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Hearing deferred as Buniyamin is ill

KOTA BARU, Tues. - Buniyamin Yaacob, who is facing a criminal defamation charge over his allegation that Datuk Seri Dr Mahathir Mohamad had watched a pornographic video with his grandchildren, was taken ill in the midst of today's hearing, prompting the Sessions Court to abruptly end the threeday proceedings.

Judge Azman Abdullah deferred hearing to Dec 28 for four days, following a request by defence counsel Karpal Singh.

The 56-year-old former Bachok MP, a diabetic who is also suffering from a kidney ailment, had to be assisted inside.

Throughout the one-hour proceedings, Buniyamin was seen drooping, with his head supported by a walking stick and both his eyes shut.

Deputy Public Prosecutor Nordin Hassan requested that hearing be stood down. At that juncture, Berita Minggu editor Zainuddin Ayip, the third prosecution witness, had just taken the witness stand.

Nordin and Karpal then entered Azman's chambers.

When court resumed, Karpal requested a postponement as his client was not in a condition to continue.

He said his client was scheduled to undergo haemodialysis treatment tomorrow.

Buniyamin, who is from 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.

At today's proceedings, Nordin was assisted by Dzulkifli Ahmad and Azmi Ariffin while Karpal was assisted by Ramkarpal Singh. Lawyer Wan Jawahir Harun held a watching brief for Kelantan Pas.

Earlier, while Berita Harian reporter Kadir Dikoh, the second witness, was giving evidence based on his article published in Berita Minggu on July 15 last year, Karpal and Nordin were involved in an argument on whether Dr Mahathir should be called as a witness.

During examination-in-chief, Kadir told the court that he covered a Press conference by Dr Mahathir after the 2002 pre-Budget dialogue in Putrajaya on July 14 last year, when the Prime Minister expressed his concern over the widespread distribution of pornographic videos, their effects on society and that even kindergarten children had access to them.

Just as Kadir had completed reading the article under the heading "Masyarakat Bimbang" to the court, Karpal stood up, saying the evidence was inadmissible as it was hearsay.

"Dr Mahathir should be called as a witness, only then is it admissible," he said, adding that the prosecution should tell the court if Dr Mahathir was on the list of witnesses.

Nordin, meanwhile, said that section 81 of the Evidence Act on the genuineness of newspapers and their contents allowed newspaper reports to be admitted as evidence.

He also said it was the discretion of the prosecution who to call as a witness.

"The hearing is still at its preliminary stage and the prosecution does not know yet if the Prime Minister will be called to testify. Let's wait until the end of the prosecution when the case has been established," he said.

Besides the two witnesses, the court also heard testimony by Kemubu Agriculture Development Authority agriculture assistant Kamarul Baharin

Awang, the person who lodged a report against Buniyamin at the Pengkalan Chepa police station on July 30, over the alleged criminal defamation against Dr Mahathir.

Kamarul Baharin said nobody instructed him to lodge the police report.