

28 FEB 1997

Court-Lim

ELECTED REPRESENTATIVES DO NOT HAVE LICENCE TO INCITE, COURT TOLD

MELAKA, Feb 28 (Bernama) -- The sedition trial of a politician in the High Court here today was told that the responsibility of an elected representative was to raise matters of public interest and was not a licence to incite.

Deputy public prosecutor Mohamed Azahar Mohamed said the speech by Kota Melaka MP Lim Guan Eng at a political ceramah here, on Jan 19, 1995, had exceeded the bounds of freedom of speech and was tantamount to sedition.

He was submitting at the trial of Lim, 37, who is charged with making seditious statements alleging double standards in Malaysian laws at a political ceramah at Hotel Emperor, Jalan Munsyi Abdullah, here, on Jan 19, 1995.

Lim, the DAP deputy secretary-general, is also charged under section 8A (1) of the Printing Presses and Publications Act 1984 with publishing a pamphlet entitled "Ceramah Kisah Benar" with malicious intent to print false news under the title "Mangsa Dipenjarakan" (Victim Jailed).

Azahar said Lim's speech on double standards gave the impression that the nation's laws favoured one side and that there was a set of laws for certain members of the society and another set for others.

Lim's speech had a tendency to undermine and erode public confidence in the administration of justice in the country, he said.

He added that the speech was seditious because the words "double standards" and "Tan Sri Rahim's rape case not brought to court" had a tendency to incite dislike for the administration of justice in Malaysia.

Although Malaysia recognised and practised freedom of speech, such right was not absolute and had legal constraints in the interest of justice, public interest and the wellbeing of the country, he added.

Azahar further submitted that Lim had also admitted mentioning the words contained in the sedition charge in his testimony in court and the defence had not disputed the evidence of three prosecution witnesses on the matter.

He said Lim could be said to have malicious intent when he continued to ignore the valid and authoritative information regarding the Tan Sri Rahim case, including when obtaining clarification in the Dewan Rakyat.

He said the explanations of Prime Minister Datuk Seri Dr Mahathir Mohamad and the then law minister in the Dewan Rakyat that the girl was under police custody for her own protection were not accepted by Lim.

The pamphlet with false information was published although Lim could have asked the girl herself and her father whether she was jailed, he added.

Lim's prejudice against the Attorney-general was evident when he raised the case of former Dewan Rakyat Deputy Speaker D.P. Vijandran which had no relevance to the case. His accusations that the special branch police wanted to end his political career and that police were "hounding" the DAP also showed his malicious intent.

Azahar said the defence's argument that the term "victim jailed" had a wider meaning than "imprisonment" in English was not acceptable.

He said it was clear that the accusation was made based on Bahasa Melayu which could easily be understood to convey the meaning that the victim was jailed, not detained or arrested.

Azahar further submitted that the evidence of the girl, who was called as a defence witness, further strengthened the prosecution's case when she

told the court that she was not jailed.

He said the evidence of the girl's grandmother, Pendek Ahmad, 66, could not help the defence case because she had given contradictory evidence.

Azahar added that the intimate relationship between the girl and former Melaka Chief Minister Tan Sri Rahim Tamby Chik had no relevance on the case.

Defence counsel Karpal Singh, in his submission, said the court should acquit Lim as there were doubts in the charges.

Justice Datuk Mohamed Noor Abdullah reserved judgement to April 28.

Azahar was assisted by Wong Kian Kheong and Karpal Singh by J. Amadass and Gobind Singh Deo. -- BERNAMA

MOZ JK