

DAP lawmaker accuses A-G of selective prosecution in sedition charge

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Seputeh MP Teresa Kok wants to transfer her sedition charge from the Sessions Court to the High Court in a bid to expose what she says is selective prosecution by Attorney-General Tan Sri Abdul Gani Patail.

The DAP national vice-chairman said in an application to transfer her case that Gani refused to frame charges against racists and extremists who threatened public order, ridiculed other races and those from minority religions to create disharmony and riots.

She said the High Court was the appropriate forum to investigate that the charge against her amounted to selective prosecution.

She also said the matter could only be brought to the Federal Court if her trial started in the High Court.

"There are many delicate legal questions that will be raised because the A-G's discretionary powers superseded a citizen's right to equal protection under the law," said Kok in the affidavit sighted by The Malaysian Insider.

Sessions judge Norsharidah Awang will hear the application to transfer the case on September 18.

In her affidavit filed on August 22, Kok listed out examples where Gani had abused his discretionary powers as provided under the Federal Constitution and the Criminal Procedure Code.

* A group slaughtered a chicken and offered a reward to those who could slap her when they protested against her video, "Onederful Malaysia" but Home Minister

Datuk Seri Dr Ahmad Zahid Hamidi had said there was no necessity to investigate the protest.

* Umno mouthpiece Utusan Malaysia asked "What more do the Chinese want?" (Apa lagi Cina mau?) after Barisan Nasional's poor showing in the 13th general election last year. BN claimed the Chinese and urban voters supported the opposition when it increased its parliamentary seats from 82 to 89.

* A website had reported early last year that Malay right-wing group Perkasa president Datuk Ibrahim Ali had called for the Alkitab to be burnt.

* Sinar Harian carried an article (Kesbaran umat Islam ada had) by Ridhuan Tee Abdullah early last year that insulted Indians.

* Kok also raised the video clip of Datuk Zulkifli Nordin (where he had asked why Hindu gods did not stop flood) reported by The Malaysian Insider in March last year.

* The movie "Tanda Putera", where its director, Suhaimi Baba, had insinuated that the Chinese were responsible for the May 13 (1969) racial riots in Kuala Lumpur.

* Kok also pointed to the racial criticism by Nasir Safar against the Chinese and Indians at a 1Malaysia course, which was reported by The Malaysian Insider, on June 28, 2010. Nasir was Prime Minister Datuk Seri Najib Razak's former aide.

Kok said no one was charged with sedition in the above incidents but in recent days, there were a slew of sedition charges against opposition leaders.

On Monday, former Perak menteri besar and Changkat Jering assemblyman Datuk Seri Mohammad Nizar Jamaluddin was charged with criminal defamation and this was followed by Shah Alam MP Khalid Samad being charged with sedition in Kuala Lumpur.

Seri Delima assemblyman R.S.N. Rayer was slapped with two sedition charges over his "Umno celaka" remark in Penang, while PKR vice-presidents N. Surendran and Rafizi Ramli were yesterday charged with their second sedition charges.

Another PKR vice-president and Batu MP Tian Chua is facing two sedition charges while Seri Setia assemblyman and PKR Youth chief Nik Nazmi Nik Ahmad is facing a fresh charge for organising the 505 Black Rally under the Peaceful Assembly Act.

All risk being disqualified from public office if conviction and sentence is confirmed.

Kok said all these happened despite a promise by Najib on July 11, 2012 to repeal the archaic law and his deputy, Tan Sri Muhyiddin Yassin, said the following day that it was not an empty promise by the prime minister.

She said Najib reiterated his earlier stand during an interview with the BBC's World News on July 2 last year to abolish the law.

"As a result of statements made by the two leaders, the public had the legitimate expectation that the sedition law will be removed from the statute book," she added.

"As such, logically and legitimately, Gani should have placed a moratorium on any further charges under the Sedition Act."

On May 6, Kok pleaded not guilty to the offence for her controversial Chinese New Year video ("Onederful Malaysia") in which she allegedly insulted Muslims and the nation's leaders earlier this year.

Although she had clarified that her video was a satire of Malaysian political life, Kok received a barrage of insults and more than 300 police reports were lodged against her. – August 29, 2014.

Source:

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