

**Election petitions to hold court with ink, bribery and murder drama**  
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Among the bundles of affidavits, notes, testimonies and other bits of evidence which make up the 39 election petitions filed by Pakatan Rakyat following GE13 lies the story of K. Murugan.

Or more accurately, his gruesome murder.

His death only merited a dash of ink in the newspapers in the days leading to May 5, and if not for the tireless efforts of his family and PKR's Vasantha Kumar, it would have been a footnote by now.

Vasantha, the candidate for Tapah, remembers Murugan working tirelessly for him in the tough battle against MIC's Datuk M. Saravanan. He organised political rallies and worked the ground sufficiently that he got noticed.

He received death threats and was asked to stop campaigning for the Opposition.

He disregarded the threats and did not think twice about leaving his home early on May 1 after receiving a call. That was the last time he was seen alive. His body was found in a river, weighed down by scrap metal. His hands and feet were bound.

Vasantha said: "We believe that Murugan was murdered to intimidate the voters. He was well-known locally and it was his job to organise ceramahs for me."

This is probably the first time in Malaysian history that murder has been raised as a reason to nullify an electoral result. This is also the first time in history that so many election petitions have been lodged by Barisan Nasional (BN) and Pakatan Rakyat (PR).

A total of 58 cases has been filed in the peninsular, nine in Sabah and another two in Sarawak by the June 12 deadline.

Given the long and testy period of campaigning and the host of allegations of cheating and vote-tampering in the run up to polling day, it is not surprising that a record number of petitions have been filed.

Also driving this election petition campaign is a deep sense of grievance at being robbed of the ultimate prize: control of Putrajaya.

Besides the murder of Murugan, the opposition's main grounds in seeking to nullify the electoral results are faulty indelible ink and bribery. Indeed, most of the petitions filed by PR were related to the indelible ink, according to R. Sivarasa (pic), one of the lawyers representing the opposition coalition.

"The Election Commission (EC) committed fraud when the indelible ink failed," Sivarasa said.

"The silver nitrate was absent, so the ink didn't work," Sivarasa said in explaining why the ink was easily washed off.

In Parliament, Tan Sri Shahidan Kassim, the Minister in the Prime Minister's Department, said that the ink really contained a food colouring instead of silver nitrate, the chemical compound that ensures the ink stays on the skin for at least 72 hours.

PR will also file civil suits against the EC for failure to conduct polls fairly.

Sivarasa added that the alleged irregularities that were included in PR's petitions involved the "suspicious voting pattern in the early voting ballots". PR questions the validity of postal votes and those submitted by the members of the police and armed forces.

"The ballot boxes are kept for five days without supervision from election observers," said Sivarasa, pointing to the possibility of vote-rigging.

The petitions also refer to the allegations of vote-buying at various places, including the Bagan Datok seat held by Home Minister Datuk Seri Ahmad Zahid Hamidi.

Ahmad Zahid had been accused of spending RM2 million, 10 times the allowed sum for election expenses, after he was caught on video admitting that he offered RM100 in cash and rice to 24,000 people.

Meanwhile, a BN source said the ruling coalition in their 21 election petitions had among other things cited intimidation of voters in Johor and the rejection of some ballots which were tainted with the indelible ink.

"These ballots were rejected because they were tainted with the ink. If they were allowed, then the results would have swung in our favour," said the man from Umno.

The ink was meant to identify those who had voted and to prevent them from voting a second time. But some voters used the ink on their finger to mark the ballot paper.

An interesting petition was filed by former Federal Territories Minister Raja Nong Chik Raja Zainal Abidin against PKR's Nurul Izzah, the woman who defeated him narrowly. He accused her of having 'disturbed voters' by urging them on a news website not to vote for him.

There was also a petition filed in the Batu parliamentary seat where BN are questioning the eligibility of Parti Keadilan Rakyat's Chua Tian Chang (better known as "Tian Chua") to contest the election.

BN's Dr Dominic Lau who filed the petition believes that Chua should not have been allowed to contest the election due to a previous conviction.

Lawyers believe that most of the election petitions will be unsuccessful because of the high threshold attached to overturning an election results, and the court's loathing to defeat the will of the people without clear evidence.

Art Harun, a lawyer and commentator, recently spelt out in an article that it was insufficient to simply question the efficacy of the indelible ink or the EC's incompetence in the ink fiasco.

The questions which the court would be interested in are these: did the foul up in the ink allow groups of voters to vote twice and did that mistake impair the result of the election in that constituency.

Similarly in the case of the election petition in Tapah, the opposition have to show evidence that voters were intimidated by Murugan's murder and, therefore, voted out of fear for BN.

It looks like High Court judges who have been appointed as election dispute arbitrators will have to work overtime to dispose cases. - July 4, 2013.

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