

Federal Court appeal option available for unhappy election petitioners
Malaysian Insider
July 30 , 2013
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Politicians who are not satisfied with decisions made by election judges can appeal for a Federal Court bench to hear their complaints.

The Judiciary's Corporate Communications and International Relations head Mohd Aizuddin Zolkeply said Chief Justice Tun Arifin Zakaria cannot personally interfere to rectify any decisions made by election courts.

Aizuddin was commenting on a call from Opposition leader Datuk Seri Anwar Ibrahim who urged the chief justice to intervene in several election petitions which were thrown out on technical grounds and ordered to pay very high costs.

Anwar made the call yesterday afternoon where he lamented that a spate of election petitions filed by Pakatan Rakyat (PR) were summarily dismissed.

Aizuddin, however, said any intervention in the election petition cases should be by way of judicial proceedings.

"A five-man bench will hear appeals although the earlier decision was made by one judge," he told The Malaysian Insider.

For election petition cases, aggrieved parties can appeal in the apex court.

Aizuddin said even the exorbitant costs ordered to be paid to another party could also be raised during appeal.

Anwar charged that the election petitions were dismissed merely on technical grounds and the merit of the cases were totally ignored.

He said some of the technicalities raised were frivolous.

For example, Anwar said the petitions for Machang and Selising seats were struck out on the basis the papers were not served personally by the petitioner himself to the respondents.

He said this was quite ridiculous when everyone understands that parties in court acted through lawyers and did not go around trying to serve court documents themselves.

Anwar said judges were also saying that the facts stated in the petitions were not sufficient. He, however, claimed this was not a good enough reason to dismiss the petition as the judge could ask for further details.

He said this would be a better way to handle disputes when such important issues of election abuses were raised regardless whether it came from Barisan Nasional or PR.

Anwar said another disturbing trend was that petitioners whose cases were struck out were ordered to pay high costs.

For the Balik Pulau parliament seat, the court ordered payment of RM120,000 in costs.

Anwar said such a colossal amount was not line with the existing trend in civil cases.

So far 10 petitions from opposition candidates were thrown out without the merit of the cases being heard. - July 30, 2013.

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