

Chin trying to divert attention, says Dr M

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KUALA LUMPUR: Former premier Tun Dr Mahathir Mohamad launched a counter-attack against Justice Datuk Ian Chin Hon Chong yesterday, saying the judge had made allegations against him to divert attention from himself.

Mahathir (*pix*) said it looked as if Chin had made allegations against him on June 10 "to curry favour with the federal government by demonising the previous prime minister (Mahathir) whom everyone knows is the *bete noir* of the present government".

"Chin made the allegations (against me) to divert attention from the fact that a police report was lodged against him, and he had presided and passed judgment on a case where he had personal interest," Mahathir said.

Speaking to reporters at his office at the Petronas Twin Towers, he alleged that Chin had breached the Judges' Code of Ethics by presiding over a case where had personal interest without revealing it.

He said Chin had presided over a case involving Datuk Syed Kechik in 1999 without revealing that he believed Syed Kechik was responsible for the detention of Chin's father and brother 20 years ago.

It was only later that the defendants learnt about the detentions of the judge's father and brother by the Tun Mustapha government, and that Chin believed Syed Kechik was instrumental in getting his father and brother arrested, Mahathir said.

Mahathir also made available to the press a copy of the police report made against Chin by one Benjamin Hwa Yong on June 14, 2005.

"I was given a copy of all documents and proof on Chin's actions by people involved in the case, and it was forwarded to various parties, even the prime minister," said Mahathir, who challenged the government to set up a tribunal to investigate the police report lodged against Chin.

"Action is more likely to be taken against Chin for breach of the ethical code of judges when he did not reveal his personal interest in the case he was hearing, and not recuse himself," he said.

"When Anwar Ibrahim (former deputy prime minister) made available the Lingam video clip, the government was quick to set up a Royal Commission to investigate the matter.

"Now, we have a case where a police report was lodged. So why ignore it?"

"Chin joined Party Berjaya and lost twice. One of the objectives listed in the manifesto of Party Berjaya was to expel Syed Kechik from Sabah. As a party member, he must know Berjaya's hatred for Syed Kechik and this alone should have resulted in him excusing himself from hearing the case.

"In fact, he revised another judge's ruling on the case."

Mahathir who outlined to reporters the case concerned. According to him:

» after winning the state elections in April 1976, the Berjaya government cancelled the timber licence of Syarikat Banita belonging to Syed Kechik, and carried out compulsory acquisition of its land for public purpose;



» Banita filed suit against the state government for compensation and the state government counter-claimed, through the Sabah Foundation, against Syed Kechik, Banita and another company, Zara Sdn Bhd;

» 20 years later on Oct 29, 1996, Justice Tee Ah Siang ordered the state government to pay Zara RM40 million;

» On Jan 6, 1997, Chin granted an ex parte injunction against the defendants in reponse to the Sabah government's application, and on April 9, 1997, struck out Zara's claim;

» On June 16, Zara, through its director, Benjamin Hwa Yong, lodged a police report alleging misconduct by Chin.

Mahathir said the police report went from the police to the chief justice, ministers, the Anti-Corruption Agency, Suhakam and even the prime minister, but no action was taken by any of them.

He said the cases of Syed Kechik, Zara and Banita went on appeal to the Federal Court and a judgment handed down on March 25, 2008 said:

"Without evidence or justification, the learned judge (Chin) wrongly made these decisions ... the findings were based on unjustified inferences, speculation and his own preconceived impressions and prejudice."