

PKR: Rural votes bought, denied, or tallied illegally

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Rural voters in Baram, Sarawak, were denied their ballots, despite having queued at polling stations half an hour before the official closing time, according to an election petition by Roland Engan, the unsuccessful PKR candidate.

The petition, filed on June 12, laid out startling details, resembling farcical polls for Zimbabwe's President Robert Mugabe, or Egypt's former leader Hosni Mubarak, more closely than elections in a modern democracy.

PKR claimed a Barisan Nasional polling agent, Apoi Ukeng, had distributed RM100 cash to individual villagers to entice them to vote for BN. Apoi Ukeng is the ketua kaum or village chief in Long Jeeh, Roland Engan's own home village. This implies that alleged vote-buying would have been carried out blatantly, and with apparent impunity.

According to PKR, Election Commission (EC) officials had not allowed the party's polling agents to watch over stored postal and advance votes. PKR also said the EC had misinformed PKR regarding the time that votes would be tallied, and had illegally opened up ballot boxes in the absence of PKR counting agents.

Baram witnessed the narrowest BN victory among Sarawak's 31 parliamentary contests on May 5. PKR had been expected to win, thanks to the constituency's decades-long deprivation, land theft by companies with close ties to BN leaders, and a divisive scheme to displace 20,000 people for a giant hydroelectric power project, the Baram Dam.

BN's Anyi Ngau, also from Long Jeeh, won by a majority of 194 out of 18,796 ballots issued, with 242 spoiled votes and 21 unreturned ballot papers.

Villagers 'prevented from voting'

Villagers' complaints centred on the remote polling stations of SK Long Luteng and SK Long Miri. The journey to these schools from Miri takes four or five hours on a rutted logging road.

PKR said at least 65 rural voters – 35 from Long Miri, five from Long Item, and 25 from Long Lilim – were prevented from voting.

NONEThe Long Item and Long Lilim voters arrived at Long Luteng school, while Long Miri voters went to Long Miri school, at around 10.30am on polling day. They confirmed their eligibility to vote with election officials, and joined the long queue to receive ballot papers.

While waiting in the queue, they were shocked by a sudden announcement by election officials that voting had ended, because the polling stations were declared closed at 11am. Despite the voters' protests, they were not given ballot papers.

The exact time when Long Miri and Long Luteng were closed is unclear. Standard electoral practice stipulates that voters inside polling stations at closing time are allowed to cast their ballots.

The election petition noted that the EC had put up notices of this closing time of 11am only around the school compounds in Long Luteng and Long Miri. The petition pointed out that Baram's villages lack adequate access to the mass media and telecommunications.

PKR argued the EC's failure to exhibit notices in Long Lilim, Long Item and Long Miri, and to give due publicity to the notices, had contravened Regulation 29 of the Elections (Conduct of Elections) Regulations 1981, which covers announcements of opportunities to vote.

The EC official in charge of Baram, District Officer Joseph Belayong Punan, had "committed a fundamental breach of his constitutional primary and sacred duty to ensure that all eligible voters are able to exercise their rights to vote freely," said Roland Engan, a lawyer.

The voters complained to EC officials that marking voters' fingers with "indelible" ink had slowed down voting, but their pleas were fruitless. Ayub Kujan, 50, of Long Item, Ngot Liang, 64, of Long Lilim and Billy Ngau, 49, of Long Miri, filed police reports on being denied their vote.

The PKR candidate said the disenfranchised voters made it known that, given the opportunity, they would have voted for him.

Ballot handling and counting 'illegal'

The election petition stated that the storage and tallying of ballots was "irregular, wrong and illegal".

After the advance ballots were issued on April 30, PKR said their agents were not

allowed to watch over the ballot boxes stored at Marudi police station, despite expressing their concern about security to the EC.

The PKR candidate had been told, at an EC briefing chaired by Joseph Belayong on April 20, that counting of the advance and postal votes, and tallying of the ballots, would begin at 5pm on May 5, at the Marudi Civic Centre.

PKR's election agent, Zainal Wasli, said he received an anonymous call at 2.50pm on polling day, reporting that advance and postal ballot boxes had already been opened.

NONEZainal said he rushed to the Civic Centre, arriving at 3pm, and was surprised to find that counting had already begun, apparently at around noon. In PKR's absence, the EC officials had recorded only three out of 81 valid advance votes, and 14 out of 76 valid postal votes, for PKR, which PKR considered disproportionately low.

Roland Engan claimed the EC had also failed to announce the number of votes recorded by each candidate, at each polling station, in the presence of the PKR candidate or his agents. Instead, he said, the EC had directly recorded an official tally of votes, without informing PKR, until Zainal's arrival.

PKR also said its polling agents at seven stations - SK Long Miri, SK Lenei, SK Poyut, Rumah Jugah, SK Long Pilah, SK Long Jeeh and Nanga Tisam - had been denied a copy of the completed Form 14 or vote count, despite repeated requests to EC officials. Form 14 is a crucial document that allows all candidates to independently tally votes from individual polling stations.

Malaysiakini's attempts to reach Joseph Belayong by telephone were unsuccessful.

'Cash for votes' allegation

Roland Engan also alleged that Anyi Ngau had "through his agent or servant the Ketua Kaum Apoi Ukeng resorted to vote buying by giving cash money to the voters in Kampung Long Jeeh", and had "thereby committed a corrupt practice or illegal practice".

According to the petition, at around 8pm on the eve of the election, Apoi Ukeng and members of his village committee had "visited many families in Long Jeeh, offering them RM100 to individual voters" to support BN.

NONEPKR said the village head, claiming the cash was from BN and Anyi Ngau,

handed out RM100 to each villager he described as "Ilu BN", or very likely to vote for BN. He was alleged to have given RM50 to others he considered fence-sitters, promising to deliver another RM50 the next day if BN won - and was said to have paid up on the evening of May 5.

Roland Engan (right) claimed BN needed these bribes because BN support in Long Jeeh was shaky, since many villagers were members of the Save Rivers Network, a coalition against the Baram Dam.

He said one resident in Long Jeeh "was given RM100... but he returned the money", saying "he would no longer vote for BN because he cannot support the construction of Baram Dam, and that he would vote for [Roland Engan] to save the ancestral land of his own and the whole community."

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