

23 MAR 2001

Osu-Injunction

SABAH GOVT TO APPLY TO SET ASIDE APPLICATION FOR INJUNCTION ON CM ISSUE

KOTA KINABALU, March 23 (Bernama) -- The state government will apply to set aside an application for injunction filed by three businessmen in the High Court here yesterday to restrain Yang Dipertua Negeri Sabah Tun Sakaran Dandai from appointing and swearing in Chief Minister-designate Datuk Chong Kah Kiat.

Chief Minister Datuk Osu Sukam said that he had instructed the state Attorney-General's office to study the matter and file an application to set aside the application filed by the three businessmen.

Osu, who is state Barisan Nasional chairman and state Umno liaison chief, was speaking to reporters at the Kota Kinabalu International Airport on his return from the federal capital today.

The three businessmen, Kaiman Buangan, Abdul Rajik Arin and D.Ismail Jamlang, of Kota Belud, named Sakaran as the first defendant and Chong as the second defendant.

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 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 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 Yang Dipertua Negeri 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 Chong shall take over the Chief Ministership from Osu as the next Chief Minister of Sabah.

The businessmen also contended 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 Chong's political party, LDP, did not win the majority of the elected seats of the Legislative Assembly in the last general election.

They contended that the BN is not a single registered political party.

Meanwhile, Sabah Umno information chief Datuk Karim Ghani said that the application by the three businessmen had nothing to do with the party.

The application was filed by them in their personal capacity, he told a news conference at the Umno liaison office, here.

-- BERNAMA

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