

Mokhtar disqualifies himself in Rahim suit

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KUALA LUMPUR, Thurs: Court of Appeal judge Datuk Mokhtar Sidin today disqualified himself from hearing an appeal involving former Malacca Chief Minister Tan Sri Rahim Tamby Chik who had sued the publishers and editors of *Time* magazine for libel.

Mokhtar made the decision after being told that the defendants are not in favour of him hearing the appeal.

On Tuesday, Mokhtar had informed the defendants' counsel that he was a High Court judge in Malacca for two years when Rahim was the chief minister and gave counsel time to seek instruction from their clients on the issue.

Today, lawyer Lorraine Cheah said her clients had instructed her to ask Mokhtar to disqualify himself from hearing the suit.

Mokhtar, who is sitting with Justices Datuk Abdul Kadir Sulaiman and Datuk Allaudin Mohd Sheriff, then ordered that the appeal be heard before another panel on a date to be fixed later.

This is the third time a judge has decided to withdraw himself from hearing the case.

The case was first heard before High Court judge Datin Paduka Rahmah

Hussain after Datuk R.K. Nathan disqualified himself as he had acted for Rahim in an accident in the 70s.

When it was brought before Justice Datuk Ariffin Zakaria, he also excused himself as he had worked with Rahim as Malacca's state legal adviser.

Rahim's counsel, Datuk Dominic Puthuchery, said he is quite disturbed at how slow the case seems to be moving.

To this, Mokhtar replied that he has to be fair to both parties on the issue so as to avoid any negative development.

On Aug 1, 1998, Rahim filed a defamation suit against the publishers of the Asian edition of *Time*, John Marcom and Time Inc Asia, its editor Donald Marrison and reporter David Liebhold.

He claimed to have been 'defamed in an article in the June 15, 1998 issue of the magazine, entitled "How Malaysia Throttles Dissent" which speaks of his alleged involvement with a 15-year-old girl.

Rahim asserted that the words in the report seemed to suggest that he is guilty of statutory rape, a criminal and guilty of corruption.

He claimed that the words meant that he was not charged and convicted of any of the offences as a result of the corrupt exercise of power by the Mahathir administration.