

22 MAR 2001

Court-Rotation

BUSINESSMEN CHALLENGE CHONG'S APPOINTMENT AS NEW SABAH CHIEF MINISTER

KOTA KINABALU, March 22 (Bernama) -- Three businessmen filed an application for an injunction in the High Court here today to restrain Yang Dipertua Negeri Sabah Tun Sakaran Dandai from appointing and swearing in Chief Minister-designate Datuk Chong Kah Kiat.

The three businessmen, Kaiman Buangan, Abdul Rajik Arin and D.Ismail Jamlang, of Kota Belud, who named Sakaran as the first defendant and Chong as the second defendant, filed the application through Messrs Datuk James Ghani & Co in their capacity as citizens of Malaysia.

They are seeking the interim injunction pending the hearing of an application for declaration on the validity of Chong's appointment under the rotation system.

They are also applying for an injunction to restrain Chong from being appointed and sworn in by the Yang Dipertua Negeri as the new Chief Minister based on the same ground.

"In view of the urgency of the case, we also applied for a certificate of urgency so that the application can be heard as soon as possible," Ghani said when met outside the court.

In their affidavit filed in support of the application, they contended that the appointment of Chong, the president of the Liberal Democratic Party (LDP), to the position of Chief Minister by the first defendant is illegal and unlawful.

Part I Article 6(3) of the Sabah state constitution states that the appointment of the Chief Minister shall be by the Yang Dipertua Negeri of Sabah.

They claimed that, on March 16, this year Prime Minister Datuk Seri Dr Mahathir Mohamad announced via the media that the next Chief Minister of Sabah shall be appointed based on the "rotation system" of the post.

On the same day, Dr Mahathir announced that the second defendant shall take over the Chief Ministership from the current Chief Minister Datuk Osu Sukam, as the next Chief Minister of Sabah.

The businessmen also argued that the appointment does not conform to Article 6 (7) of state constitution which states that the chief minister must be the leader of a political party and shall be the member of the Legislative Assembly who is likely to command the confidence of the majority of the members of the assembly.

In this case, the businessmen claimed that the second defendant's political party, LDP, did not win the majority of the elected seats of the Legislative Assembly in the last general election.

"We submit that Barisan Nasional is not a single registered political party," they said.

In support of another application for declaration, they argued that the purported rotation system of Chief Minister is not provided for in the state constitution nor does it provide for the two-year term of the Chief Ministership and that the Chief Minister must be from one of the three races namely Muslim, Non-Muslim and Chinese.

That meant the appointment of the Chief Minister made under the purported rotation system is therefore not legal and unlawful, they said.

As such, the appointment of former Chief Ministers -- Datuk Yong Teck Lee and Tan Sri Bernard Dompok -- under the rotation system, were also ultra vires the state constitution and therefore all their administrative acts, function and decisions made were all illegal, null and void.

The High Court has yet to fix the dates to hear both applications.

-- BERNAMA

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