

PKR: High costs against GE petitioners 'oppressive'

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Opposition leader Anwar Ibrahim has questioned the string of "oppressively" high punitive costs imposed on petitioners by the Election Court in dismissing GE13 petitions, saying that such costs could be aimed at discouraging petitions.

Citing the case of the Balik Pulau election petition, in which petitioner Muhammad Baktiar Wan Chik was ordered to pay as much as RM120,000, Anwar said costs awarded by the judges should be in line with similar civil litigation and "should reflect the fact that election petitions are public interest litigation".

"Such high costs are oppressive, bearing in mind the public interest nature of the litigation and invites inference that there is a decided policy to inflict punitive costs to discourage petitions.

"The pattern of punitive costs suggests that a discussion has taken place among the judiciary, with a consensus to award such costs," Anwar said in a statement today.

NONE "Whether or not that is true", the PKR de facto leader said, he wants Chief Justice Ariffin Zakaria (right) to intervene to ensure that a more appropriate approach is taken on the awarding of costs.

He also raised the issue of the dismissals of the various petitions on "technical grounds", stating that some of the reasons given could even be considered "frivolous".

"To summarily dismiss these petitions purely on so-called technical grounds ignores the fact that the issues raised in the petitions are matters of public interest that have a direct bearing on the conduct of free and fair elections," Anwar said.

The rakyat, he said, must be able to view the judiciary as an independent institution. However, the election petition decisions may cause them to think the courts were attempting to maintain "election status quo".

"If the people find, as in the case of these recent election petitions, that the courts are making decisions to simply maintain the electoral status quo, and appear to be acting under direction of a particular party, they will lose all faith in the judiciary.

"At the very least, the dictates of justice warrant a full and proper trial."

NONE On July 23, the court dismissed the election petitions filed by Penang PKR candidates Abdul Halim Hussain for the Teluk Bahang state seat and Muhammad Baktiar Wan Chik for the Balik Pulau parliamentary seat.

The pair were asked to pay costs, with Abdul Halim ordered to pay RM10,000 and Muhammad Baktiar RM30,000 each - to their opponents, the returning officers and the Election Commission.

Last week, PAS Titiwangsa candidate Ahmad Zamri Asa'ad Khuzaimi was ordered to pay RM40,000 to the EC and RM30,000 to his opponent when his case was dismissed in Kuala Lumpur, while BN's Batu candidate Dr Dominic Lau was ordered to pay RM50,000 to Batu MP Tian Chua (above).

Inconsistent adjudication

The court has struck out ten petitions brought by Pakatan at the preliminary objection stage to date, but allowed three petitions brought by Umno in Kelantan to proceed to the next stage of trial, which Anwar claimed showed inconsistent adjudication.

"I believe the decision was to disallow all (petitions), so as to seem impartial," he said when asked on his response on the petition by a Gerakan candidate for the Batu parliamentary seat, which was struck out, as it was not filed by the petitioner's lawyer.

"But impartiality is not just to dismiss the case. They allowed Umno cases in Kelantan to be heard. They should be fair and consistent.

"Be it BN or Pakatan, throwing out cases merely on technicalities is not acceptable," he said.

"So far, only three petitions have overcome preliminary objections and allowed to go to trial. They were allowed by Justice Zamani Abdul Rahim who coincidentally happens to be a former Umno lawyer," added Subang parliamentarian R Sivarasa.

The three are the Bachok parliamentary seat and two state seats - Gaal and Jelawat.

A total of 60 petitions were filed after last election, 39 from Pakatan and 21 from BN.

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