

JUDGMENT DAY FOR MOKHTAR

KUALA LUMPUR, Fri. — Culture, Youth and Sporter Minister Datuk Mokhtar Hashim will know tomorrow whether he will be sentenced to death for the murder of Datuk Taha Talib, or whether he will be a free man after spending the last eight months in Pudu prison.

Mr Justice Hashim Yeop Sani will deliver the judg-

ment on what has been one of the longest criminal trials in Malaysian history. Tomorrow will be the 76th day of the trial.

Datuk Mokhtar is jointly charged with village headman Kahmat Satiman with the murder of Datuk Taha.

Two others originally charged with them — businessman Mohamed

Noordin Johan and self-employed Aziz Abdullah — were acquitted at the end of the prosecution's case.

If Datuk Mokhtar and Rahmat are found guilty, the death sentence is mandatory under Section 302 of the Penal Code which carries only one sentence upon conviction.

However, they could appeal to the Federal Court

and, if that fails, they could seek a pardon from the Yang di-Pertuan Agong.

Datuk Taha was shot dead in the early hours of April 14. Datuk Mokhtar and the other accused were arrested on July 10 and charged with the murder.

Campbell OCPD Supt. Ishak Salleh said today that no special security arrange-

ments were being made for tomorrow at the Kuala Lumpur High Court.

He said there would be no extra police personnel although a large crowd was expected.

City deputy traffic chief DSP Dell Akhbar said traffic policemen would be outside the court to ensure that traffic moved smoothly.

See Pages 6-7



THE ARREST. . . Datuk Mokhtar coming out of his house to a waiting police car on July 10



DAY ONE OF TRIAL . . . Datuk Mokhtar's wife, Datin Bahariah Yusof, waving to the crowd outside the court premises on Oct. 12



Encik Sudin Shariff. . . Datuk Taha's father-in-law



Datin Norsiah Othman ... Datuk Taha's wife



Datuk Taha . . . shot dead outside home



UNDER TIGHT SECURITY . . . Datuk Mokhtar (back to camera, right) being escorted to the court house

By **BACHAN SINGH**
and **I. RAJESWARY**

THE

DATUK Mohamed Taha Talib was shot dead outside his house in Kampung Seri Asahan, Gemencheh, at about 1.30a.m. on April 14, last year.

On July 10, Culture, Youth and Sports Minister Datuk Mokhtar Hashim, businessman Mohamed Noordin Johan, village headman Rahmat Satiman, self-employed Aziz Abdullah and businessman Aziz Turnpuk were arrested and charged with the murder of Datuk Taha at the Tampin magistrate's court.

Following is a summary of what happened in court:
JULY 10 — Attorney-General Tan Sri Abu Talib Othman successfully applies for the case to be heard before a High Court judge. He tenders to the court a certificate under Regulation 2 (2) of the Essential (Security Cases) Regulations, 1975, classifying the case as a security case.

JULY 13 — Datuk Mokhtar and the other four accused plead not guilty to the charge.

(On Aug. 2, Aziz Turnpuk, one of the accused, died on the way to the General Hospital. He had complained to the prison doctor of severe stomach pain.)

OCT. 6 — The Federal Court rules that the Attorney-General's opinion classifying the Taha murder as a security case under the Essential (Security Cases) Regulations, 1975, is not open to judicial review.

OCT. 12 — The trial begins before Mr Justice Hashim Yeop Sani.

Tan Sri Abu Talib, says that the prosecution will prove that Datuk Mokhtar shot Datuk Taha three times using his own gun.

The Attorney-General Says Datuk Mokhtar and the others decided to eliminate Datuk Taha after he was nominated as the Bansan Nasional candidate for the Gerngneh State seat in Negri Sembilan in last year's general election.

OCT. 14 — Mr Jagjit Singh outlines Datuk Mokhtar's alibi at the time the murder took place.

OCT. 15 — A trial-within-a-trial begins to decide whether a cautioned statement made by accused Rahmat Satiman, while under detention on June 23 at the Gombak police station, was made voluntarily.

NOV. 8 — Mr Justice Hashim rules that Rahmat's cautioned statement was made voluntarily, lie says that the allegations of torture and abuse are far-fetched and cannot lie true.

NOV. 9 — Government chemist Gee Hock Eng testifies that the two bullets produced by the prosecution were fired from the same gun — a Walther .32 with the serial number 527145. In earlier testimony, it had been shown that the gun was registered in Datuk Mokhtar's name.

NOV. 24 — Tampin OCPD Asst Supt Bahadon bin Baharom testifies that Datuk Mokhtar told him on April 14 that he had a 'pantang' and could not go into Datuk Taha's house to see the body.

NOV. 29 — Dukun Atun bin Ali testifies that he saw Datuk Mokhtar, Mohamed Noordin Johan, Aziz Abdullah, Aziz Turnpuk and Abdullah Ambek at the Gan Kcc Estate at about midnight on April 13, on his way home

NOV. 30 — Mr Justice Hashim turns down an application by Mr G. Sri Ram to impeach the credit of Encik Atun.

Mr Jagjit Singh said Datuk Mokhtar was in Gemas at 11.55p.m on April 13 — five minutes before Encik Atun claimed he saw him in the estate..

DEC. 1 — Company director Mohamed Nor bin Isa, the personal representative of the late Datuk 'aha, testifies that there had been animosity between Datuk Mokhtar and Datuk Taha.

DEC 3 — Encik Sudin bin Sharif, Datuk Taha's father-in-law, testifies that the man who visited Datuk Taha on the night of April 13 was Abdullah Ambek

AFTER

KUALA LUMPUR, Fri. — ir Culture, Youth and Sports Minister Datuk Mokhtar Hashim and village headman Rahmat Satiman are found guilty of the murder of Datuk Taha Talib, the court will sentence them to death.

ir the court finds them not guilty, they will be acquitted.

However, the court cannot sentence them on a reduced charge of culpable homicide not amounting to murder as in a jury trial under the Criminal Procedure Code.

This is because the murder trial was heard under a special set of regulations, the Essential (Security Cases) (Amendment) Regulations, 1975, although all four accused were charged with murder under the

Penal Code, which carries a mandatory death sentence.

The accused are Datuk Mokhtar Hashim, Rahmat Satiman, businessman Mohamed Noordin Johan and self-employed Aziz Abdullah.

Noordin Johan and Aziz Abdullah were acquitted by Mr Justice Hashim Yeop Sani without their defence being called on Dec. 31, last year.

Attorney-General Tan Sri Abu Talib Oilman appealed against the acquittal and filed his application on Jan. 12. He also applied for a warrant of arrest to be issued against the two men for them to be remanded hi Puri Prison pending the outcome of the appeal.

Under the Regulations, "when an appeal is presented against an acquittal, the court may issue a warrant to arrest the accused and bring him before it, and may commit him to prison pending the disposal of the appeal, or admit him to bail."

Aziz Abdullah was rearrested the same day in Scremban while Noordin Johan surrendered himself the next day in court.

Although counsel for both men appealed to the Federal Court against the remand order, it was quashed and Noordin Johan and Aziz Abdullah were remanded in prison pending their appeal.

Should the High Court find Datuk Mokhtar and Rahmat Satiman innocent tomorrow, it is expected that Tan Sri Abu Talib

will appeal. The same procedure, adopted for Noordin Johan and Aziz Abdullah, will apply.

Should the High Court find them guilty, It is expected that the defence will appeal to the Federal Court.

Notice of appeal to the Federal Court must be filed within 14 days after the decision date.

Under the Courts of Judicature Act, 1964, the Federal Court may uphold the decision of the trial court, reverse or vary the decision or may order a retrial.

Thiis means that if Datuk Mokhtar and Rahmat Satiman are found guilty or innocent, the Federal Court can uphold that decision or reverse it.

TODAY'S

JUDGMENT...

TAHA MURDER TRIAL

THE ACCUSED



Datuk Mokhtar Hashim
Culture, Youth and
Sports Minister



Rahmat Satiman
village headman



THE OTHER FOUR . . . originally accused with Datuk Mokhtar were: (A) Aziz Abdullah. (B) Aziz Turnpuk, (C) Rahmat Satiman and (D) Noordin Johan.

THE CHARGE

That you on April 14 at about 1 30a.m. at
"Kampung Sori Asahan in Gernengcheh in
the district of Tampin in the State of Negri
Sembilan, In furtherance to a common intention
of you all, committed murder by causing the
death of one Datuk Mohamed Taha Talib and
that you have thereby committed an offence
punishable under Section 302 of the
Penal Code read with Section 34 of the
same code

WHO'S WHO

JUDGE Mr Justice Hashim Yeop Sani
PROSECUTION: Attorney-General Tan Sri Abu
Talib Othman, assisted by Mr T.S. Sambantha-
murthi

DEFENCE COUNSEL:

• Mr Jagjit Singh assisted by Encik Abu Zahar
bin Ujang and Encik Abdul Mutalib bin Dutuk Sori
Razak for Datuk Mokhtar.

• Mr Manjeet Singh assisted by Mr Lawrence
Pereira for Rahmat Satiman.

ENCIK Sulaiman Alias is holding a watching
brief for the family of the late Datuk Mohamed
Taha.

DEC. 6 — Datin Norsiah
Othman, Datuk Taha's
widow, testifies that the last
person she saw with Datuk
Taha was Abdullah
Ambek, whom she says was
the night caller.

DEC. 8 — Datuk Mokhtar's
cautioned statement is
read out in court. In it, he
says that his gun was with
him from morning to mid-
night on April 13 and was
still with him when he
awoke in the morning.

However, when asked if
the gun was ever out of his
control or sight at any time
within that period, he said:
"Perhaps, I cannot be
sure."

DEC. 10 — Abdullah
Ambek testifies that he was
not the caller.

DEC. 13 — Mr Justice
Hashim impeaches Abdul-
lah Ambek's credit after an
application by Tan Sri Abu
Talib.

DEC. 20 — Mr Manjeet
Singh Dhillion says in his
submission that the court
should reconsider the
admissibility of Rahmat's
cautioned statement.

Mr James Ponniah,
assisting counsel for Aziz
Abdullah, says the prosecu-
tion must prove that Aziz
was present at the scene of
the crime to be able to
convict him.

DEC. 21 — Mr G. Sri
Ram submits that the case
against Mohamed Noordin
Johan is based entirely on
suspicion and there is no
proof against him.

Mr Sri Ram also raises
the possibility of four shots
having been fired instead of
three.

DEC. 22 — Mr Jagjit
Singh submits that Atun
Ali did not identify Datuk
Mokhtar as one of those at
Gan Kee Estate, but made
up his mind later that
Datuk Mokhtar was there.



Mr Justice Hashim . . . delivers Judgment Tun Sri Abu Talib . . . the Attorney-General

He also contends that the
prosecution has failed to
prove conclusively that the
gun used to shoot Datuk
Taha belonged to Datuk
Mokhtar.

DEC. 23 — Tan Sri Abu
Talib submits that political
rivalry made Datuk Mokhtar
kill Datuk Taha.

He also says that there
was no doubt that the bul-
lets which killed Datuk
Taha were fired from the
gun owned by Datuk
Mokhtar.

DEC. 31 — Mr Justice
Hashim orders Datuk
Mokhtar and Rahmat to
make their defence. He ac-
quits Mohamed Noordin
Johan and Aziz Abdullah.

JAN. 4, 1983 — Datuk
Mokhtar takes the Stand to
make his defence.

JAN. 6 — Datuk Mokhtar
says that someone could
have taken his pistol, made

use of it and returned it
without his knowledge.

JAN. 7 — Datuk Mokhtar
admits that lie was not
telling the truth when he
testified on Jan. 5 that he
had lost his Kuala Langat
gun licence issued in 1972.
He says he applied to have
the licence transferred to
Kuala Lumpur so that he
could renew it here.

JAN. 11 — Datuk Mokhtar
says that the pistol pro-
duced in court as an exhibit
is "similar" to the one he
had but cannot confirm if it
is his pistol.

He denies having shot
Datuk Taha. He says he
was having a meeting at his
Taman Clonice home in
Tampin with his Ministry
officials when Datuk Taha
was shot.

JAN. 12 — Tan Sri Abu
Talib files an appeal to the
Federal Court against the

acquittal of Mohamed
Noordin Johan and Aziz.
Abdullah and applies for a
warrant of arrest to be
issued.

Aziz Abdullah is re-
arrested.

JAN. 13 — Nordin Johan
surrenders himself in court.
Mr Justice Hashim orders
him and Aziz Abdullah to
be remanded in Pudu
Prison.

Rahmat Satiman takes
the stand. He says police
"wrote" the script of his
cautioned statement for
him.

JAN. 14 — The Federal
Court turns down an ap-
plication to release on bail
Mohamed Noordin Johan
and Aziz Abdullah.

JAN. 17 — Mr Justice
Hashim defers ruling on
Tan Sri Abu Talib's ap-
plication to impeach the
credit of Rahmat Satiman.



COUNSEL IN CONFERENCE . . . (from left) assisting counsel Syed Mutalib bin Dutuk Seri Razak, Mr Jagjit Singh, assisting counsel Abu Zahar bin Ujang, Mr Manjeet Singh and his assistant, Mr Lawrence Pereira

JAN. 18 — Six witnesses
testify in court in support of
Datuk Mokhtar's alibi.

Court rejects defence bid
to allow American firearms
identification expert
George Fassnacht to test-
fire Datuk Mokhtar's gun.

(On Jan. 21, the trial
entered its 60th day, making
it the longest criminal trial
in recent years.)

JAN. 25 — Court views
two RTM newsreels of an
interview with Datuk
Taha's father-in-law Sudin
Shariff and a clip of Datuk
Mokhtar officiating at an
orphanage in Ulu Gadong
on April 14.

JAN. 27 — Datuk Mokhtar's
bodyguard, PC
Mohamed Sati bin
Mohamed Shariff, takes
the stand as the main wit-
ness for the defence.

FEB. 1 — Rahmat Sati-
man's first alibi witness.

Mohamed Ajib bin Haji
Ahmad, takes the stand but
is impeached when the
court finds that his testi-
mony contradicts two
police statements he had
made earlier.

FEB. 4 — Mr Justice
Hashim turns down Attor-
ney-General's application
to impeach the credit of
defence witness Kalhim
binti Abdul Rahman.

FEB. 7 — Court rejects
Attorney-General's ap-
plication to impeach credit
of Rahmat Satiman's
daughter, Norziah.

Mr Justice Hashim im-
peaches the credit of wit-
ness Maspupah binti
Masan, the wife of farmer
Mohamed Ajib who was
impeached on Feb. 2.

FEB. 8 — American
firearms identification ex-
pert George Fassnacht tes-
tifies that the methods of
test-firing bullets carried
out by government chemist

Gee Hock Eng was "com-
pletely unsatisfactory."

(On Feb. 9, the defence
closed its case after calling
43 witnesses.)

FEB. 16 — Mr Jagjit
Singh begins submission.
He contends that Datuk
Mokhtar's alibi is estab-
lished and that in itself
should warrant him an ac-
quittal and that the defence
has "created more than a
doubt to the prosecution's
case."

FEB. 17 — Mr Manjeet
Singh begins submission.

FEB. 18 — Tan Sri Abu
Talib Othman submits that
an alibi defence is easy to
contrive and should tie con-
sidered with great care in
the light of evidence
adduced by the prosecu-
tion.

Court reserves judg-
ment