

## **Anwar applies to strike out Bersih 3.0 charge**

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**By S Pathmawathy**

PKR de facto leader Anwar Ibrahim has applied to strike out a charge under the Peaceful Assembly Act 2012 (PAA) on the ground that he was not a party to legal proceedings on the restriction order banning the Bersih 3.0 rally.

On May 22, Anwar was charged under Section 4(2)(c) of the PAA - along with PKR deputy president Azmin Ali and former supreme council member Badrul Hisham Shaharin - with participating in the April 28 rally and violating the court order.

Anwar's lead counsel Karpal Singh, who filed the application today, said the court order, which magistrate Zaki Asyraf Zubir had signed on April 26, was "invalid and made without jurisdiction".

This is because Anwar was not "cited as a party to the proceedings culminating in the obtaining of the order dated April 26".

Karpal told journalists that the charge is a "test case" as the PAA was only enforced early this year.

### **Second application**

The defence filed another application to strike out a charge against the trio under Section 188 read with Section 109 and Section 34 of the Penal Code, citing the sections used as "incompetent".

The court order had specifically named Bersih co-chairperson Ambiga Sreenevasan and the organising committee as respondents.

However, it also applied to the public in prohibiting them from Dataran Merdeka and the area between Jalan Sultan Hishammuddin, Jalan Raja and Jalan Kelab.

"The court order has neither been gazetted nor a copy of it posted at such places capable of conveying information to the public at large, including the applicant (Anwar), pursuant to the provisions of Section 90(2) of the Criminal Procedure Code (CPC)," reads both applications.

"The charge under Section 4(2)(c) of the PAA and punishable under Section 4(3) of the same Act against the applicant does not disclose any offence known to the law ... the proceedings ... are unconstitutional."

If found guilty under the PAA, the trio are liable to a maximum fine of RM10,000. Anwar and Azmin could lose their status as elected representatives if their fine exceeds RM2,000.

Under the second charge, they are liable to a maximum jail term of a month or fine of RM2,000, or both.

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