

**Application to strike out Tian Chua's sedition charge filed
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PKR vice president Tian Chua's lawyers have filed an application to strike out the sedition charge against him for comments on the Lahad Datu incursion, among others arguing it is abuse of the legal process.

"The Sessions Court judge has stayed the proceedings till June 6 pending the hearing of the striking out application which was filed this morning," said Chua's lawyer Latheefa Koya in an email today.

The application filed by Eric Paulsen and Latheefa argues that the charge itself is flawed, as sedition only applies to statements against the agong or the government, and not towards a political party.

"The charge against (Chua) is wrong according to the law, as the offence of sedition under the Sedition Act can only be applied if the words refer to the Yang di-Pertuan Agong (or sultans) or against the government, not political parties like Umno," read the application.

It added that Umno in filing a defamation suit against Chua (right) at the Kuala Lumpur High Court over the latter's statement, supports the argument.

They also argued that the charge went against public interest as Chua as a parliamentarian and member of the opposition bench was merely carrying out his duties to ensure "checks and balance" in the administration.

"He had with a pure heart and good intentions used the principle of free speech as enshrined in the federal constitution and exercised his duty to society and country, to check and balance the actions of the administration in line with democratic practices."

Chua, who is also the incumbent Batu MP, was charged last month with allegedly saying that the Lahad Datu armed crisis was an Umno conspiracy to frighten people and distract them from the then ongoing royal commission of inquiry (RCI) on allegations of a citizenship-for-votes scheme in Sabah.

The statements were attributed to a March 1 article published on the PKR party organ, Keadilan Daily.

He has since clarified that he was only referring to the media blackout surrounding the incident, since there was no confirmation of any attack or casualties despite rumours of a shooting at the time.

Chua faces up to three years' imprisonment and a fine of up to RM5,000 if convicted, which could disqualifying him from holding office as a parliamentarian.

'Why only opposition members charged?'

Counsel also argued that the Sedition Act contravenes Article 10 of the federal constitution and that Prime Minister Najib Razak (left) had already announced its abolition last year on the grounds that it is "an act from a 'bygone era'".

"The criminal proceedings (against Chua) is an abuse of process and a mockery of justice," said the lawyers.

They added that the charge was politically motivated, citing various cases where members of the ruling coalition or its associates had made seditious statements.

In the application they cited recent cases of statements from Umno Wanita chief Shahrizat Abdul Jalil, Perkasa chief Ibrahim Ali and deputy Zulkifli Noordin, as well as academic Ridhuan Tee Abdullah that had all escaped action.

"It is clear from the trend of sedition charges made, that almost all who have been charged are opposition members," said Paulsen and Latheefa.

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