

# 155+ DAYS WITHOUT A COURT DEFENCE: MOE STILL HAS NOT DEFENDED ITS OFFICERS IN HIGH COURT AFTER MULTIPLE EXTENSIONS, DELAYS

*"If you can tell me sekolah mana, then I'll go drill down and tengok apa berlaku," complained 4<sup>th</sup> Defendant Radzi Jidin in April 2021. Sabahans wonder if the 4<sup>th</sup> Defendant Minister of Education was ever advised to read after receiving a Statement of Claim in Dec. 2020 where the school's name was given ten (10) times in the first two (2) pages. #MakeSchoolsASaferPlace*

KOTA KINABALU, Malaysia | 28 May 2021 — No more silence. No more fear. It is time for the corrupt and powerful to take their knees off the necks of Malaysia's children. It is a mind-boggling and historical embarrassment when the Government and its public service still has not filed a Defence against [sworn claims](#) made by High Court Plaintiffs Rusiah binti Sabdarin, Nur Natasha Allisya binti Hamali, and Calvina binti Angayung (all 19 years old): a months-absent teacher & misfeasance in public office by Ministry of Education (MOE) officers.

After entering an appearance, Defendants have **14 days** to file a Defence in Court, yet after **155+ days** of lenient extensions, *these Defendants still have yet to file a Defence*. Of course, Sabahans already knew the 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> Defendants never had any defence against [decades of extreme teacher absenteeism](#), nor the Defendants' own admissions in [2013](#) and [2017](#).

The Defendants *still have not defended* an 11-page Statement of Claim filed by 19-year-old girls:

01. Mohd Jainal bin Jamran (former Form 4 English teacher; transferred in early 2020)
02. Hj. Suid bin Hj. Hanapi (former SMK Taun Gusi school principal; retired in early 2020)
03. Director-General of Education Malaysia
04. Minister of Education
05. The Federal Government of Malaysia

Who would be afraid of young women students blowing the whistle? Of the High Court of Sabah & Sarawak? Of Kota Belud, [one of Malaysia's poorest & most unequal districts](#)? Of the Federal Constitution, the Education Act, the Rules of Court 2012, or the United Nations Convention on the Rights of the Child? Of a public High Court trial? Of subpoenas? Of evidence discovery? Of transparency? Of reality?

**Demands:** The Ministry of Education must promptly delegate an external, independent investigation—*sine qua non* for the truth—against **all** recently claimed abuse, negligence, and corruption against it. Likewise, the Minister of Education must submit *any* Defence to Court.

Ignorance of the law is no defence. This egregious period without a Defence has invited significant mistrust, suspicion, and disrepute. To these brave Sabahan whistleblowers, and the thousands of others who spoke up against the Ministry of Education's claimed abuses of power: consider the Defendants' 155-day inability to file a Defence in Court over an 11-page Statement of Claim as your *first* win.

**Student Whistleblowers: 1**

The Federal Government and the Ministry of Education: 0

Mohd Radzi: Stronger Whistleblower Act needed to protect the public  
“There must an effective mechanism where it is safe for the whistleblower  
to report and feels assured of action.”

— 4<sup>th</sup> Defendant Radzi Jidin on 13 September 2018



“In all circumstances, the rule of law must be upheld, and accountability  
as well as transparency must be put in place. This is important to ensure  
that no one enjoys impunity, and that no one should be above the law.”

— 4<sup>th</sup> Defendant Radzi Jidin on 17 July 2019 at the United Nations Headquarters

“When officers act in contravention of laws and regulations without  
fear of investigation or reprimand, the culture of impunity begins to  
develop. Each wrongdoing that is not investigated or punished or  
is supported by higher ranks, leads to the perception that such  
misconduct is permissible.”

— 4<sup>th</sup> Defendant Radzi Jidin on 17 July 2019 at the United Nations Headquarters



“Governments must be fully responsible of all their actions, and  
not take the rights of their citizens for granted. Otherwise, all  
efforts will only be a waste of our limited and invaluable resources.”

— 4<sup>th</sup> Defendant Radzi Jidin on 17 July 2019 at the United Nations Headquarters (backup)

“In an interview with Malaysiakini, the Bersatu member admitted that he  
is less well-known than other Pakatan Harapan leaders. **This is mostly  
because Radzi had been living in Hobart, Australia for over 20 years.**”

— Malaysiakini on 19 August 2018



“The Federal Government of Malaysia Has Not Filed Its Defence Over 130 Days  
After High Court Summons were Filed by Three Young Sabahan Women against a  
Claimed Months-Absent Teacher, Principal, & Ministry of Education”

— 2020 High Court Plaintiffs on 5 May 2021