

Pakatan lists 'EC duo's bias' in statement of claim
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PAS, DAP and PKR have alleged that the Election Commission's (EC) top two and other commissioners are deemed biased and had failed in their statutory duty to ensure it acts independently from the BN government.

perak state govt crisis 030309 tommy thomasIn the civil suit filed by senior lawyer Tommy Thomas (left), they stated that the EC was set up as a constitutional body, and should be independent, impartial to all political parties and free from interference from the executive.

They also highlighted that the EC's failure to clean up the electoral roll and the failure of the indelible ink was enough to declare the May 5 general election as null and void.

They contended that the statements issued by the EC, namely by the top two, seemed to be favouring the BN coalition and the two are more accustomed to accepting instructions from the PM and the cabinet.

This, they argued, compromises the EC's independence and neutrality and that the panel has adopted a partisan role favouring the ruling coalition.

'Biasedness' in SibU by-election

In trying to prove their case, the plaintiff that comprise of the opposition coalition, the losing Pakatan Rakyat candidates and voters, pointed out the biasedness in EC chairperson Abdul Aziz Mohd Yusof and his deputy Wan Ahmad Wan Omar since the SibU by-election in 2010 till today.

NONEDuring the SibU by-election, the EC said it had no power to investigate the allegations of corruption based on Section 10 of the Election Offences Act, when Prime Minister Najib Abdul Razak (right) offered RM5 million in flood mitigation measures at the Rejang park in a move that would allegedly help BN candidate Robert Lau to win.

The duo were previously also known to be Umno members.

Wan Ahmad was also quoted at one point of time as saying that all BN parties must move forward and Najib must be satisfied with their performance, and that there

was no rush for Najib to call for polls.

After the election, they alleged Abdul Aziz was quoted to have told opposition leader Anwar Ibrahim to accept the results.

On claims foreigners being allowed to vote during the May 5 polls, the EC chief had responded that some had been arrested based on how they look, and stated it was unfair to make them sing the national anthem.

NONEThe suit also highlighted the inconsistency in the stand taken by the EC in Batu MP Tian Chua's case when several days before nomination day, the EC issued a letter allowing him to contest despite the latter having a RM2,000 fine handed down to him by the Kuala Lumpur High Court in June 2010.

However, when BN candidate Dr Dominic Lau filed an election petition on the matter, the EC did not object to the petition when the point was raised, thus not recognising the decision of its own returning officer.

Reduced silver nitrate content

The plaintiffs also accused the EC of reducing the level of silver nitrate content in the indelible ink, resulting in it being easily washed off and thus, allowing dishonest voters to possibly vote more than once.

They further claimed that thousands of police reports were lodged over the ink not being able to last long, with the EC even admitting that there were teething problems with regard to the ink.

NONEThe plaintiffs, in their claim, also pointed out that contrary to the EC's claim, Health Minister Dr S Subramaniam had denied that the ministry was asked by the EC to prepare a health report over the ink.

They alleged that the polemic of the indelible ink shows that the EC had "aided and abetted with dishonest voters" who attempted to impersonate others by washing off the ink.

They argued that this occurrence had resulted in massive, systemic occurrence of fraud in the general election. By being able to wash away the ink, they question the integrity of the entire voting process.

As a result of this, the plaintiffs claimed the EC had failed to discharge its public obligations as required.

NONE Besides seeking for the results for the 222 parliamentary seats to be declared null and void, the plaintiffs are also seeking for new EC commissioners be constituted, and a free and fresh general election is held.

Besides the civil suits, some 37 election petitions have been filed by Pakatan, while all in all, there are a total of 69 election petitions filed by both BN and Pakatan.

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