

Bersih candlelight vigil appeal hearing postponed

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The hearing of an appeal in the Shah Alam High Court in a case involving 21 people who took part in a Bersih anniversary candlelight vigil five years ago, has been postponed due to incomplete documents.

Judicial commissioner Choong Siew Khim fixed the hearing to continue on Nov 14, pending the prosecution's tender of colour photographs of the 21 individuals to prove that they were present at the gathering, to replace the black-and-white pictures submitted today.

NONEThe 21 include Catholic priest Rev Father Paulino Miranda (in white robe), Petaling Jaya Utara MP Tony Pua, former Selangor DAP state exco member Ronnie Liu, Kampung Tunku state assemblyperson Lau Weng San and Teratai assemblyperson Tiew Way Keng.

Prior to the adjournment, DPP Lailawati Ali had sought approval from the court to re-screen a video showing the individuals taking part in the gathering.

At this juncture, counsel Francis Pereira objected, saying that the integrity of the video was a concern as it was kept by the investigating officer instead of the prosecution.

Pereira said the defence was surprised to learn that the video was in the custody of the police and he was worried that the video could have been tampered with.

Prosecution ordered to review notes of proceedings

To this, Choong ordered the prosecution to review the notes of proceedings in the Sessions Court to see if there had been a court order to permit the police to keep the video.

On Sept 18 last year, the 21 individuals were acquitted by the Sessions Court on a charge of taking part in the candlelight vigil held in front of the Petaling Jaya City Council (MBPJ) building between 9pm and 10.10pm on Oct 9, 2008.

They were charged with refusing to obey a police order to disperse under Section 27(5)(a) and Section 27(4) of the Police Act 1967, which has been repealed by Parliament and replaced by the Peaceful Assembly Act 2012.

The 21 individuals were acquitted after the Sessions Court ruled that the prosecution had failed to prove a prima facie case against them, following the implementation of the new law.

Meanwhile, outside the court, Puchong MP Gobind Singh, who appeared for Pua, said that some of the photographs were retrieved from the video, and thus its credibility mattered.

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