

26戶原住民起訴大道局15年

徵地和解 獲賠650萬

(布城26日讯) 经过15年的法律程序斗争，雪兰莪州龙溪甘榜武吉淡杯的26个原住民家庭，终可因土地被政府征用兴建大道而获得马来西亚大道局的650万令吉赔偿。

此案涉及的各造包括马友乃德、大马大道局及大马政府，今天与原住民达致和解，各造并在联邦法院记录这项具代表性的和解方案。

确认原住民土地权益

这宗涉及原住民、土地法、宪法及人权的案件引起高度关注，随着各造在联邦法院达致和解，也起着原住民的传统土地权益获得确认的效果。

雪州政府、马友乃德、大马大道局及大马政府决定收回它们各自的上诉，而大马大道局同意在一个月内在将650万令吉赔偿额存入沙亚南高庭以分配给受涉及的原住民。

征用土地只赔92万

以沙贡达西(79岁)为首的7名淡布汶原住民起诉讼人，其中4名已逝世，他们是针对位于龙溪甘榜武吉淡杯一块15.57公顷(38.47英亩)的土地于1995年遭政府征用来兴建吉隆坡——汝来高速公路，但政府只根据原住民法令赔偿他们失去农作物及屋子的损失约92万令吉。

声称代表26个家庭的7名起诉讼人因此于1996年入禀高庭，起诉雪州政府、马友乃德、大马大道局及大马政府，要求赔偿。

沙亚南高庭于2002年4月12日宣判有关土地属于原住

雪州政府、马友乃德、大马大道局及大马政府决定收回它们各自的上诉，而大马大道局同意在一个月内在将650万令吉赔偿额存入沙亚南高庭以分配给受涉及的原住民。

雪州政府需依据土地征用法令赔偿原住民，并谕令马友乃德及大马大道局需因“非法侵入”土地而必须赔偿原住民的损失。

上诉于2005年9月19日维持高庭的判决，大马政府等4造较后获得准令以向联邦法院提出最后上诉。

有关僵局随着雪州政府于去年4月22日决定不挑战有关诉讼后而破解。

代表大马政府的拿督卡玛鲁丁高级联邦律师今早向联邦法院表示，各造同意依以下条件为所有案件达致和解：

●上诉人(马友乃德、大马大道局、雪州政府及大马政府)收回它们各自的上诉，并且不要求任何阶段法庭的堂费。

●大马大道局同意赔偿650万令吉作为案件的最后解决方案。

●大马大道局需从今天算起的一个月内将有关650万令吉款额支付给沙亚南高庭，以便高庭将之分配给沙贡达西等7名起诉讼人，以及其他居住在武吉淡杯村，但土地被当局征用以兴建汝来——万津高速大道的淡布汶(Temuan)部族的任何个人。

●沙贡达西等答辩人及其他所有对650万令吉款额有



雪兰莪州龙溪甘榜武吉淡杯原住民满意650万令吉的赔偿，部分穿上传统服装的原住民，在法庭外和他们的代表律师一起庆祝这项迟到的“胜利”，前排左四为雪州行政议员黄洁冰。

黄洁冰：保障權益 促中央修訂原住民法令

雪州行政议员黄洁冰表示，联邦法院周三的裁决具有标志性意义，并促请中央政府重新考虑如何修订原住民法令。

他强调，案件的重点不在于赔偿金的数额，而是联邦法院和上诉庭已认同原住民在土地拥有权上的权利。

现有法令限制获偿数额

黄洁冰在法庭外受访时说，联邦政府迄今在修订法令的工作上限制了原住民可获赔偿的数额，且依据土地大小来赔偿。

“中央政府在修订这项法令时不应违背联邦法院26日的裁决，我认为这是一个值得让大马骄傲的裁决，更可作为其他国家在相同案例上的借镜。”

询及原住民的胜诉，是否可归功于雪州政府愿意和解的问题时，黄洁冰表示认同。

她披露，民联雪州政府花费了1年时间来研究这项课题，最后决定退出这单官司，因为雪州政府原则上同意上诉庭指州政府有权认同原住民在土地上的拥有权。

“过去的1年，我们基本上同意作出赔偿；我个人认为，原住民应获更多赔偿，但这宗案件的重点不在于当局是否依据市价赔偿，而是原住民在土地上的权利。”

“要用賠償金娶10老婆” 79歲沙貢達西讓全場笑翻

等了15年，他们终于盼到了今天！

已届79岁高龄的发言人沙贡达西闻判后，按捺不住激动又兴奋的心情，并搞笑说会用赔偿金娶10个老婆回家，笑翻全场！

感叹逝世“战友” 没机会分享

耗时15年打官司，在面对“战友”相继逝世后，沙贡达西与另2名“战友”依然坚持抗战到底；对于这份迟来的“礼物”，他们3人在欢喜和感动的当儿，也掩饰不了难过的心情，感叹已逝世的“战友”再也没机会与他们分享今日的胜利。

“我已经老了，眼睛看不见，走路没有力，更不能工作，现在全身瘦到只剩下骨头；我们已经等了太久了，案件一天不能解决，我不会甘心，但现在我终于可以宽心了……”



沙贡达西：“等待了15年终获得赔偿。”

问他准备如何用这笔赔偿金时，沙贡达西打趣说：“不知道耶！买屋子或娶10个老婆回来，哈哈，我还不不知道啊！”

较后，情绪稍微平复后的他认真说，他将用这笔钱来维修屋子；沙贡达西育有8名孩子，但其中5名孩子已病死。

Orang Asli win 14-year battle

By Rita Jong
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PUTRAJAYA: Twenty-six families of the Temuan tribe in Dengkil whose land was acquired to build a highway 14 years ago will finally be paid RM6.5 million as compensation.

This landmark settlement was recorded yesterday between seven plaintiffs and the Federal Government which recognises the right of the Orang Asli to their 38 acres of customary land in Kampung Bukit Tampoi, which was taken to build the Nilai-Banting highway.

Federal Court judges Tan Sri Arifin Zakaria, Tan Sri Richard Malanjum and Datuk Seri James Foong, who recorded the settlement yesterday, were told by senior federal counsel Datuk Kamaludin Md Said that the Federal Government, United Engineers (Malaysia) Bhd (UEM) and Malaysian Highway Authority (MHA) were withdrawing their appeal against the Court of Appeal's decision.

The Court of Appeal had on Sept 19, 2005, upheld the Shah Alam High Court's decision declaring Sagong Tasi and six others — Kachut Tunchit (deceased), 45, Dabat Chabat, 79, Kepal Kepong, 69, Sani Saken, 41, Ila Senin, 47, and Tok Eatin Tukas anak Siam (deceased), 59, — as customary owners of the plot of land in Kampung Bukit Tampoi.

It affirmed the High Court's decision that the Orang Asli of the Temuan tribe owned the land under a customary community title of a permanent nature.

Since their constitutional rights had been violated, the court ordered that the Orang Asli be paid the market value as provided for under the Land Acquisition Act 1960.

Yesterday, Kamaludin told the court that the Federal Government, UEM and MHA were withdrawing their appeals on terms.



Twenty-six families of the Temuan tribe in Dengkil and their lawyers are jubilant after winning compensation for their land which was acquired to build a highway 14 years ago.

court, were that the appellants were to withdraw their respective appeal without costs and that MHA was to pay RM6.5 million as full and final settlement within a month from yesterday.

The money, as stated in the terms agreed, was to be deposited with the Shah Alam High Court for disbursement to the respondents and any other individuals who were staying on the land which was taken.

help of a team of pro bono lawyers from the Bar Council, took their case to the Shah Alam High Court after their land was acquired to build the highway leading to the Kuala Lumpur International Airport.

The original defendants included the Selangor government.

In 2002, the High Court ruled that the Orang Asli enjoyed native title rights over their traditional land and that they should be compensated.

Court of Appeal but lost. They then appealed to the Federal Court and were granted leave in 2006.

In April last year, the Selangor government changed hands from Barisan Nasional to Pakatan Rakyat, and the new state government pulled out of the appeal, saying that to continue would amount to breaching its promise to recognise the land rights of the indigenous people of Malaysia.

present with about 50 tribe members, said they were happy with the settlement news.

"It has been a long time since we began this court battle. Although it is not much when divided among our tribe, it is still something and I am grateful."

He said he was already old and his health was deteriorating.

"Who knows, maybe I am still not too old to buy a house or get married again with the money," he added.