

28 APR 1997

LEAD Court-Guan Eng

KOTA MELAKA MP FOUND GUILTY OF TWO CHARGES

MELAKA, April 28 (Bernama) -- Kota Melaka Member of Parliament Lim Guan Eng was found guilty on two counts of maliciously printing false news under the Printing Presses and Publications Act 1984 and the Sedition Act 1948 by the Melaka High Court here today.

The DAP deputy secretary-general was fined a total of RM15,000 by Justice Datuk Mohd Noor Abdullah who also disallowed his application through counsel Karpal Singh for a stay of execution.

With the conviction, Lim, 37, stands to lose his seat in Parliament.

Under article 48 of the Federal Constitution, an MP is disqualified if he is sentenced to a year's jail or RM2,000 fine. The disqualification shall take effect 14 days from the day of conviction barring an appeal.

Lim, whose father is opposition leader Lim Kit Siang, said he would be filing an appeal today.

He was fined RM10,000 in default six months' jail for maliciously printing false news in January 1995 in a pamphlet entitled "Kisah Benar" under section 8A (1) of the Printing Presses and Publications Act 1984.

He was fined RM5,000 in default three months' jail under the Sedition Act 1948 on a charge of inciting the public that Malaysia practised double standard during a forum at the Emperor Hotel here on Jan 19, 1995.

In his talk, Lim had questioned the country's laws following the Attorney-General's decision not to prosecute Tan Sri Rahim Tamby Chik for the alleged rape of an underage girl, due to insufficient evidence.

Lim also expressed his dissatisfaction over the court's decision to order the detention of the 16-year-old girl involved in the Rahim controversy at a rehabilitation centre for girls. He had stated that Rahim should have been the one to be imprisoned.

In his judgment, Justice Mohd Noor said he found that the defence had failed to raise a reasonable doubt on the prosecution's case.

"I have also considered article 48 in this case and feel that it is wrong to mete out a punishment to prevent a person from losing his eligibility to be a Member of Parliament," said Justice Mohd Noor, adding that a person should be punished based on the offences he committed.

He advised politicians to be careful when attacking the court as it is defenceless.

Lim could have been carried away by the agony of the situation after attacking the AG and the police in connection with the case involving the underage girl, he said.

Earlier in his mitigation, Lim said that he left it to the judge to decide on the punishment.

"In my heart, I feel my conscience is clear and I hope I have done what was expected of me as a Member of the Parliament, and I wish to state that I had no intention of maligning the judiciary and create unrest among the public," he said.

Lim, a father of three, said that he did not harbour any grudge against anyone including Prime Minister Datuk Seri Dr Mahathir although he had at one time been detained with his father under the Internal Security Act (ISA).

He said that he was involved in the case purely out of his desire to help the girl's grandmother, Pendek Ahmad, on humanitarian grounds and in the interest of the public.

Lim said that he did not derive any material gain by helping her and in

fact his family had suffered and faced problems.

Deputy Public Prosecutor Azahar Mohamad said that the court should impose a heavy sentence as Lim had not showed any remorse or regret over what he had done.

"Instead he continued to attack the AG," he said, adding that the impact of the pamphlet was serious.

Azahar said that Lim, who should show a good example, had abused his power as a Member of Parliament by twisting facts.

"Being an elected representative comes with it a responsibility and not a licence to make allegations or insult the court," he said.

Earlier, Karpal Singh asked the court to consider the circumstances under which the offences had been committed.

He also said that the court should not impose a custodial sentence or a fine that would affect Lim's position as a Member of Parliament.

Fifteen prosecution witnesses and five defence witnesses testified during the trial.

The court was packed with DAP supporters who surrounded him as soon as the judge delivered his judgment.

His father, who is Member of Parliament for Tanjung, was present. Also present was his wife, Betty, who was weeping when he was making in plea in mitigation. -- BERNAMA

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