

**Gov't vs Bersih suit: Pak Samad, 5 others, want in  
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By Hafiz Yatim**

National laureate A Samad Said and five other Bersih 2.0 steering committee members have applied to be interveners in the government's suit against 10 of their colleagues.

The five others are Yeo Yang Poh, Hishamuddin Md Rais, Ahmad Syukri Che Razab, Subramaniam Pillay and Liau Kok Fah.

On May 15, the federal government filed a civil suit against the movement's co-chairperson Ambiga Sreenevasan and nine steering committee members for RM122,000 in damages incurred during the Bersih 3.0 rally.

Samad , who is the other co-chairperson of the Bersih steering committee, was not included in the government's suit.

He and the five others want to be defendants on grounds that they too were involved in organising the mammoth April 28 rally.

Meanwhile, one of the original 10 defendants, Haris Fathillah, who is better known as blogger-activist Haris Ibrahim, applied to strike out the suit on the grounds that he was not an organiser of the rally.

Justice John Louis O' Hara has fixed Aug 10 for hearing of the application to be interveners, the application by Haris to strike out the suit also, as the mention date for the main suit.

Haris' application came up for case management in chambers today before Justice O'Hara.

In his application filed on July 16, Haris, who is also a lawyer, said he was not a member of the Bersih 2.0 steering committee and therefore he could not be held liable for the suit and damages.

He also states that the suit by the government had brought him to disrepute.

Senior federal counsel Azizan Md Arshad in his affidavit in reply dated July 18 says Bersih 2.0 co-chairperson Ambiga Sreenevasan had named Haris as a steering committee member in her judicial review application against the government.

As a result of this, Azizan said, Haris had to bear liability for the alleged losses.

Haris was today represented by R Thipajothi, while Azizan and senior federal counsel Nor Mastura Ayob appeared for the plaintiff, the government of Malaysia. Lawyer Syahredzan Johan appeared for the other defendants.

Ambiga sued for RM122,000

It is learnt that Justice O'Hara was puzzled by the six wanting to be defendants in the suit, while Haris had applied for himself to be taken out of it.

Ambiga and nine of her steering committee members are being sued by the government for RM122,000 as damages for 15 police vehicles that it claimed needed repairs after the April 28 rally.

The suit was filed under the new Peaceful Assembly Act 2012 (PAA), which was gazetted into force just before the rally.

Besides Ambiga and Haris, the others named in the suit are Maria Chin Abdullah, Zaid Kamaruddin, K Arumugam, S Arul Prakkash, Wong Chin Huat, Dr Ahmad Farouk Musa, Toh Kin Woon and Andrew Khoo.

Ambiga in her defence and counter-claim against the government, filed through the firm of Tommy Thomas last month, wants the PAA declared unconstitutional and void as it violates her rights to freedom of speech and expression, and to assemble peacefully.

Besides this, the law is also a violation of her right to be part of an association and her personal liberty, her right to move freely throughout Kuala Lumpur, her right to vote at general elections and also her personal liberty under Article 5 and equality under Article 8 of the Federal Constitution.

Besides asking the court to deem the PAA as unconstitutional, Ambiga contends that Section 6(2)(g) of the PAA does not expressly say the government can initiate legal action to recover damages.

Bersih and she are not vicariously liable for the actions of thousands of people who attended the rally, she states, because they are free agents who attended the rally for their own reasons or purposes.