the sessions court judge," she said, referring the court that will to hear the defendants in the re-trial.

Latheefa, who is also a PKR leader, said the defendants could not have left the court yesterday because of the whopping amount in total bail to be posted - RM70,000 - had not the coalition Bersih 2.0 come to their assistance.

The 16 were charged with unlawful assembly at several places, including the National Mosque compound, Jalan Istana, Jalan Raja Laut and the vicinity of the Sogo departmental store on Jalan Tuanku Abdul Rahman, between 1pm and 4pm on Nov 10, 2007.

In acquitting them, sessions judge Jagjit Bant Singh ruled that they had been given permission by the police to hand over a memorandum to the palace.

"There is no question of illegal assembly. In fact, evidence showed they had dispersed peacefully after that," Jagjit said.

However, Justice Ghazali in his decision yesterday said the prosecution had proven a prima facie case against the 16, for they had common knowledge of taking part in an illegal assembly, despite they being arrested in different locations of KL.

He said sessions judge Jagjit had overlooked that point, and ordered that their defence be heard by the same presiding judge.

In all, 17 people had originally been charged for their involvement in the November 2007 rally, but one of them, Mohd Asri Ahmad, died last year.

Except for two juveniles from Kedah, the others are Mohd Salim Yeslam, 27, Ahmad Razali Abd Rahman, 55, Razali Abdul, 39, Muhd Harith Fatillah Shahabudin, 29, Saleh Mohamad Tahir, 52, Azahar Yusop, 48, Sulaiman Ahmad, 62, Taib Abdullah, 38, Mohd Abi Salam Ariffin, 30, Ishak Othman, 38, and Mohd Zad

Abdullah, 44.

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