

Council wars

Graft trial turns into slanging match

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RUCKUS IN COURT

Kayveas and
Kudus' lawyers
engage in
slanging match;
judge
walks out...

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CASE BACKGROUND

The Abdul Kudus Ahmad graft issue began in May 2003 after Datuk M. Kayveas had alleged that the then MPAJ enforcement director had allegedly tipped off "ton-tos" and businessmen of raids, and that he was getting RM70,000 a month for his "services".

Kayveas claimed to have documents to substantiate his allegations, which were then forwarded to the Anti-Corruption Agency.

In June, Kudus was suspended as the MPAJ enforcement director, and the following month he was charged with giving a false financial status declaration to the MPAJ.

In August that year, Kudus was taken to court again, this time being charged with 24 counts of corruptly receiving bribes totalling RM59,000 from the owner of Sri Stevens Corner restaurant in Pandan Indah.

Each charge, under the Anti-Corruption Act 1997, carries a maximum 20 years' jail and a fine of five times the amount of graft involved.

Kudus was called to enter his defence in August last year on the graft charge.

Twelve prosecution witnesses took the stand.

Proceedings were initially heard by sessions judge Nor Afizah Hanum Mokhtar, but the case was recently transferred to Noradidah Ahmad's court, after the former left to further her studies in England.

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KUALA LUMPUR: A lawyer and a politician shouting at each other in open court; the politician's supporters joining in the slanging match; the presiding judge storming out.

It had all the ingredients of a TV drama, but it was not. It happened yesterday at the Ampang court.

Policemen had to calm the two sides, with Sessions Court judge Noradidah Ahmad returning to her bench an hour later.

The graft trial of former Ampang Jaya Municipal Council (MPAJ) enforcement director Captain (Rtd) Abdul Kudus Ahmad started well enough, but the problem began when his counsel M. Manoharan told the court he would be making an application to cite one of his witnesses (Deputy Minister in the Prime Minister's Department Datuk M. Kayveas) for contempt.

"Abdul Kudus' case began in 2003, and is still ongoing. Nobody, be it a deputy minister or a minister, should comment on the case, as it would be *sub judice*," Manoharan said.

"However, on Jan 21, it was reported in *The Malay Mail* that a deputy minister commented on my client's case, which has now been turned into a trial by the media."

At this juncture, Kayveas, who was seated in the public gallery, stood up and began trading barbs with Manoharan, with each calling the other a liar.

Kayveas: "Are you talking about me?"

Manoharan: "You're not allowed to talk from the public gallery. As a witness, you should not be in the courtroom during proceedings."

Manoharan, who was seated at the bar, turned around and both pointed fingers at each other.

Kayveas: "I am a defence witness, not a prosecution witness. You called me here today, so I have the right to be in



Kayveas (front left) arriving at the Sessions Court yesterday. **INSET:** Kudus (left) and his lawyer Manoharan.



court. I am waiting for you to call me. Unless you don't want me here... I am leaving."

Manoharan: "You are not allowed to talk."

Manoharan's assistant R. Kengatharan then stood up to say: "Get out you deputy minister, get out of the court room."

The judge, who looked agitated, then stood the matter down and walked off in a huff.

Kayveas and Manoharan, however, continued trading

insults.

Kayveas: "You called me here as your witness, I have the right to be in court."

Manoharan: "You are a hostile witness. Do not think you are in Parliament."

Kayveas: "Don't make me wait here. I have a lot of things to do in Parliament."

Court police officers finally got them to calm down.

Proceedings resumed almost an hour later when Noradidah returned to the bench.

was disrespectful and threatened me."

Noradidah told Kayveas to give his side of the story.

Kayveas: "I am a defence witness and was called here today but he told me to get out. I wanted to know if he needed me here. There were no threats. Maybe the air-con in the courtroom is loud, which resulted in the raised voices. I did not threaten him. He is a liar."

Manoharan then interjected, asking the judge to order Kayveas to shut up, but the deputy minister did not let up, accusing Manoharan of "creating an issue".

Manoharan: "He is a No 1 liar. He kept on threatening us. He is seeking publicity. He has no right to speak. Kayveas should be punished. We will be lodging a police report against him."

Noradidah: "And you still want him as your witness?"

Manoharan: "He is a hostile witness, a ruthless man. We want the court to caution him. He was subpoenaed, so he must attend proceedings."

Throughout the exchange, Kudus, who was in the dock, looked mildly shocked. But he did not say anything.

Earlier, before the drama began, Manoharan had made two applications to the court — for a retrial and to cite Kayveas for contempt based on *The Malay Mail* report.

(The application for a retrial was made because the former judge, Nor Afizah Hanum Mokhtar, who was presiding over the case, had gone overseas. Noradidah took over the case at the defence stage.)

In applying for the retrial, Manoharan said Noradidah should hear the prosecution's case and see the demeanour of the witnesses to decide if reasonable doubt had been established.

Deputy public prosecutor Idham Abdul Ghani of the Anti-Corruption Agency, however, said a retrial would only prolong the case.

Noradidah will deliver her decision today.

to enquire if "things had cooled down".

Manoharan: "They have. But his (Kayveas) behaviour just now was unethical. I want to make an application against my witness. He cannot simply stand up as he pleases in court. He is here to assist the court, he is not a court officer. This is not a fair trial. He comes here with his large entourage and threatens me. He was a lawyer, so he should know this is unacceptable. He