



Permatang Pauh By-Election

26th August 2008

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Submitted to The Asian Foundation (TAF), Malaysia



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Abbreviations and Definitions

AKIM	Angkatan Keadilan Insan Malaysia (Malaysian People's Justice Front)
BN	Barisan National (National Front), the ruling party coalition comprised 14 parties.
DAP	Democratic Action Party
Dewan Rakyat	House of representatives
FRU	Federal Reserve Unit
Gerakan	Parti Gerakan Rakyat Malaysia (Malaysian People's Movement Party)
ISA	Internal Security Act
LDP	Parti Liberal Demokratik (Liberal Democratic Party)
MAFREL	Malaysians for Free and Fair Elections
MALVU	Malaysian Voter Union
MCA	Persatuan Cina Malaysia (Malaysian Chinese Association)
MIC	Kongres India Se-Malaysia (Malaysian Indian Congress)
NIEI	National Institute for Election Integrity
NGO	Non-government organization
PAS	Parti Islam Se-Malaysia (Malaysia Islamic Party)
PBB	Parti Pesaka Bumiputera Bersatu (United Traditional Bumiputera Party)
PBRS	Parti Bersatu Rakyat Sabah (United Sabah People's Party)
PBS	Parti Bersatu Sabah (United Sabah Party)
Pekatan Rakyat	People's Coalition (opposition coalition)
Pilihan Raya Kecil	By-election
PKR	Party Keadilan Rakyat (People's Justice Party)
POPO	Public Order and Prevention of Crime Ordinance
PPP	Parti Progresif Penduduk Malaysia (People's Progressive Party)
PRS	Parti Rakyat Sarawak (Sarawak People's Party)
SAPP	Parti Maju Sabah (Sabah Progressive Party)
SPDP	Parti Demokratik Progresif Sarawak (Sarawak Progressive Democratic Party)
SPR	Suruhanjaya Pilihan Raya or Election Commission
SUPP	Parti Rakyat Bersatu Sarawak (Sarawak United People's Party)
UMNO	Pertubuhan Kebangsaan Melayu Bersatu (United Malay National Organization)
UPKO	Pertubuhan Pasok Momogun Kadazandusun Bersatu (United Pasokmomogun Kadazandusun Murut Organisation)

Background

The Permatang Pauh by-election was called by the Election Commission or Suruhanjaya Pilihan Raya (SPR) to seek a replacement for the Dewan Rakyat seat after a female MP, Wan Azizah Wan Ismail, resigned from her post. She declared her resignation on July 31st 2008 to give a way for her husband, Datuk Seri Anwar Ibrahim, to contest the seat and make a return to politics after a ban of several years. Wan Azizah Wan Ismail has remained president of the Party Keadilan Rakyat (PKR), which belongs to the Pakatan Rakyat (PR) coalition.

A by-election is held whenever a Member of Parliament or state assembly dies, resigns or is disqualified from holding their seat. The exception is if the vacancy occurs when the tenure for the current Parliament or state assembly is less than two years, where the seat is simply left vacant until the next general election.¹

The Election Commission declared that candidates must nominate for the seat by August 16, and that the election was to occur on August 26, 2008. The constituency in question was number P-44 of Permatang Pauh, which is a small part of Penang Island state. Within only a short time the SPR was ready to hold the election and candidates were ready to start their campaign.

The P-44 Permatang Pauh constituency is known as a stronghold of Anwar Ibrahim and his wife Wan Azizah wan Ismail. Anwar had joined the BN in 1993 and became Deputy Prime Minister. During the Mahathir Muhammad era Anwar resigned from this post and left the BN to join the PKR, a member of the PR coalition. Anwar and Wan Azizah wan Ismail have been influential in Permatang Pauh for decades.² The by-election was an important milestone as Anwar Ibrahim reentered politics after a long political ban. After his victory in the by-election Anwar was appointed to lead the PR in Malaysia's current political battle. The opposition coalition gained just 82 of 222 seats in parliament in the March 2008 general elections, although many speculate that support for the PR is increasing and they will eventually defeat the weakening BN by forming a coalition government.

¹ http://en.wikipedia.org/wiki/Elections_in_Malaysia.

² The track record of election results in Permatang Pauh can be seen in Annex 1.

Both the PR and BN coalitions exercised power and strategy to compete in the election. State resources were used to disseminate and promote an incredible number of polices. About 6,000 security personnel were ordered to maintain order in Permatang Pauh while top leaders campaigned in the area. The presence of security forces contributed to a certain level of tension during the by-election.

Permatang Pauh: A Strategic Constituency for Both Coalitions

The Barisan Nasional (BN, or National Front) was founded by the United Malay National Organization (UMNO) and is the biggest coalition in the country. It comprises 14 political parties and occupies a majority of 134 out of 222 seats in parliament.³ The BN has controlled the parliament since Malaysia became independent in 1957.

The parties under the BN coalition are:

- United Malays National Organization (Pertubuhan Kebangsaan Melayu Bersatu, UMNO),
- Malaysian Chinese Association (Persatuan Cina Malaysia, MCA),
- Malaysian Indian Congress (Kongres India Se-Malaysia, MIC),
- Malaysian People's Movement Party (Parti Gerakan Rakyat Malaysia, Gerakan),
- United Traditional Bumiputera Party (Parti Pesaka Bumiputera Bersatu, PBB),
- Sarawak United People's Party (Parti Rakyat Bersatu Sarawak, SUPP),
- Sarawak Progressive Democratic Party (Parti Demokratik Progresif Sarawak, SPDP),
- Sarawak People's Party (Parti Rakyat Sarawak, PRS),
- United Pasokmomogun Kadazandusun Murut Organisation (Pertubuhan Pasok Momogun Kadazandusun Bersatu, UPKO),
- United Sabah Party (Parti Bersatu Sabah, PBS),
- Sabah Progressive Party (Parti Maju Sabah, SAPP),
- United Sabah People's Party (Parti Bersatu Rakyat Sabah, PBRs),
- Liberal Democratic Party (Parti Liberal Demokratik, LDP), and
- People's Progressive Party (Parti Progresif Penduduk Malaysia, PPP).

The Pakatan Rakyat (PR) is an opposition coalition initiated by Anwar Ibrahim, who has become a symbol of reform in the country. The PR receives support from the secular and multi-racial DAP (Democratic Action Party), Islamist PAS (Pan-Malaysia Islamic Party) and the social justice-oriented PKR.

³ The election result from the General election on March 2008

Anwar and the PKR have strongly opposed the government and successfully formed a coalition with other parties that oppose the present administration.

The Malaysian People's Justice Front (Angkatan Keadilan Insan Malaysia or AKIM) splintered from the PAS in 1995, and is not part of a coalition party. Mr. Hanafi Mamat lead the party as president and contested in this by-election.

Election Administration

The SPR (the Election Commission of Malaysia) is mandated to conduct elections to the House of Representatives (Dewan Rakyat) and the State Legislative Assemblies (Dewan Undangan Negeri) under the Federal Constitution. This applies to by-elections as well.

The SPR consists of a Chairman, a Deputy Chairman and five other Members, appointed by His Majesty the Yang di-Pertuan Agong after consultation with the Conference of Rulers. In appointing the members, the Yang di-Pertuan Agong *“shall have regard to the importance of securing an Election Commission which enjoys public confidence”*.

The policy of the Election Commission is to safeguard, supervise and maintain the democratic process of the country through free and fair elections. It is the responsibility of the Commission to ensure that the people are able to freely elect their representatives through genuine democratic elections.

Nevertheless the SPR has often been abused by the Government and the ruling party to promote vested interests. The opposition coalition, local and international media and a number of NGOs have expressed doubts over the neutrality, impartiality and professionalism of the SPR. Malaysian people are generally apprehensive about criticizing or protesting against state authorities such as the SPR as they can face detention under the ISA (Internal Security Act) or Public Order and Prevention of Crime Ordinance (POPO). Under such laws the police are authorized to detain people without any reason and without trial.

Eligible candidates

On August 16, 2008 the election commission declared 3 (three) eligible candidates to contest in the by elections:

	<p>Datuk Seri Anwar Ibrahim PKR, Party Keadilan Rakyat (Peoples Justice Party under opposition coalition).</p> <p>Anwar Ibrahim is the de facto leader of PKR since 2004. The party is spearheaded by his wife, Dato Seri Wan Azizah Ismail who secured the Permatang Pauh seat for two terms (1999 and 2004).</p> <p>Previously, Permatang Pauh was held by Anwar for 17 years since he joined UMNO in 1982 until he was sacked by Mahathir Mohammad, the then Prime Minister over sodomy and corruption charges. His portfolio until he was sacked was Minister of Finance.</p> <p>Anwar is responsible for engineering the unprecedented victory of People's Coalition in the 12th General Election held in March 2008. He pulsated his political comeback a month after the bans on participating in politics were lifted.</p>
	<p>Hanafi Mamat AKIM (Angkatan Keadilan Insan Malaysia)</p> <p>Previously, a member of Parti Islam seMalaysia (PAS), Hanafi lead a small breakaway group of PAS member to form AKIM.</p> <p>Originally from the east coast state of Kelantan, Hanafi's stance on the by-election campaign aside from 'perpaduan' or unity is to establish AKIM's platform in the national political fora.</p>
	<p>Datuk Arif Shah Omar Shah Nominated by BN, UMNO, under National Front (BN) coalition</p> <p>Arif Shah is the assemblyman for Seberang Jaya, the only BN elected representative who survived in PKR's stronghold of Permatang Pauh, defending it for the second time during the 12th General Election.</p> <p>Arif who attended Chinese primary and secondary schools was seen as the most eligible politician in the selection of candidates to contest in the by-election. The UMNO man who speaks fluent Mandarin was seen as an advantage to win the votes of Chinese voters. His strong point during the election campaign is that he gains respect from both his enemies and friends regardless of their political ideology.</p> <p>Arif said he is very familiar with Anwar's political style because he served as Permatang Pauh Youth chief when Anwar headed the UMNO division there.</p>

Source: Tadzrul Adha, NIEI Observer.

Voter Rolls

The voter roll used in the by-election was considered illegal by many stakeholders. PKR and the opposition coalition accused the SPR of partiality and of favoring the BN Coalition. The complaint arose when the SPR decided to update the Voter List on July 31, having previously gazetted it on June 19, 2008. A PKR MP commented that *“this means the SPR is updating the list quietly and un-transparently without public awareness. Moreover, they promulgated it to be used in the election without acknowledgement to the PKR.”*

The new voter list was inaccurate, with many names of dead peoples still on the list. MAFREL found that 83 voters were registered under one address in one residence. Even though the villagers had no intention to cheat this example demonstrates the inefficiency of the SPR officers who compiled the list, who did not require voters to register according to their own address⁴.

Some postal votes were cast outside areas close to the police station. An analysis of the list revealed 900 voters had been removed, over 700 voter names had been added and more than 400 police officers were registered and had the right to vote as postal votes. The SPR must ensure that each citizen eligible to vote is properly registered, and investigate suspicious postal votes.

The PKR research center complained about the deletion of 868 voters who they claimed supported them in 3 districts. These mistakes were revealed by a simple analysis, outlined in the table below, based on tracking and comparison of the voter roll with previous versions. Hon. Fuziah Salleh lodged a complaint with the SPR without any significant response. Only after this issue was taken up by the media did the Deputy Prime Minister speak out and give a late order to the SPR to investigate this issue. Unfortunately, this was only a few hours before polling was due to start and obviously there was no time to investigate it.

⁴ Ong Boon Keong, the Malvu chairperson and MAFREL program coordinator in Permatang Pauh Election observation.

Table showing groups of voters suspiciously unlisted⁵

Code	District Election	Three versions of each voter list			Number of voters unlisted
		1. March 08	2. June 08 (Online)	3. July 08	
N10	Seberang Jaya	Listed	Unlisted	Unlisted	17
		Unlisted	Listed	Unlisted	596
					(613)
N11	Permatang Pasir	Listed	Unlisted	Unlisted	36
		Listed	Listed	Unlisted	132
					(168)
N12	Penanti	Listed	Unlisted	Unlisted	28
		Listed	Listed	Unlisted	140
					(168)

868 voters unlisted in suspicious circumstances

Source: Complaint documents handed to the SPR.

400 unclear postal votes remain a problem. Around 400 police officers from Bukit Mertajam headquarters were listed and had to vote by post, although the police station was located very close to the P44 constituency. While the jurisdiction of the area may be a consideration, local NGOs complained and questioned why the police in this station needed a postal vote when their base was so close to the constituency. Officers could have voted on the day without any inconvenience. The local NGO also questioned why voters who study or work outside Permatang Pauh did not receive any assistance. These voters were effectively disfranchised by the SPR for no good reason.

A comprehensive analysis of problems with the voter roll was published by MALVU on its blog.⁶ MALVU claims the problems in P44 were very serious and explains the technical detail of what the SPR did that gave rise to the problems. This has been officially denied by the SPR, but as yet the SPR has not provided an answer or definite explanation of the issue.

The SPR designated 28 polling centers all across the P44, located in school buildings. They accommodated a total of 58,459 voters of the following ethnic composition: Malay 69.4%, Chinese 24.5%, Indian 6% and other ethnic groups 0.1%.

⁵ This table outlines six groups of voters who had been deleted from the voter list in three provinces. 'Listed' or 'Unlisted' indicates whether they were present on the voter list at the three points in time. Some groups (of 17, 36 and 28) were deleted properly following death or relocation. The shaded numbers represent voters deleted in suspicious circumstances. For example, the shaded group in Seberang Jaya was not listed in the March 2008 general elections, listed in June but then removed again in July.

⁶ Available: <http://malvu.blogspot.com/2008/08/were-900-voters-deleted-and-replaced-in.html>.

Campaign Environment

Election campaigns began on the nomination day and lasted until the designated time at 00.00 on the Election Day, 6 hours before the opening of the poll. They were colorful but did generally ignored the provisions of the electoral law.

Dirty tricks were used to enforce the dominant position of the BN coalition. Political parties abused issues of race, ethnicity and religion to discriminate against their competitors; character assassination, libel and provocation were also common strategies during the contest. The BN used an allegation of sodomy to influence voters against Anwar, who was charged and arrested before being released on bail. The case was thrown out of court due to a lack of evidence. Sodomy is not only illegal in Malaysia, it is a very sensitive issue for Muslims which can easily spark anger in society. Perhaps this helps to explain why BN actively enlarged the issue to attack and undermine Anwar Ibrahim. BN cited the Holy Al'Qur-an to convince people not to vote for Anwar. Fliers, leaflets, stickers and banners were also produced during the campaign, even until the polling day, and can still be found in the area.

Anwar Ibrahim has been accused of being an international agent who will open political relations with Israel⁷ if he were to lead the government, and allow an Israeli embassy inside Malaysia. It was also said that he will make Malaysia like Singapore and give more political, educational and economic opportunities to Chinese people. "Anwar is Chinese agent" said a rally supporter of BN.

The PR coalition accused the government of being an authoritarian government rife with corruption, such as the case of Mr. Nazib razak, the Deputy Premier of Malaysia who has been allegedly linked to the murder of Mongolian models in 2006. The opposition also accused the government and the BN coalition of dividing the people and creating racial tension, particularly with its scare campaign of Malay Muslims being dominated by India and China.

Supporters came from all over the Malaysian peninsula and set up roadside tents across the constituency. They were divided according to which delegation or party they have come to support. One delegation coordinated the campaign agenda, logistic distribution, food stations, information centers and other related activities, as well as rest shelters for those supporters

⁷ In Muslim countries such as Malaysia the issue of Israel is particularly sensitive due religious and historical reasons.

coming from outside the city. The tents were sporadically spread in all over the roadside in Permatang Pauh. Though it was a quiet place before, these areas became crowded and opened opportunities for locals to sell food, clothes etc.

Black Campaigning

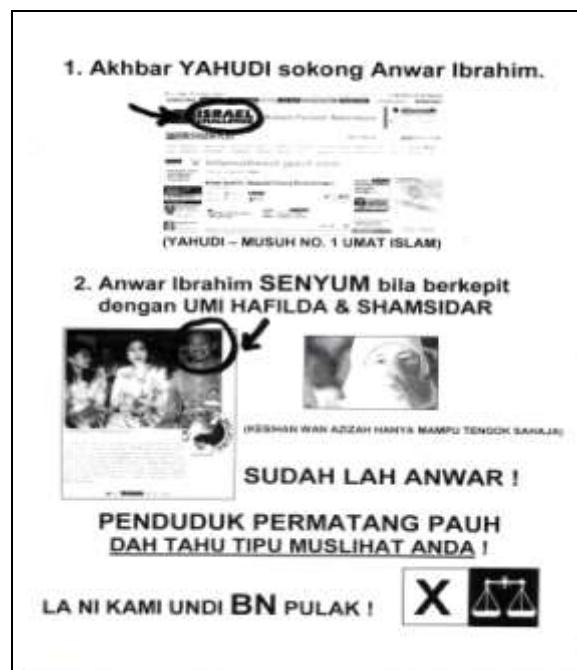
Political parties used scaremongering, racism and other psychological attacks while campaigning for the Permatang Pauh by-election. Both the BN and PR coalitions distributed thousands of unethical banners and pamphlets before Election Day. The BN aggressively attacked Anwar's personality in an attempt to portray him as an immoral and dangerous leader. The PR countered by criticizing the governing coalition on different issues. PR supporters were accused of using violence to carry out their opposition function, which forced the deployment of large numbers of police.

This 'black campaigning' spread defamatory, malicious and misleading information amongst the Permatang Pauh population. More often than not the subject matter was completely unrelated to the election. The example below suggests that a future government led by Anwar would replicate the 2004 Tak Bai incident in Narathiwat Province, Southern Thailand.



*"Violence at TAK BAI Thailand: If we are not careful, Malaysia will be like this.
The PKR's often violent acts can bring threats to the nation, the security and stability will be gone if
we mistakenly select a leader who is only made to credit themselves like ANWAR"*

Below is an example of a BN flyer maliciously targeted at discrediting Anwar for his relations with other public figures in Malaysia. Further examples of negative and defamatory leaflet materials can be seen in Annex IV.



"1. The Jews (Israel) supported Anwar Ibrahim, (the Jews the number 1 enemy of Islam)"

"2. Anwar Ibrahim SMILE if in between Ms. UMI HAFILDA & SHAMSIDAR.

(Pity Wan Azizah only can watch, his behavior)"

"Come on ANWAR! The people of Permatang Pauh already knew your trick! So we will vote for BN!"

Flags War

Campaigning was gloriously colorful with campaign materials such as banners, flags, leaflets and posters. These were displayed throughout public areas, creating concerns over a flag war between the candidates for the PKR (PR) and BN (UMNO). The AKIM candidate had only a relatively small amount.



Flags, banners and posters surrounded the city

Security

6,000 police were officially deployed to maintain law and order during the by-election, brought from outside the constituency. The large numbers of security personnel ensured public safety, but seemed unnecessary given that Permatang Pauh is a small constituency with only 58,459 registered voters. Roughly, the ratio of police officer to voters was 1:10.

Such large numbers of police caused concern and controversy among the election stake holders. The government argued they were necessary to avoid disturbances in the area as tension was rife due to the fanaticism of supporters concentrated inside the small constituency and the continuing fear of clashes. The opposition parties, local NGOs and ANFREL feel differently. The presence of such big numbers of police (in both uniform and plain clothes), and the involvement of the FRU (Federal Reserve Unit) as the tactical anti riots unit, spread an atmosphere of fear among the people. The night patrol by the motorcycle unit and the road blocks limited people's movement in every corner of the city. The presence of police officers was a continual reminder of the security situation.

A civil arrest happened in Permatang Pasir district known as a PAS stronghold. Five men from a workers' party had been arrested for no reason after they attended a campaign speech in the area, but were released after being questioned. A PAS party leader in Permatang Pasir stated that this was a kind of mental intimidation to prevent voters attending the campaign.

Vote Buying

Vote buying in cash and in kind as well as promising new state policies were prominent tools of the political campaigns. There was no law enforcement or investigation from the SPR. The opposition complained to the SPR that the BN candidate Datuk Arif Shah Omar Shah for allegedly distributing cash (RM 50 to RM500) to voters, which was openly covered and published in two Chinese daily newspapers.

What are locally known as 'diver's donations' were also popular. These were donations made for the donor's own benefit, made to Mosques, schools and other public facilities using funds sourced from the government. The government promoted other populist policies such as reducing the oil price by 50 cen RM to gain popularity. The oil price was scheduled to be reduced sometime after the Election Day, but the government brought it forward in an attempt to win votes. However, this was not sufficient to change the mindset of Permatang Pauh voters.

Media

Malaysian media is usually bias and partial; the print and electronic media outlets in Chinese, Malay, Indian, and English are controlled by the sponsors. The state media such as RTM (Radio Television Malaysia) were clearly taking the government's side. According to local NGOs, about 80 percent of the news was about the Government and only 20 percent was about oppositions. The RTM often twisted the news for the government benefit.

Private media was not wholly independent as the government still has a control mechanism over publication, and can withdraw broadcast licenses if it decrees the media is against state policy. However, alternative media sources such as blogs and websites remain a good source of impartial information, publishing accurate stories and public opinions to balance the state media. These sources are managed by local NGOs, activists and individuals, as well as partial input from political parties.



Anwar addressing media



Anwar and Wan Azizah Wan Ismail

Election Day

Polling Process

The polling began on 08.00 am in polling centers placed within schools. A great number of voters arrived at polling stations even before they opened. The voters queued and cast their vote in an orderly manner. The security was extremely tight, with more than 20 uniform police officers and a number of plain clothed police officers in the area of Sekolah Rendah Islam Al-masriyah pematang Pasir, as well as a group of riot police who stood nearby. Such an atmosphere was also observed in schools in Tanah Liat and Kubang semang. Campaigning on the polling day is common practice for Malaysians; candidates, supporters and agents of all parties did the same things.

	HANAFI BIN MAMAT	
	ANWAR BIN IBRAHIM	
	ARIF SHAH BIN OMAR SHAH	

Example ballot paper

Unauthorized persons were strictly forbidden from entering the polling area. All the voters had to produce their identity cards before entering the polling area, and then check their names on the list to find which channel⁸ they were registered in. Political parties had set up computers at every center to assist voters to identify their names. They also helped to write down the voter names in a very friendly manner.



Elderly woman casting vote. Source: NSTonline

Hundreds of supporters stood in front of one particular polling centre on the main road, gathering and cheering with placards, banners, flags and other colorful campaign material. The situation deteriorated when they started to hold a rally with motorcycles, cars around the city, creating heavy traffic in the small road of Permatang Pauh. This situation remained until the closing of the poll and even until the result was announced.

⁸ A channel is similar to a polling station. The SPR set up several polling stations where voters could find the exact channel (station) where they could cast their votes.

The polling process was run with minimum monitoring. Only limited numbers of observers and party agents were allowed inside the station, and had to remain passive and silent during the process.⁹ MAFREL allocated monitors inside polling stations, who reported to their headquarters, however MAFREL could not come up with a statement or any public comment as required by the SPR.

Transportation During Election Day

Under Malaysian election law transporting voters to and from voting centers on Election Day is forbidden, particularly if the car is considered a public vehicle, rented as a taxi or bus. However it seems such practice is common, and neither BN or PR take this law seriously. Supporters used private vehicles to pick up and drop voters from and to voting centres. There was no action from SPR to stop these activities.

Campaigning on Election Day

Malaysia is the only country which allows campaign activities on the Election Day¹⁰. Permatang Pauh is not a good example for other countries wishing to promote a free and peaceful atmosphere on Election Day. The day must be calm for people to think and decide their choice, without influence, treats or bribes from any candidates or supporters. Voters must feel safe to walk to their polling stations without fear of politically-motivated fighting or clashes. The street rally created particular problems for traffic and voters wanting to go to vote. The SPR should carefully consider whether campaign activities on future polling days should be allowed.



Street rally on Election Day



Campaigning on Election Day

⁹ Domestic observers were not allowed to make any comments or protest during the polls.

¹⁰ In ANFREL's experience very few election commissions allow campaigning to be conducted on polling day.

Phantom Voters

Phantom voting was a significant concern on Election Day. Phantom voting includes voting on behalf of dead or absent voters, and casting multiple votes. These acts are illegal but occurred in Permatang Pauh with the knowledge and cooperation of polling officials.

One alleged incident of phantom voting was recorded by NIEI observers. Three busses were stopped by community authorities of Penanti while try to entering the city. Two busses were empty and purportedly waiting to carry out BN party workers who were in the villages. One bus was filled up with people instantaneously. It was reported that BN party workers were coming to help the party to campaign but the busses were not allowed to leave until after 5.00 pm, when the polling centers were closed. Later the buses were demanded by the Pakatan Rakyat workers to be driven to a police station and the police report was lodged. In the process of reporting three PR workers were detained by the police.



A busload of BN workers allegedly attempting to enter Permatang Pauh to vote illegally

Post-Election

The Immediate Counting

The counting was conducted immediately inside the polling centres. Votes were tallied station by station, and the results were consolidated at a university in Permatang Pauh constituency. The result was announced immediately by loud speaker in front of thousands of PR supporters in Permatang Pauh stadium.

The PR candidate Anwar Ibrahim defeated his major competitor from the BN coalition by a significant margin. No complaints were received. The result is shown below.

By-Election Result

The results of the by-election can be seen in the following table:

	Party	Candidate	Votes	%
1	<u>Barisan Nasional - UMNO</u>	<u>Arif Shah Omar Shah</u>	15 524	28%
2	<u>Pakatan Rakyat - PKR</u>	<u>Anwar Ibrahim</u>	31 195	71%
3	<u>AKIM</u>	<u>Hanafi Hamat¹</u>	92	0.1%
Majority			15 671	66%
<u>Turnout</u>			47 410	81.1%

Recommendations for Future Electoral Reform

ANFREL reaffirms its recommendations published on 26th August 2008, being:

- To give a fair competition for all political parties, the SPR needs to enforce the law to control the money spent during the election campaign. All campaign materials and equipment should be monitored and SPR should require that all activities of candidates comply with the laws.
- SPR and the Police should impose a clear regulation to prevent government and political parties using government resources for their electoral campaigns.
- The SPR should inform the public and have clear legal basis for the voter list designated to be use for the elections. The listing process should be transparent, and the list should be accepted by the political parties who contest the elections before being published in the gazette.

- Polling day should be set on weekend for voters to come to vote any time during 8 am. – 5 pm.
- Transporting the voters on the Election Day must not be allowed in order to reduce the possibility of ghost voters and to avoid the physical conflict among supporters.
- State-owned media such as Radio Television Malaysia (RTM) must provide more balanced and neutral coverage of political parties and electoral processes. Malaysian media must adhere to high ethical and professional standards, and refrain from misinforming the public or creating untrue stories. The freedom of expression should be respected.
- Malaysian people must have more opportunity for freedom of assembly to express their political views. The law that forbids groups of more than 5 persons must be abolished.
- The SPR and the government should implement the law without any political bias or discrimination.
- To prevent multiple voting the electoral process should include inking with indelible ink.
- In accordance with international norms and best electoral practice in Asia, campaigning on polling day should not be allowed.
- The SPR should have a clear policy to tackle the problem of vote buying and to reduce a culture of money politics.
- Political parties should not use 'black campaigning' or foster racist sentiments to obscure the real issues behind the elections. All stakeholders should support the election in a more professional manner.
- Local monitoring organizations should be officially accredited and be able to work without conditions. They should be allowed to express their observation findings and analysis openly for the improvement of all stakeholders. The lessons learned will benefit future electoral reform.

Annex I – Permatang Pauh Election Results

Years and Candidate	Result
1995	
Datus Seri Anwar Ibrahim (BN)	27,945
Mazani Abdullah (PAS)	4,071
A. Rahman Manap (DAP)	4,430
Distance Majority	23,515
1999	
Datin Seri Dr Wan Azizah Wan Ismail (Keadilan)	23,820
Dr. Ibrahim Saad (BN)	4,743
Distance Majority	9,077
2004	
Datin Seri Dr Wan Azizah Wan Ismail (Keadilan)	21,737
Datuk Pirdaus Ismail (BN)	21,147
Distance Majority	509
2008	
Datin Seri Dr Wan Azizah Wan Ismail (Keadilan)	30,348
Datuk Pirdaus Ismail (BN)	16,950
	13,398

Source: the Star weblink

Annex II – Pre-Election Statement

Statement Malaysian By-Election, August 26th, 2008

Asian Observers have High Expectations on Permatang Pauh's By-Election 24th August, 2008

The Asian Network for Free Elections (ANFREL) with the cooperation of local member organization, **National Institute for Electoral Integrity (NIEI)**, has sent representatives from Indonesia, Taiwan and Thailand to observe the by-election in Permatang Pauh, Malaysia on the 26th August 2008. The ANFREL team will be based in Permatang Pauh - Penang from 22nd till 29th August 2008.

The Malaysian by-election has been under the attention of the international community because of the very nature of the political complexities and the fierce competition involved between the ruling party and the opposition, it is also a reflection of the changing ideas of democracy in Malaysia.

ANFREL's observers have high expectations of this by-election, and are expecting that the international attention given to this particular by-election will result in a freer and fairer election environment. This means that all parties involved can avoid irregularities **during the election process. The team also expect that the voter turnout will not be low, although the polling date is set on a working day, and has not been declared a public holiday.**

Ms. Somsri Hananuntasuk, ANFREL's Executive Director stressed that, "ANFREL's study team is going to meet all the stakeholders in this election. This includes visiting the local election commission, the various political party offices, interviewing the voters and observing the campaigns and rallies being held. The team will also study and observe the performance of the local election commission or Suruhanjaya Pilihan Raya (SPR), the polling officers as well as the local media who are key players in building a free and fair environment as per the international standards and holding a credible election."

Ms. Somsri said that, “ANFREL representatives will take this opportunity to study the Malaysian electoral system which has been in place for a long period of time. ANFREL will also study the voters’ reactions and responses on polling day. The polling date, which has been set on a working day, will cause difficulties to arise for voters, particularly in the case of the many voters working outside of Permatang Pauh seeking absence from their working duties. This can unnecessarily discourage voters from coming to vote, especially since a public holiday has not been declared.” She added, “ANFREL will also be interested in observing how easily and smoothly the election process is carried out by the way the public is able to cast their vote, and the facilitation of duties by the Election Commission.

“We have been given information that certain candidates have been utilizing state machinery, vehicles and human resources during their campaigns and that money has been distributed to people, a practise also known as vote buying.” Ms Somsri shared.

Notes to the editor:

ANFREL was founded in 1997 to promote and consolidate democracy in Asia through election observation and training local election observers. ANFREL is committed to strengthening the involvement of civil society in election observation. All its observers are drawn from a wide network of partner NGOs in Asia working on elections and human rights issues, developing electoral expertise within the region.

For full details of the reports please visit: www.anfrel.org and for further information please contact Mr. Ichal Supriadi at +60 174 964 4221

Annex III – Post-Election Statement

Statement Malaysian By-Election, August 26th, 2008

Successful By-Elections in Permatang Pauh But Still Need for Significant Reforms

The Asian Network for Free Elections (ANFREL) sent observers from Indonesia, Thailand and Taiwan to study the by-election in Permatang Pauh. ANFREL views this election as a significant step in Malaysia's effort to achieve international norms and standards in their election process. ANFREL appreciates the decision by the government of Penang State to make Election Day a holiday, noting that this may have contributed to the high voter turnout. Observers would also like to express their gratitude and congratulations to all the polling officers, security officials, party representatives and ordinary voters whose work contributed to a peaceful environment on Election Day.

This by-election was seen as politically important by both parties and voters, and has been followed with keen interest in the international community as well. Unfortunately, Malaysia, unlike other countries in the region, does not allow non-partisan observers to observe the process in polling stations and counting centres. Nevertheless, ANFREL deeply appreciates the opportunity to study the election process first hand, and would like today to offer our initial observations about the election, and how it compares to international norms and standards observed in other countries.

Election Opening Process

Although the international observers were unable to directly observe and study the process inside the polling stations, we were informed by voters and party representatives that most polling stations (channels) were opened on time. Environment outside the schools were full of both BN (Barisan Nasional) and PR (People's Alliance) supporters. Many of them are from other provinces, not from Permatang Pauh.

Campaign on Polling Day

Malaysia is the only country in Asia where the election commission allows all parties to non-stop campaign. The campaign on by-Election Day in Permatang Pauh

is a negative electoral practice. It is important to have a peaceful and calm polling day. ANFREL observers noted that all voters were subjected to direct and indirect influence by party agents and supporters near the polling stations on Election Day. The environment was very intimidating for non-activist or independent voters.

Huge campaigns on polling day near polling stations is not commonly allowed since such confrontational campaigning can lead to bilateral clash and violence, and discourage voters (particularly vulnerable groups like women and minorities) from going to vote. The consequences of the proactive campaign on polling day led to the need for a heavy and intimidating security presence at the polling stations, and heavy traffic around the main road. ANFREL believes voters should be able to enjoy a more peaceful polling day environment.

Voting Process

The voting process is simple and easy to remember for by-election but there is no signature and thumb print required. Because the SPR decided not to use the indelible ink acquired for the previous elections, it was difficult to distinguish those voters who had already voted from those who had not. There were allegations that this loose process facilitated the illegal participation of so called phantom voters.

Security

The over deployment of police – uniformed, plainclothes and from special branch – armed with tear gas, batons, pistols and assault rifles; created a terror environment and a negative image of the country. ANFREL has never seen deployment of security forces at this level except in countries where conflict or civil war are taking place.

Political parties

All political parties have violated the rule of law. The competition has implied that winning the election is more important than the upholding the law and regulation. The violations observed have shown the kind of weakness of the SPR and inability to maintain their credibility for the election. All parties openly used unfair practices in their campaigns.

Media

International observers are greatly concerned about the independence of the state media. The news published by the state media was not in line with reality. Unfortunately, in many cases alternative media also seemed biased in their reporting. The media in Malaysia need a big reform for future restructuring. The Government's censorship and self-censorship are obstacles for media professionalism and ethics.

Local Monitoring Organizations

The only national monitoring organization accredited by the SPR is MAFREL (Malaysians for Free Elections), but this was only allowed under certain conditions. To receive permission to observe the process inside the polling stations, MAFREL had to agree that they would not make any statement to the press about the election process. This restriction defeats the purpose of non-partisan observation, which is to both serve as a deterrent to malpractice, and to increase the overall transparency of the election process.

Recommendations for Future Electoral Reform

- To give a fair competition for all political parties, the SPR needs to enforce the law to control the money spent during the election campaign. All campaign materials and equipment should be monitored and SPR should require that all activities of candidates comply with the laws.
- SPR and the Police should impose a clear regulation to prevent government and political parties using government resources for their electoral campaigns.
- The SPR should inform the public and have clear legal basis for the voter list designated to be use for the elections. The listing process should be transparent, and the list should be accepted by the political parties who contest the elections before being published in the gazette.
- Polling day should be set on weekend for voters to come to vote any time during 8 am. – 5 pm.
- Transporting the voters on the Election Day must not be allowed in order to reduce the possibility of ghost voters and to avoid the physical conflict among supporters.
- Neutrality of state-own media such as Radio Television Malaysia (RTM) and the information distribution by state media about the candidates and the parties must be more balanced. Media should perform their work ethically and professionally, meaning media must not misinform or create untrue stories. The freedom of expression should be respected.
- The people must have more opportunity for freedom of assembly to express their political views. The law that does not allow people to gathering more than 5 persons must be abolished.
- The SPR and the government should implement the law without any political bias or discrimination.
- To prevent the multiple voters or ghost voters, the electoral process can include inking with indelible ink.
- To join the international norm, campaigning on polling day should not be allowed.
- To reduce a culture of money politics, the SPR should have a clear policy to tackle the problems of vote buying.

- Political parties should not use black campaign or create a kind of racist sentiment to obscure the truth/facts of the elections. All stakeholders should support the election in a more professional manner.
- Local monitoring organizations should be officially accredited and be able to work without conditions. They should be allowed to express their findings and observation openly so all stakeholders can be informed. The lessons learned will certainly benefit future electoral reform.

For further information please contact Mr. Ichal Supriadi at email: satoe_ichal@yahoo.com or mobile phone at +60 17496 4221

Annex IV – Examples of print and campaign material (Black Campaigning)

munafik seperti Anwar perlu ditolak
Tahun 1989 kata polisi ITM kekal kini mahu 10% atau 5,000 tempat diberi kepada bukan bumiputera

ANWAR : ITM POLICY STAY

KUALA LUMPUR, Thurs. — Institut Teknologi Mara (ITM) will maintain its policy of taking in only bumiputera students, Education Minister Anwar Ibrahim said today.

He said the institute's aim of providing educational opportunities to bumiputera in rural areas and increasing the number of bumiputera professionals had not been achieved.

28 APR 1989

"According to statistics from the Economic Planning Unit, bumiputera make up only 13.6 per cent of the architecture field, 8.5 per cent for accountancy and 28.5 per cent for engineering and 14.1 per cent for law."

"Based on this situation, it is not appropriate for anyone to propose that the policy and aim of ITM be revised, especially opening it to non-bumiputera," Anwar said in a statement.

He was clarifying the statement by the adviser to the Education Ministry, Tan Sri Awang Had Salleh, on April 8.

Tan Sri Awang had said that ITM Shah Alam should be upgraded to a university and placed under the Universities and University Colleges Act, which would then open its doors to non-bumiputera.

He also suggested that Tan Sri Abdul Rahman (TAR) College be upgraded to a university and placed under the Act, and supervised by the Education Minister.

Enoch Anwar said Tan Sri Awang's comments had been his personal opinion and was not tied to the Ministry's stand of aspiration.

He said ITM was set up in 1957 and was first known as Dewang Ladang Raja. In 1967, it was renamed Institut Teknologi Mara under the ITM Act.

Enoch Anwar said TAR College was set up under the Education Act 1961 and was granted its Instrument of Government with its own board of trustees.

"The Government does not plan to take over the college through the Universities and University Colleges Act."

"The college's board has never brought up the issue and, thus, the matter does not arise," he added.

ITM students held a peaceful demonstration at the main campus in Shah Alam.

Sri Anwar's suggestion to open the institute to all races.

ITM director Datuk Dy Masnor Salleh issued a statement today saying he had advised the students not to stage the demonstration when they sought his permission.

"I said then the Minister had said that the issue would not be brought up again because the Ministry would take appropriate action."

8 APR 1989

"It is not proper for the students to hold a demonstration because the relevant authorities are aware of the issues at stake," said Dy Masnor.

He said the ITM authorities would take disciplinary action against the students if necessary.

Oleh kerana masalah iwat yang dihadapi Anwar kini mula ditolak khususnya orang Melayu kerana tidak bermoral dan meletakkan kepentingan diri mengatasi kepentingan bangsa

Anwar mula pinggirkan oleh kaumnya sendiri Melayu dia terpaksa membuat 'U-Turn' semata-mata untuk kekal relevan

BIAR NEGARA MUSNAH
BIAR ANAK BANGSA TERGADAI
yang penting bagi ANWAR cita-citanya



Anwar kata sumpah Saiful tidak Islam



Adakah Ini sumpah Secara Islam ???





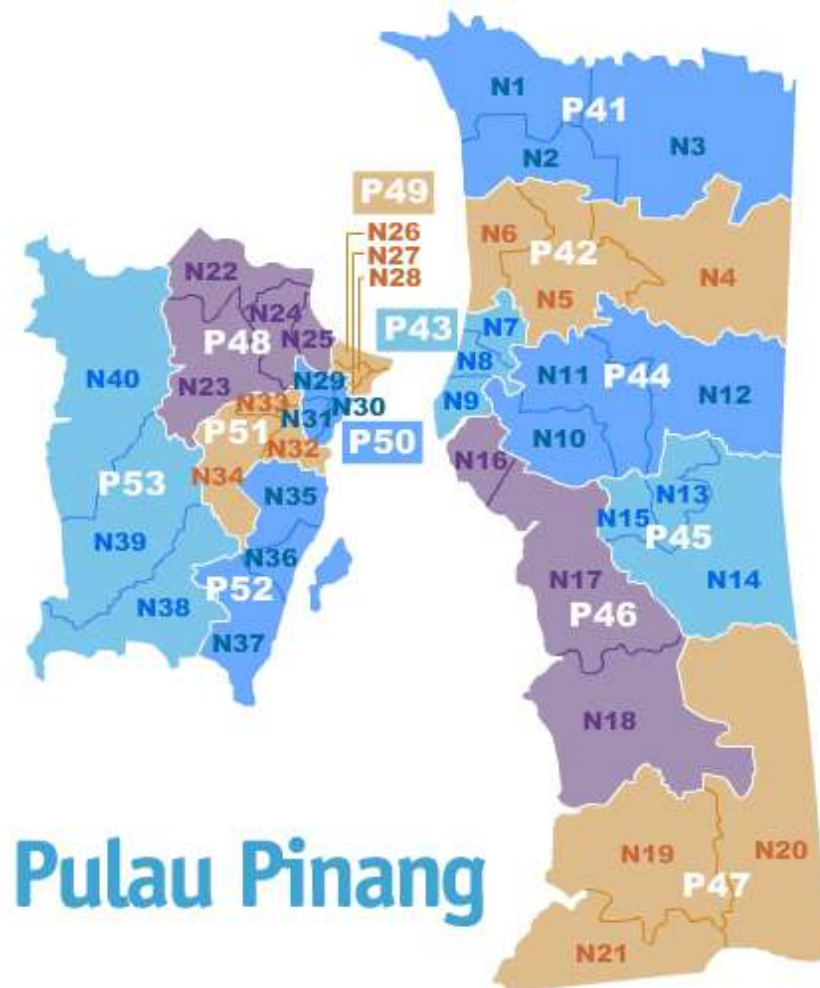
Anwar Ibrahim sanggup melakukan apa sahaja
demi mengejar kekuasaan
walaupun agama dikorbankan

Saiful sumpah



Anwar Pula Bila ???

Annex V – Map of Permatang Pauh



P44: Permatang Pauh