

'Reference does not include Govt or PM'

By RAPHAEL WONG

KUALA LUMPUR: Reference to "waging war against the Yang di-Pertuan Agong" under Section 121 of the Penal Code does not include the Government or the Prime Minister, the Al-Ma'unah trial at the High Court heard yesterday.

Defence counsel for four Al-Ma'unah movement members charged with treason, Zulkifli Noordin said a literal interpretation had been given to the Malaysian Penal Code as it was derived from the Indian Penal Code.

He said that Section 121 of In-

dian Penal Code made the distinction when it amended the term "waging war against the Queen" to "waging war against the Government of India."

In further supporting his argument, Zulkifli cited a Malaysian case saying Article 32(1) of the Federal Constitution gave sole protection to the Yang di-Pertuan Agong and the court should also adopt that literal interpretation of Section 121.

"The prosecution has the burden of proving that all 19 accused charged had waged war against the Yang di-Pertuan Agong and not the Government or the Prime Minister," he said.

Zulkifli added that evidence should therefore be established that the movement had an intention to wage war against the Yang di-Pertuan Agong or his palace.

"Instead, evidence was tendered to show a proposed attack against the Prime Minister through radio messages, which threatened to attack certain areas in Kuala Lumpur, if he refused to resign," he said.

When the proceedings resumed in the afternoon, Zulkifli said testimonies from prosecution witnesses had singled out movement leader Mohd Amin Mohd Razali as being involved

throughout the incident but all 29 of its members were instead implicated just because they were present at Bukit Jenalik.

"Is this court now willing to incriminate the 18 other members because of what the first accused (Mohd Amin) had done?," he questioned.

Mohd Amin and 18 others are facing a death sentence or a life imprisonment with a fine, if convicted under the charge of "waging war against the Yang di-Pertuan Agong."

Submissions at the end of the prosecution's case continues before Justice Zulkefli Ahmad Makinudin today.

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