

Malaysia

Cop apologises to missing pastor's family lawyer for evidence fabrication claim

BY AZRIL ANUAR
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A police observer had to publicly apologise to the family lawyer of Pastor Raymond Koh (pictured) after wrongly accusing the counsel of fabricating evidence during the Suhakam inquiry into Koh's disappearance. — Picture courtesy of Facebook

KUALA LUMPUR, Nov 15 — A police observer had to publicly apologise to the family lawyer of Pastor Raymond Koh for accusing the counsel of fabricating evidence in a Human Rights Commission Malaysia (Suhakam) inquiry into Koh's disappearance.

ASP Nuzulan Mohd Din claimed that a photograph from Berita Harian Singapore's website

(<http://www.beritaharian.sg/dunia/malaysia-tangkap-16-suspek-pengganas>), which depicted two Malaysian police officers in black balaclava without Royal Malaysia Police (PDRM) insignia arresting a suspect, was fabricated by lawyer Jerald Gomez.

He then threatened to take action against Gomez under Section 192 of the Penal Code, Section 192 that covers fabricating evidence in a judicial proceeding and that is punishable by a seven-year prison term.

"PDRM's investigated the website and we found that it had a different photograph instead of what was submitted by the lawyers.

"When we went to the website and typed in the article's headline, there was a different picture," said Nuzulan, adding that he believed Gomez "cut and paste" another picture onto the news article.

The photograph in question was submitted earlier during a cross examination of a police officer involved in investigating Koh's disappearance, when Gomez asked if one of the uniforms used by the Malaysian police did not have any insignia.

Nuzulan further said that Gomez tried to "mislead" (*mengelrukan*) the inquiry and demanded that the photograph and any evidence given by witnesses based on the photograph be expunged from the inquiry.

The Criminal Investigation Department Division Five officer then showed the three-member panel chaired by Datuk Mah Weng Kwai the same article that had a different photograph: three police officers in black balaclava which clearly showed PDRM's insignia.

"PDRM finds this to be a serious matter and that the lawyer tried to 'mislead' (*mengelrukan*) the evidence which is a serious offence under Section 192 of the Penal Code and PDRM will take further action against the lawyer," said Nuzulan.

However, Gomez and his team quickly rebutted Nuzulan's claims and showed the panel and the inquiry that there were two pictures in the same news article, and one of them was the one he submitted.

The confusion stemmed from the fact that a reader had to scroll through the pictures available in the article, something which the police did not realise.

Gomez's colleague, Gurdial Singh Nijar, then demanded an apology from Nuzulan and requested that he retract his accusation that the photograph was "misleading".

Nuzulan apologised to Gomez over the "cut and paste" accusation but maintained that the single photograph submitted by the lawyer was "misleading" (*mengelrukan*) and that Koh's legal team should have submitted both pictures as evidence.

Gurdial countered that the police had ample time to provide evidence to disprove any submission by the Koh family's legal team during cross-examination, which they failed to do.

"Perhaps the panel can decide on this because we are disturbed that we are accused of misleading and I've never been accused of such because misleading leads to misconduct for lawyers.

"How can it be misleading when we asked if this outfit is one of the outfits worn by PDRM? We maintained our parameters. If we said this is the outfit of PDRM officers, then they can say it is misleading because there are others.

"We are saying this is one of many," said Gurdial who requested that the panel make a ruling on the issue.

Mah called for a break and went into the chambers to deliberate over it with fellow panelists — commissioners Professor Datuk Aishah Bidin and Nik Salida Suhaila Nik Salleh. However, the panel refused to make any ruling over the matter.

When Mah refused to make a ruling, Gomez told the panel that he could not continue as counsel in the inquiry, claiming that "the Sword of Damocles" was hanging over his head, as he believed the police could accuse him of "misleading" the inquiry every time he submits new evidence.

After another impasse, Mah called lawyers from both sides of the divide for a private discussion and called for another break.

"For the record, what was discussed just now in the room next door is that ASP Nuzulan has explained that when he used the word 'mengelrukan', he didn't mean 'misleading', but that the photograph can be confusing.

"That explanation was accepted and we can put an end to this allegation of misleading. It looks like time has caught up with us and we will resume tomorrow at 9am," Mah said after resuming the inquiry.

The inquiry today had scheduled for Selangor's Criminal Investigation Department chief SAC Fadzil Ahmat Said to be examined.

BERNAMA PHOTO BY SUKAMALIO/GETTY

Gender and race confusion at inquiry

Conflicting statements given by two cops at Suhakam probe on Pastor Koh's abduction

By ADILEY TENG
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KUALA LUMPUR: More confusion arose regarding the gender and race of the first who was taken to be investigated following the reported abduction made by Subint Inspector-General of Police (IGP) Khalid bin Bakar that human rights bodies could be involved in Pastor Raymond Koh's abduction.

Selangor's chief banker and court judge Kwan said there was and a 21 witness were handed over to his task force to be investigated, when asked by Datuk Jerald Gomez, the lawyer representing Koh's family.

However, Gomez questioned his testimony in ASP Supari Muhammad had previously stated that it was five men - three Malays and an Indian - who were alleged to assist investigation.

"There were three men and a woman. They were accused to conspire with Koh's abduction. They were handed over to us by the Indian police, in the Pribumi Jaya police headquarters," SAC Fadzil said the Human Rights Commission of Malaysia (Suhakam) public inquiry on the disappearance of Koh and three others yesterday.

He added that the woman was the Thai wife of a dead suspect. SAC Fadzil said that in response to the incident on June 27 where a dead abduction with a suspect near

Kampung Melayu, the Selangor police, resulted in 100-witness reports being filed.

Further interrogations also led police to raid a house in Kampung Kuning, Pengkajene Jaya, Jempang.

During this raid, three items relating to Koh were found in the suspect's house: phone of Koh, his house and his vehicle as well as a screen glass bearing the number STN188.

When asked by Gomez to confirm the race of the three men, SAC Fadzil said they were one Malay and an Indian.

Upon further probing, Gomez asked SAC Fadzil to confirm the race of the woman made by ASP Supari in the inquiry who said that she

was a Malay. SAC Fadzil later also contacted his remarks that the Thai woman was brought to Kuala Lumpur to be questioned.

He said the matter she was questioned in Kuala Lumpur was not related police personnel speaking on Koh's case who need to follow to investigate the Thai woman.

Meanwhile, Datuk Mah Weng Kwai, chairman of the inquiry, also questioned how the three items

relating to Koh's abduction related up to the suspect's house. "I don't have any explanation as to how these items ended up in the house," SAC Fadzil said.

Gomez also questioned why the four items were sent to the search unit in Kuala Lumpur Chief Command Officer Datuk Anwar Yusoff's report. "I don't see the search list," he said.

He later clarified that the reports were released after their criminal order was up as they had no evidence to link them to Koh's case.

The hearing before commissioners MAZ, SYED HUSNA BT. AHMAD FADIL and SYED TANJIB HUSAINI BT. SAUD continues to Day 4.