

**Civil suit: No leave for Chin Peng to appeal**  
**Malaysiakini.com**  
**Disember 6, 2010**

Former Communist Party of Malaya (CPM) secretary-general Chin Peng and its members have lost their bid to revive their civil suit against the Malaysian government.

Court of Appeal president Alauddin Mohd Sheriff, leading a three-man Federal Court quorum, denied them leave to appeal to the apex court against a Kuala Lumpur High Court's decision to summarily strike out their breach of contract suit.

Alauddin said the court was of a unanimous decision that the question posed by the applicant (Chin Peng) for the Federal Court to determine did not meet the requirements under Section 96 of the Courts of Judicature Act 1964 for the court to grant leave.

Section 96 states that leave would be granted if the issue posed for determination of the Federal Court is of a novel point and that of a public interest.

chin peng interview 021209 03The quorum dismissed Chin Peng's leave application and ordered him and CPM members to pay RM10,000 in legal costs.

The other two judges seated on the bench were Hashim Yusoff and Heliliah Yusof.

Chin Peng (right), 86, who was born Ong Boon Hua in Sitiawan, Perak, filed the suit on behalf of himself and his members seeking damages and to stop the Malaysian government or its agents from making defamatory statements about them.

The suit was filed over media reports on March 21 and May 6, 2005, that the then Deputy Information Minister Zainuddin Maidin had announced that Radio Televisyen Malaysia would air documentaries on the atrocities committed by communist insurgents after the Second World War and for a decade following Malaysia's independence.

Chin Peng and its members also sought a declaration that the 1989 agreement signed between CPM leaders and senior government officials representing Malaysia was binding and that under the pact, any press statement issued by both the government and Chin Peng shall not contain slanderous terms.

He claimed that the Malaysian government had breached the term and spirit of that agreement.

On Sept 30 last year, the High Court summarily struck out the suit. The Court of Appeal on July 27 this year also dismissed Chin Peng's appeal and ruled that the Malaysian government did not breach the agreement it signed with Chin Peng in 1989.

In its defence, the government said that from history and public knowledge, the reputation of Chin Peng and other members of his party had already been ruined in the eyes of the public all this while.

- Bernama

Copyright © 1999-2007 Mkini Dotcom Sdn. Bhd.

Source : <http://www.malaysiakini.com/news/150132>