

**July 13 set for decision on Rafizi's insulting Umno members conviction appeal**  
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**By Ho Kit Yen**

**Lawyer for Pandan MP Rafizi Ramli argues it has not been proven that Rafizi's words would have led to a breach of the peace.**

SHAH ALAM: The High Court will decide on July 13 on Pandan MP Rafizi Ramli's appeal against his conviction for insulting Umno members in a newspaper interview three years ago.

Justice Ghazali Cha set the date for decision after hearing submissions from Rafizi's lawyer Gobind Singh and deputy public prosecutor Iskandar Ahmad.

Gobind argued that the PKR representative's conviction under Section 504 of the Penal Code for intentional insult with intent to provoke a breach of the peace, was "not safe".

He said the charge against Rafizi could not stand because it lacked the essence to show that the Umno members who were said to be insulted over his statement in the newspaper would have breached the peace.

Gobind pointed out that two witnesses told the Sessions Court, during trial, that they had no intention of holding street protests after Rafizi's statement was published.

Last year, Rafizi was fined RM1,800 by the Petaling Jaya Sessions Court for insulting and provoking anger among Umno members in an interview.

He had allegedly claimed that Umno was behind the religious attacks in Selangor in 2014.

His statement appeared in an article entitled "Analyst: Will Rafizi quit if Selangor not toppled?" published on fz.com and in The Edge Financial Daily.

On the RM1,800 fine, Gobind said the Sessions Court did not make any error in imposing a fine of less than RM2,000 after taking into consideration that Rafizi was an elected representative and that a fine of more than RM2,000 would disqualify him from being an MP.

However, deputy public prosecutor Iskandar argued that the RM1,800 fine was "very low", and sought a higher sentence.

“The court had erred in deciding to fine him RM1,800. The judge had confined herself to imposing a fine of less than RM2,000 to avoid any by-election if the accused (Rafizi) lost his qualification,” he said.

Besides this conviction under Section 504, Rafizi has two other convictions, namely, for organising a Black 505 rally without a 10-day notice under the Peaceful Assembly Act (PAA), and breaching the Official Secrets Act (OSA) by leaking details on the 1MDB audit report.

He was fined RM1,950 for the offence under Section 9(1)(a) of PAA last year by the Kuala Lumpur Sessions Court.

For the OSA offence, meanwhile, he was handed a three-year jail sentence by the Sessions Court on two charges of possessing and leaking page 98 of the report.

He has appealed against the OSA conviction and custodial sentence.

He also faces another charge under the Banking and Financial Institutions Act for revealing confidential banking details in relation to the NFC scandal.

Rafizi will be unable to stand in the next general election if he fails to set aside his OSA conviction and jail sentence.

Article 48 of the Federal Constitution disqualifies a person from being an MP for five years should the elected representative be convicted and sentenced to more than one year in jail, or fined more than RM2,000.

Speaking to reporters after the High Court hearing, Rafizi said it was “just another day in court” for him.

He claimed there was a trend among his political opponents to use his pending court cases to attack him.

“They want to show that I am not a credible person as I have many cases pending in court,” he said.

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