

'EC is not Superman'
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EXCLUSIVE In the face of criticism that it is not doing enough to ensure free and fair elections, the Election Commission (EC) insists that it is overwhelmed just having to conduct the process.

NONE "We specialise in it (elections)... if we (were to) take care of everything we (would be) very powerful (but) we can't do everything," EC chairperson Abdul Aziz Mohd Yusof said, resorting to an analogy to explain the stance.

"We must understand this - the body does not function with one organ and one organ doesn't manage all the functions. The nose is for breathing, the ears are for listening and so on. If we only had one body part, say just the nose, we would have to use it to listen, to see (and) to eat with - everything would be so much easier then and there would be no worries.

"But God didn't create us in that way. Why? Simply because we cannot be like Superman. Doctors have to be doctors, lawyers have to be lawyers - otherwise a doctor would be doing the task of a doctor, lawyer and engineer."

Eleven by-elections have taken place since the general election in 2008 and the EC has come under continuous pressure as being toothless and incompetent in tackling alleged bribery and vote-buying.

In the Hulu Selangor by-election which BN's P Kamalanathan won, losing rival Zaid Ibrahim has filed an election petition to invalidate the outcome on the basis that there was widespread corruption during the campaign.

The problem could be solved, some say, if the EC is given an upper hand in independently determining what constitutes a bribe.

It should also have an enforcement and prosecution unit, rather than to have to liaise with the Malaysia Anti-Corruption Commission (MACC) or the attorney-general's chambers in taking action.

NONE However, Abdul Aziz said the EC's main duties are to manage and organise elections, to prepare and revise the electoral role and to review the constituency boundaries.

"The EC is the expert in matters of elections... for prosecution, there are better people at it, but it doesn't mean we wash our hands off (allegations that crop up).

"We have friends in the other departments and they will help when we need help. If they are not willing to do so, then that is another story entirely."

He said current laws, cooperation and "smart partnership" with external enforcement units are good enough now to tackle the allegations.

As such "there is no necessity to enhance the EC's enforcement and prosecution powers" in ensuring that candidates campaign in a responsible and accountable way.

'This is politics'

In Sibul, critics saw red in Prime Minister Najib Abdul Razak's promise that he would solve the flooding problem if constituents voted for BN candidate Robert Lau Hui Yew.

NONE Asked to comment, Abdul Aziz said: "When he (Najib) said 'You help me, I help you' he wasn't talking to an individual, he was speaking to a large crowd..."

"To say it is bribery, it has to be proved in court. It must be proved that it influenced the voters and it has to be made known that the elector voted for the candidate because of this. But how do we prove it? Votes are confidential... I'm not a lawyer, so let the court decide.

"To a lay (person) it may look like corruption (but) this is politics. For example, PAS used to say 'If you join our party, this is real Islam, otherwise no heaven for you'. In China, there are 30 million Muslims. If they don't join PAS (does it mean) they won't go to heaven?"

He conceded that the Election Offences Act 1954 clearly states what constitutes a bribe, but said the EC requires indisputable evidence in order to press for action by the MACC.

NONE Citing the use of state resources, which is prohibited, he said: "They have official functions in the same location as (where) the election (is being held).

"If we ask they say 'I had an official function so I used the official car'. After that (they) go campaigning. Both the opposition and the government do this, (but) when we (question them), we are rebuked (for it)."

Abdul Aziz added that the do's and don'ts of campaigning are made clear to the agents of the contesting parties and candidates.

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