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Body of victim beyond recognition

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KOTA KINABALU: The Tourism Court was told Tuesday that one of four bodies retrieved in the catamaran incident was not recognisable. Inspector Vikineswaran Nair (pic), 27, said the body which was discovered on Feb 4 this year could not be identified as it was not in a perfect condition.

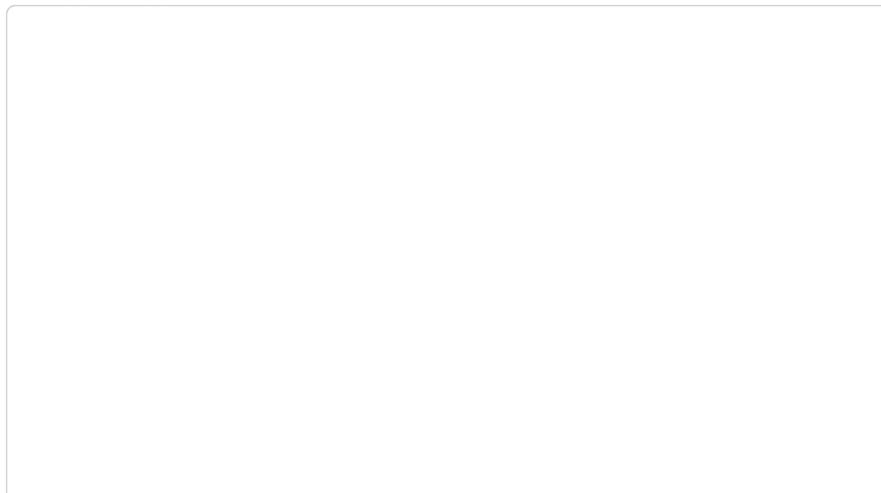
"After the body was found and arrived at the marine jetty here, an early identification was done by several family members of victims who were still missing but the identity of the body could not be confirmed.

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"Initial verification from a post-mortem conducted by (pathologist) Dr Jessie Hiu at Queen Elizabeth Hospital 1, found that the deceased was a woman based on the undergarments worn by the deceased.

"I received bones and two teeth of the deceased from Dr Hiu for deoxyribonucleic acid (DNA) confirmation.

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"I sent the samples together with the deceased's several belongings which were given by her husband who was one of the survivors, to the Chemistry Department on Feb 4 this year.

"On Feb 7, I received another initial verification report from the Chemistry Department which confirmed that the last body retrieved was a woman from China who was involved in the catamaran capsized off Pulau Mengalum," he said.

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Earlier, Vikineswaran, who had opened investigating papers for the Sudden Death Report for the catamaran incident also told the court that three other bodies were discovered on Jan 29, this year.

He said one of the three was a man, who was still alive when he was rescued by boat skipper Larahe Lakule but was pronounced dead after arriving at the marine jetty.

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forcement Agency personnel and hospital staff before the boat which brought the 23 victims arrived there between 12am and 12.30am.

He also said police personnel were assigned to take care of each victim still alive, until they were send back to China.

To a question, he said the 20 victims who were still alive, were cold and shivering as well as having abrasions on their skin.

Vikineswaran was testifying as the fifth prosecution witness before Sessions Court Judge Noor Hafizah Mohd Salim at the trial of three people charged with involvement in the tragedy.

They are operator Leong Vin Jee, 44, his mother Chung Ket Siew @ Chung Siaw Ping, 64, whose name appears on the company licence and skipper Sharezza Salian, 26.

Chung, the Director of Syarikat Golden Sailing Travel Tour and Car Rental, has four charges against her and one of the charges, she was jointly charged together with Leong.

The first charge – causing hurt to 20 Chinese tourists by permitting Leong to manage and use the boat to sea so negligently as to endanger their lives and second charge is negligently caused the death of four tourists by allowing Leong to use the boat and so loaded as to endanger human life.

The third charge – Chung as the registered owner of the boat, is accused of having Sharezza as the skipper without altering and reporting the particulars of a skipper named Leong Vin Jee in the Sabah Small Ship Licence to the nearest licensing authority – Sabah Ports and Harbours Department.

The third charge – she and Leong were jointly charged with failing to keep the boat licence on the passenger boat at all times and allegedly committed the offence under Regulations 9 of the Ports and Harbours (Sabah Licensed Small Ships) 2008, the punishment for which is as stated under Regulations 21 of the same Regulations.

Meanwhile, Leong has another four charges against him and two of the charges he was jointly charged together with Sharezza.

Leong is accused of causing hurt to 20 Chinese tourists by permitting Sharezza to take the boat to sea so negligently as to endanger their lives and also allegedly negligently caused the deaths of the four tourists by allowing Sharezza to use the boat

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Joint charge, Leong and Sharezza are accused of failing to keep on the passenger boat the appropriate safety equipment, the lifejackets and the life buoys as specified in the Fourth Schedule of the Ports and Harbours (Sabah Licenced Small Ships) Regulations 2008, at all times.

The second joint charge – Leong and Sharezza allegedly embarked two crew and 28 passengers from an undesignated landing point - Kg Tanjung Aru Lama Jetty, here, and that the offence falls under Regulation 13/34 of the Ports and Harbours Regulations.

For Sharezza, he is facing another charge of causing hurt to 20 Chinese tourists by taking the boat to sea so negligently as to endanger their lives and on the fourth count, he allegedly negligently caused the death of the four tourists as stated in Chung's second charge.

All the offences allegedly took place at the Golden Sailing Travel Tour and Car Rental Sdn Bhd premises in Asia City, here, Kg Tanjung Aru Lama Jetty, waters off the Coast of Mengalum Island, off here, between 9.15am and 11am on Jan 28 this year.

Leong is also facing a charge of overloading the catamaran with tourists which endangered the passengers' lives while Sharezza had served the six months' jail sentence for overloading the catamaran with tourists.

During the hearing, Vikineswaran also revealed that he together with Corporal Jimmy and Corporal Robert, had seized 30 lifejackets, five floats and two rolls of rope from Larahe.

After the seizure of all the exhibits, he passed it to the Investigating Officer of the case, ASP Heryan Mohd Tahir.

Deputy Public Prosecutor Nartiah M. Sambatan, who was assisted by DPP Nurun Nazifah Muhammad Iyen from the MMEA, conducted the prosecution.

Counsel Edward Paul together with Elffie Johny represented Leong and his mother, counsel Hamid Ismail, Michelle Usman and Benazir Japiril Bandarn defended Sharezza and counsel Chong Choi Lin is holding a watching brief for the victims.

Trial continues. - Cynthia D Baga

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