

'A bargain, inducement and admission made by PM'
Malaysiakini.com
July 22, 2010

There was a bargain, inducement and an admission made by Prime Minister Najib Abdul Razak to suggest bribery did indeed take place to ensure MIC candidate P Kamalanathan won the April 25 Hulu Selangor by-election, alleged lawyer Malik Imtiaz Sarwar today.

Representing PKR supreme council member Zaid Ibrahim, he read out passages from Najib's speech which promised RM3 million to SRJK(C) Rasa and also the premier's speech at the Sibu by-election to prove this point.

NONEZaid had filed a petition on May 24 to declare the result of the April Hulu Selangor by-election as null and void.

Malik (left) is seeking to set aside Kamalanathan's application to strike out the petition. The trial is in its third day at the Kuala Lumpur High Court, which is sitting as an Election Court.

Najib had said he would approve an allocation of RM3 million to the school board, with the condition set by MCA president (Dr Chua Soi Lek) that Kamalanathan won. This, Malik said, constituted a bargain and inducement.

Najib gave a cheque to the SRJK(C) Rasa board of governors several days after Kamalanathan won.

The lawyer then pointed out that in the Sibu by-election Najib had referred to the SRJK(C) Rasa payout, as an example of the BN's admission of the corrupt practice.

"There are acts of bribery which consist of corruption in the by-election to procure a BN victory.

"Najib is the Prime Minister, Umno president, BN chairman and also Finance Minister," Malik added.

He said there is enough evidence on this allegation alone for the court to hear the case through trial and not allow the striking out.

Malik said the court cannot ignore the recordings already on Youtube and MalaysiakiniTV over the alleged promises made to ensure BN and Kamalanathan won.

Malik also cited the promises that Najib made to Sungai Buaya and Felda Sungai Buaya residents as other examples of corruption.

Minor errors

He also urged the court not to let the minor errors in the filing of the petition hamper the administration of justice.

Earlier, election judge Justice Azahar Mohamed allowed Malik's application to correct some typos on the front page of the petition, however, he disallowed amendments inside the petition.

Malik emphasised that the lawyers representing Zaid are not the police who can find fault in the alleged corrupt practices, but it is through this court that it would find avenues to curb corrupt practices in elections.

The lawyer said the court should allow a full trial, as it would create massive unhappiness if it were to allow the striking-out application.

'Najib and Kamalanathan can testify'

Malik also pointed out that if it was true Kamalanathan and Najib had noble intentions in awarding the people of Hulu Selangor with such projects, then they can come themselves to clarify in court.

"Since Kamalanathan is always present he can clarify such matters as the pledge made by Najib to the election judge," he said.

Malik's co-counsel Azahar Azizan Harun also submitted that this case would be a historic moment in court where never before had it been blatantly clear that a Prime Minister, who is the leader of Umno and Barisan Nasional, had made such a promise.

Azahar said it was also widely reported by the mainstream media, and hence, the court could not run from the fact of people having such a negative public perception.

NONEHe also told the court there was no need for the petition to state who had received the bribe as it sufficed to show that an offer was made, the candidate had won and there was payment.

"Have you see anyone come forward in court to say yes they have accepted a bribe. This person would then be charged with abetment. In a petition, it is sufficient to show some elements as the rest would be dealt with in the trial," Azahar said.

There was no need, he said, for the charge to satisfy provisions under the Criminal Procedure Code (CPC).

Yesterday, Justice Azahar had sought clarification from the lawyers whether there was a need for the charges framed in the election petition to also follow the CPC

Zaid was present in court while Kamalanathan, who was present for the first two days, came in the afternoon.

Zaid lost Hulu Selangor by 1,725 votes, which saw the parliamentary seat returning to the BN.

'Corruption took place'

Zaid's petition aims to nullify the Hulu Selangor by-election result, which saw him losing to BN's P Kamalanathan.

He alleged that corruption had taken place in the form of bribery, including promises made by Najib to provide allocations to the voters if BN won. He further alleged that Kamalanathan knew of the promises.

Zaid has named Kamalanathan, returning officer Nor Hisham Ahmad Dahlan, and the Election Commission as the respondents.

Earlier, senior federal counsel Azizan Md Arshad, representing the Election Commission and the returning officer, in a preliminary objection to Zaid's petition, said the audience who heard the speeches amounted to 1,083 people or voters.

He said there were 120 people voters who may have heard the speech in Rasa, another 600 in Sungai Buaya and the rest in Felda Sungai Buaya.

"However, Zaid lost by a majority of 1,725. If we were to omit the majority with 1,083 Kamalanathan would still win," he said, adding they also adopted Firoz Hussein Ahmad Jamaluddin's day-long submission yesterday for Kamalanathan.

Justice Azahar then fixed tomorrow to hear the reply from Firoz Hussein in the striking-out application.

Zaid: Country needs honest lawyers

Zaid, who was de facto law minister under Abdullah Ahmad Badawi, when met during the mid-day break said he does not want to see the case being dropped due to a technicality.

NONE“When I was the law minister or running the largest law firm in the country, I would have liked to see honest lawyers who are out to seek justice. I do not want to see cases dropped on a technicality.”

“It is rather unfortunate that the court is attending to the striking-out application without hearing the merits of the case. If the matter had proceeded for a full trial it could have been finished by now. That is the state Malaysia is in now,” Zaid (left) said.

He also welcomes the call by Kelantan exco member Husam Musa for the formation of a RM20 million fund to support Pakatan Rakyat's fight to wrest Putrajaya in the 13th general election.

He said such a move should be encouraged, but added he would not join the committee to help seek the funds although he is also the Pakatan coordinator.

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