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Buniyamin pleads not guilty to charge of defaming PM

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KOTA BARU, Thurs. - Former Pas MP for Bachok Buniyamin Yaacob today claimed trial in the Sessions Court to a criminal defamation charge over his allegation that Datuk Seri Dr Mahathir Mohamad had watched a pornographic video with his grandchildren.

Buniyamin, 56, of Kampung Belukar in Gunung, Bachok, is alleged to have committed the offence during a ceramah at Pusat Tarbiyah Islamiyah in Pengkalan Chepa between 10pm and 11.30pm on March 15.

The charge stated that Buniyamin made the allegation against Dr Mahathir and that he had reason to believe that it would ruin Dr Mahathir's good name.

The charge was under Section 500 of the Penal Code. The offence is punishable with up to two years' jail, a fine, or both.

Judge Mohd Yazid Mustafa fixed hearing for three days from Nov 5 and allowed RM7,000 bail in one surety. The bail was posted by State Pas liaison secretary Wan Ismail Jusoh.

Deputy Public Prosecutor Nordin Hassan, assisted by Dzulkifli Ahmad and Azmi Ariffin, told the court the prosecution would be calling nine witnesses.

Buniyamin was represented by Karpal Singh. Lawyer Wan Jawahir Harun held a watching brief for Kelantan Pas.

Before a plea was recorded after the court interpreter read the charge to Buniyamin for the first time, Karpal told the court he was raising a preliminary objection on whether the court had jurisdiction.

The court stood down for 30 minutes to allow him to prepare his submission.

When the proceedings resumed about 11am, Karpal submitted that under Section 131 of the Penal Code, the court could only hear the case if the complaint was lodged by the aggrieved party or the Deputy Public Prosecutor.

"In this case, the report against Buniyamin was lodged by one Kamarul Baharin Awang of Kampung Teliar, Pasir Mas, who has no connection whatsoever with the charge," he said.

Karpal said, furthermore, that as the allegation was directed against Dr Mahathir in his personal capacity and not as the Prime Minister, Dr Mahathir himself should have lodged the report.

Karpal said as Dr Mahathir did not seem bothered by the accusation against him and had not lodged a police report, the section had not been complied with and the court should strike out the charge against Buniyamin.

Nordin, on his part, submitted that the charge against Buniyamin did not refer to Dr Mahathir's position as the Prime Minister.

"A police report lodged by a civilian is to pave the way for an investigation," he said.

Mohd Yazid then rejected Karpal's preliminary objection, saying that everything was in order. The charge was then read again to the accused and Buniyamin pleaded not guilty.

Buniyamin, accompanied by his wife Norhayati Ibrahim, arrived at the court in an ambulance from the Kota Baru Hospital about 9.40am.

Clad in a light green hospital gown and confined to a wheelchiar, he was carried into court by several Pas members because the floor was uneven.

Nordin asked the court to set bail at RM10,000 but Karpal said it should

be not more than RM2,000.

Some in the public gallery were heard to comment that the bail was too high while others murmured their approval. The hubbub prompted Mohd Yazid to remind the public gallery to observe court manners by being quiet.