

THE LAW AND THE COURTS
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April 10, 2010

1. I think it was the President of the Bar Council who pointed out that the law provides for a judge to accuse a person with contempt of his court and to punish him.

2. I am not disputing this legal provision. But we know of the cynical reference to some laws being an ass. In fact many lawyers would claim that the ISA which provides for detention without trial as bad law, and many have urged that the law be removed from the statute books. The reason cited is that without a hearing in a court of law, the executive has assumed the role of prosecutor, judge and executioner. In todays society this is a denial of justice.

3. But the same people, who strongly object to the Internal Security Act, support the law providing for contempt of court in which the aggrieved judge becomes the prosecutor, the judge and the executioner.

4. Clearly we are seeing double standards in the implementation of justice.

5. To say that the judge knows best as to the culpability of the accused person is to once again breach the principles of justice. A judge should not know and prejudge a case. He should be quite ignorant of the case coming before him and he should allow himself to decide simply based on the evidence put before him, the words of the witnesses and the pleadings of the prosecutor and the counsel for the accused person. If a judge is also a witness to the case then he would be bias and cannot possibly do justice to the case.

6. There is certainly a need for a law against contempt of the court but it should follow the same procedures as applicable to all other cases including being heard by other than the aggrieved judge. The charge should be made properly. There should be no arbitrary arrest before a charge is made. The accused person should be given his right to hear the charge and to state his defences before a judge who is not personally involved.

7. Court procedures would take time but in the case of Matthias Chang, there was really no hurry as he was in fact given one week to pay the fine or be jailed. In fact when he turned up on the stipulated day the judge was not available and he was told to come back the next day.

8. Yet when he willingly went back the next day to surrender, he was told that his arrest would be made in the car park. I suppose this is again standard procedure but it would amount to additional punishment because it would humiliate him.

9. At the time of writing this in Sarajevo, Bosnia and Herzegovina, I am told he is unconscious because he had chosen to protest by fasting against the injustice of the way the law was used by the judge. The Government may not be moved by his act but if it does not than it would compare very badly indeed against the British Raj which responded humanely to the fast by Ghandi.

64 Comments

By joehenryAuthor Profile Page on May 1, 2010 1:54 AM

Tun,

I remember very clearly that the Bar council had at one point of time before this advocated very strongly against the continuation of the law permitting a judge to hold someone to be in contempt of his court and to punish that person. In fact the bar council actively advocated a total reformation of the law in this respect. However, Tun, in this case, your good friend was the one at the receiving end from this archaic law. Of course, the bar council will not condemn the archaic law. This is a typical case of "TEOMEIMF" (The enemy of my enemy is my friend).
By liAuthor Profile Page on April 18, 2010 9:19 PM

Legal/law and we know that people are not versed on it. Even at times we see some will try to forward their views in a manner that is viewed professional.

"There is no one above the law" and logically its a statement that reflects interest amongst the people who wish to see equality since almost everything that we do these days is associated with the term "law" regardless.

A layman will "see" that there's a lot of difference between someone with resources and someone who have limited resources in the process of law.

We know that majority of people are "scared" of the courts and the law and anything that comes from a law firm or a lawyer.

The way you "dress" , "your appearance" , the way you answer to questions, the way you expressed yourself, the way you will be quiz seems overwhelming for an ordinary person and this is just a few of the things that "scared" people when they talk about the law and the courts.

"You are not allowed to ask but just answer and if you answer wrongly you be in trouble" and "bring money to pay your court summons and if not you will be put in jail", these are the words spoken to me when I have to attend court hearing for a traffic summons. Its truly scary for me since you don't really know what's in "store" for you since you don't really know the law and since you are not coming with a "bunch" of lawyers.

Imagine an ordinary person makes an "accusation" to the Judge in trying to defend himself in the context of being innocent?

By rarunasalamAuthor Profile Page on April 15, 2010 12:51 PM

Tun

kindly permit me to address two of your blog commentors -

drjagento - care to check how the dismissal of Anwar Ibrahim took place and straight thereafter

his police detention and the physical abuse he took under then Police-General. Now let me ask you

(if you still wish to be naive about these things):

- how is it an accused and recently stripped DPM (not just any Joe on the street) gets manhandled by just a "department head" if that Dept. Head did not feel he had the support and influence of someone higher up?

- Who could be higher up than the DPM?

- Now take it one step further - if for whatever reason a recently sacked DPM who has money and power of influence, got himself the best possible trial lawyer and team of attorneys and shredded the accusation brought by the Head of Govt as charge, would that not mean he would have to have been reinstated? Anwar did get his team of defence, and they did shred some of the allegations and raised the "question of doubt" and the late-Judge did make some bungling errors in his handling but at the end of day, the court (or should I say Judge) found it possible to get Anwar behind bars...are you claiming the entire trial was held in the most pristine of conditions and there was no tainting of evidence.

- Granted Anwar himself could have been wielding some of his own influence to have the charges dismissed, but at the end of day, the 2nd most powerful man in the country did not win. Are you saying you have full faith in our judicial system which until Tun Abdullah's intervention, took all orders from the Branch of Govt.

We can argue this drjagento till the "cows come home" ...it's your belief against mine. And my belief is Tun M knows more than he would care to share. Unfortunately, we will not know the 100% of truth in our lifetimes (and possibly never if there is no Govt transparency unto events that shaped 'modern' Malaysia).

Keep well!

(Ravi)

By austoziauthor Profile Page on April 15, 2010 12:39 AM

Dear Tun,

Funny JJJ should post the following comment.

salam Tun,

I think Austozi is the typical hypocrite opportunistic person who thoroughly embraces the western media as the gospel truth.

Don't try to bullshit us. We know the hidden agendas.

The Americans themselves are discovering the deciet and lies spread by their own media disguised as indisputable facts.

Keep on living in your own fantasy world Austozi!

Jeng3

I hope JJJ did not mean to say that the incidents BBC/NYTimes reported did not actually happen, because I suspect that might somewhat weaken my argument.

Uncannily, if you replace my nickname with "JJJ", "western media" with "Utusan Malaysia" and "Americans" with "Malaysians", voila, it works too!

Actually, it works better.

By miloAuthor Profile Page on April 14, 2010 11:37 AM

Dear Dr M,

I think you need to defend yourself in the APCO case now. The existing Government accuse you saying that during your time of management, the Government has bad relationship with USA. Nazri claimed the appointment of APCO is to break the ice with USA so the spending of US\$10million is worth it. What a joke. This is saying what Dr M doing during your period to defend Malaysia against the USA is totally tarnished.

I believe you need to raise an APCO topic now since our current people does not show any dignity of Malaysian! (Which i salute Dr M the most during your time)

By JJJAuthor Profile Page on April 13, 2010 12:20 PM

salam Tun,

I think Austozi is the typical hypocrite opportunistic person who thoroughly embraces the western media as the gospel truth.

Don't try to bullshit us. We know the hidden agendas.

The Americans themselves are discovering the deciet and lies spread by their own media disguised as indisputable facts.

Keep on living in your own fantasy world Austozi!

Jeng3

By drjagentoAuthor Profile Page on April 13, 2010 12:04 PM

Salam Tun,

To rarunasalam,

It is not the same between Tun and the judge. Tun was not the one who judged Anwar case. You might want to believe that Tun influenced the judge...but you must come out with evidences to

substantiate your believed without relying to all those craps you found in the internet. No one is squeaky clean. I trust no one but I would trust more of someone like Tun than anyone in the legal system particularly those lawyers and judges. You already know the outcome of Tun administration good or bad? Sincerely, for the sake of arguement, given a chance, would you rather have someone else in place of Tun as PM? You might have a long list of honourable candidates, but the circumstances are closely similar to a game of golf. You got a good par at end of the game but you think you might get a better score if you are given a second chance., but the score might be worst. Will you then want to go back to your original score. Life are full of options, but for any given moment only one decision is made. Unfortunately, you're bound by so many limitation. One wrong decision... well thats it. Having to make the correct precise decision is indeed a bless from heaven, and seeing good thing out of your decision will be a dream come thru. In his twenty two years of premiership, Tun have to make thousand and thousand of decisions, with million of options and with only one right decision for each issue. Considering its against the probability, with all the limitation, what outcomes I see from the decisions that Tun made, despite the glitch and blemish, are something that I must frankly be thankful for. Forget about what my good wishes about this beloved country would be. Lets the current PM fulfill it.

wassalam

By osaneAuthor Profile Page on April 13, 2010 2:23 AM

YABhg Tun Dr Mahathir..... Assalamualaikum...

I must thank to 'AVATAR April 12, 2010 2:02 PM' for his effort to bring to our attention regarding an article on 'how the contemp of court come into being' written by dear 'NH Chan'.

The facts is I too have this copy of The Sun just because of this articles too. Since I am ignorant about the law and any legal matters, I have to read it many many time just to get to understand it or at least close to it.

I have to believe it and always to, that whatever articles written by TDM are somehow open to hot debate by most of us who surf famous 'Che Det'. His written opinion is not only debated by his blog visitors, even by other medium, most talked by open public and even sometimes discuss by law makers in parliament. That shows his influence in giving his opinion is so unlimited.

Therefore accusing or rather alleging TDM for making decision in his writing is absolutely untrue. This is said by 'rarunasalam April 12, 2010 10:13 PM'.

YABhg Tun semoga sentiasa sihat dan dipelihara Allah dari sebarang kemudharatan, Insya Allah.

Osane TQVM

By rarunasalamAuthor Profile Page on April 12, 2010 10:13 PM

JJJ

obviously you want to argue for sake or arguing...

In the instance of MChang, Tun wrote that it wasn't correct for the judge to determine the aspect of contempt and more importantly, exercised the wrong discretion in playing the role of judge, jury, executioner in determining MChang guilty of such a charge.

My retort was to highlight examples where Tun M's hypocrisy shows and on instances where he has done just that very thing.

Regardless if Anwar Ibrahim is guilty or not, I think it's not for Tun M to decide on the aspect or level of guilt.

Chill brother, you have this massive hatred and it's not doing your health or happiness any good.

(Ravi)

By ogos31 Author Profile Page on April 12, 2010 5:28 PM

Salam Tun,

APCO APCO APCO...dah boring saya dengar isu ini..mcm laa besar sangat..saya rasa parti pembangkang memang dah ketandusan idea...

Plzz give us some of your brilliant insight about this issue tun..??

By azlan Author Profile Page on April 12, 2010 4:12 PM

Salam,

Majlis peguam tu rase mereka tu terer sangat...bila atas kepentingan mereka semua o.k...bila tidak tak o.k...ingat semua undang2 tu betul dan boleh digunakan, undang2 dibuat oleh manusia dan undang-undang juga boleh digunakan dan dimunapulasikan oleh manusia....

By Dr Syed Iskandar Syed Jaafar Al Mahdzar Author Profile Page on April 12, 2010 3:41 PM

Assalamualaikum wbt Yg Bhg Tun, the beloved 4th Malaysian PM,

Today is 27 Rabiul Akhir 1431 Hijrah (12/4/2010)

You look quite happy when u came on our local TV news last week to meet IIUM alumni in Sarajevo/Bosnia/Hergovina whom are now holding important position in the goverment, banking etc sectors.

Well, it is good to know that u still wrote on your blog directly from Sarajevo despite your usually hectic schedule. Many would still recalled that when the entire nation was still considered not safe to visit coz the war was still going on there, u did made a suprise visit despite the high risk on your security those days and all Malaysians saw u on tv visiting the war zone those days, i suppose during the cold winter (if i am not mistaken la Yg Bhg Tun)

Well Yg Bhg Tun, no one will ever doubt that u are a statesman and will leave a mark in the Malaysian history textbooks for bringing Malaysia forward via your Vision 2020 that many of us used to sing collectively in nearly all sessions after Negaraku those days in BTN camps.

Moving on to a slightly possibly sensitive topics.

With due respect to u my dear Yg Bhg Tun, if u could ever possibly

rectify some aspect of the justice system and administration, I believe many Malaysians would have all the nice things to say about u Yg Bhg Tun. If possible, if we can return the glory of the Malaysian Police to at least the days of Yg Bhg Tun Hanif Omar as IGP with its original unforgettable uniform, not the current uniform just looks like they are also JPJ la Yg Bhg Tun (my fair comment and observation only) If you would care to check and investigate many issues currently with PDRM, you would be able to at least suggest, a form of disciplinary action or whatever-- to the current government so as to lessen the embarrassment that are now already openly exposed and beyond anyone reach to cover it up anymore.

Well, only a well experienced politicians such as u can rectify what is happening in the used to be so much respected enforcement agency.

Moving on to the judiciary, what has happened those days has happened in 1988, nobody will be able to turn back the clock and u have achieved the desired result already those days itself. Why not this time u made a surprise by restoring the judicial system back in its proper place of glory just like Al Marhum Sultan Johor as stated in the controversial Barry Wain book called the Lord President Tun Salleh Abbas to apologize. Well no doubt Tun Salleh has received his compensation but u can repair it further with full support of all Malaysians if u are able to renegotiate things and reconcile everything in the best possible manners as perceived by u as a well respected global statesman, Yg Bhg Tun.

Regarding the MACC, if it is possible that Yg Bhg Tun plays an active role in advising the federal government for MACC to return to its good old days of at least Allahyarham Tan Sr Harun Hashim era and do something with the present new uniforms as in my personal opinion looks something similar like my former school bands in the 70's at St Xaviers Institution ,Penang. In addition Yg Bhg Tun, the AG Chambers should be return at least to Tan Sri Abu Talib Othman era prior to the destroying the video tape incident era. How u do it, u will know the best la Yg Bhg Tun.

Well many will be laughing and says it is impossible and possibly label me as mad or day dreaming or something but Yg Bhg Tun knowing u, u are very unpredictable. Well if those things those days has happened because of politics then now is your opportunity to utilise your skills and experience and deliver a pleasant surprise to all Malaysians that will ensure your name being preserved with unimaginable respect for a very long long time what more if u could help solve all the political problems in Malaysia once and for all by uniting everybody for the first time bearing in mind your own maxims, 'in politics there are no permanent enemies'.

Akhir Kalam, Yg Bhg Tun, Prof Izi of Hot FM used to say, 'renung renungkan, selamat beramal' and looking forward for u to continue your unpredictable ways delivering all Malaysian a pleasant surprise, Insyallah.

27 Rabiul Akhir 1431 Hijrah (12/4/2010)

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By kuthe2Author Profile Page on April 12, 2010 2:06 PM

Salams Tun,

Biasa aarr.. Double standard ni.. Sistem Kasta..

Sistem 'Who has the gold makes the rules..'

Undang2 manusia buat pasai tu laa...

Takpa.. undang2 Tuhan ada.. Mana maw lari aaa.?

I wish you well and happiness Tun.

Perjuangan yang hampir tamat..

Kuthe.

By AVATARAuthor Profile Page on April 12, 2010 2:02 PM

Dear Tun,I read this elsewhere,maybe you would like to share this piece with your readers because generally we the public are not well verse with the law.

Matthias Chang: Martyr without a cause?

By NH Chan

APRIL 11 — In the Sun newspaper of Friday, 2 April 2010 I came across this story:

Dr M's ex-aide starts jail term for contempt

KUALA LUMPUR: Matthias Chang, former political secretary of ex-premier Tun Dr. Mahathir Mohamad, was sent to prison after he refused to pay a RM20,000 fine for contempt of court.

Chang was served the committal order by the High Court before he was taken to Kajang prison.

The lawyer was cited for contempt of court on March 25 when he failed to apologise to the court during cross-examination in his defamation suit against American Express (Malaysia).

The committal order stated: "At about 2.30pm to day (March 25) ... when the court refused your request to address the court as a witness, you lost your cool and walked out of the witness box and thereafter left the court during the proceedings. Your conduct is a contempt in the face of the court by virtue of Order 52 (1A) of the Rules of the High Court."

Judge Noor Azian Shaari had ordered Chang to pay a fine of RM20,000 within seven days, in default [to serve a] month's jail sentence.

The judge says that Chang had committed contempt in the face of the court.

I will first tell about how the law of contempt came into being. Then I will tell about how it had evolved into what it has become in modern times. But before that you may wish to know,

What is contempt in the face of the court?

If you have read my book *How to Judge the Judges*, 2nd edition, Sweet & Maxwell Asia, you will come across this passage on page 61:

Contempt in the face of the Court

If you attack the character or conduct of a judge it could be termed a contempt by scandalizing the judiciary. If you make the same attack in court or if you disrupt proceedings in court it is called contempt in the face of the court.

This was what the judge Noor Azian Shaari meant when she told Matthias Chang “Your conduct is a contempt in the face of the court.” Chang had disrupted court proceedings as a witness when he walkout in a huff.

The difference between contempt by scandalising the judiciary and contempt in the face of the court is that the latter is dealt with summarily, that is to say, done or made immediately and without following the normal procedures — this is the dictionary meaning. And this is how Lee Hun Hoe CJ (Borneo) put it in *Cheah Cheng Hoc v Public Prosecutor* [1986] 1 MLJ 299 (SC), at p 301:

The power of summary punishment is a necessary power to maintain the dignity and authority of the Judge and to ensure a fair trial. It should be exercised with scrupulous care and only when the case is clear and beyond reasonable doubt. As Lord Denning, MR said in *Balogh v Crown Court* [1974] 3 All ER 283, at 288:

“It is to be exercised by the judge of his own motion only when it is urgent and imperative to act immediately – so as to maintain the authority of the court — to prevent disorder, to enable witnesses to be free from fear, and jurors being improperly influenced, and the like ...”

This power must be used sparingly but fearlessly when necessary to prevent obstruction of justice. We feel that we must leave the exercise of this awesome power to the good sense of our judge. We will interfere when this power is misused.

Now that we know what is contempt in the face of the court better than any other uninstructed person, we should not listen to a non-lawyer, like Che Det, giving pompous legal advice and telling-off the judge that “no one should be the prosecutor, the judge and the executioner.” Doesn’t our former prime minister know that summary decisions are part of living in a civilized society? The umpire in a badminton match does it all the time, so does the referee in a soccer match and other sporting activities, but most of all, and he should know as he was a parliamentarian, the speaker of the House of Representatives or Legislative Assembly does it all the time at every sitting; they are all, to use his own words, “prosecutor, judge and executioner.”

Contempt in the face of the court means “the power of summary punishment to be exercised by the judge of his own motion only when it is urgent and imperative to act immediately” so as to

prevent – as in the case of Matthias Chang — disruption of the court proceedings. This is a necessary power to be exercised only in the most pressing cases so as to deal with the circumstances or situations stated by Lord Denning in *Balogh v Crown Office*.

The history of this awesome power of the judges

But first let me relate the historical evolution of this awesome power of a judge at common law. I won't say it is a draconian power because nowadays, that is, ever since 1936 – since *Ambard v A-G for Trinidad & Tobago*, a more tolerant attitude is taken by the common law towards critics of the judiciary.

On how the law of contempt came into being

At the beginning, before 1936, it was an excessively harsh power; one could say it was a draconian power. But why was it so? Because during the time of despotic kings of England, the king's judges were lions under the throne of the king, and they were wielding the power of the king in the administration of the king's notion of justice – do remember that the common law of England is entwined in the history of England. This was how Mr. Justice Wilmot (in an opinion which was not delivered because the prosecution was dropped) explained the purpose of this law in *R v Almon* 97 ER 94, 100 (1765):

The arraignment of the justice of the Judges is arraignment of the King's justice; it is an impeachment of his wisdom and goodness in the choice of his Judges, and excites in the minds of the people a general dissatisfaction with all judicial determinations and indisposes their minds to obey them; and whenever men's allegiance to the laws is so fundamentally shaken, it is the most fatal and most dangerous obstruction of justice, and, in my opinion, calls out for a more rapid and immediate redress than any other obstruction whatsoever; not for the sake of the Judges, as private individuals, but because they are the channels by which the King's justice is conveyed to the people.

In 1788 in the case of *R v Watson* 2 Term Reports (Durnford and East) 199, 205 (1788) Mr. Justice Buller expressed similar sentiments:

Nothing can be of greater importance to the welfare of the public than to put a stop to the animadversions and censures which are so frequently made on courts of justice in this country. They can be of no service, and may be attended with the most mischievous consequences. ... When a person has recourse ... by publications in print, or by any other means, to calumniate the proceedings of a Court of justice, the obvious tendency of it is to weaken the administration of justice, and in consequence to sap the very foundation of the Constitution itself.

And how from such beginnings the law of contempt had evolved to what it is today

Despite the demise of the reign of despotic kings where it ended with the flight of King James II from the realm (James II was the last of the Stuart Kings of England, 1603-1714) – “the grandiloquent fear that criticism of the courts may endanger civilization” had continued right up to the early twentieth century. “The branch of contempt of court known as ‘scandalising the

judiciary' served to inhibit criticism of the courts by laymen. To a limited extent it remains a fetter on freedom of expression about judicial performance." — see Pannick, *Judges*, page 109.

In *R v Gray* [1900] 2 QB 36, 40, Lord Russell of Killowen CJ laid down the law of contempt in this way:

"Any act done or writing published calculated to bring a Court or a judge of the Court into contempt, or to lower his authority, is a contempt of court."

This is nicely summed up by David Pannick in his book *Judges*, at page 110:

"The grandiloquent fear that criticism of the courts may endanger civilization has, in the twentieth century, continued to lead to the punishment of persons who have insulted members of the judiciary or impugned their impartiality."

The book then goes on to say, pp 110-112:

English law remained unwilling to leave it to public opinion to assess whether criticism of the judiciary had any basis.

Mr Justice Darling was the presiding judge at the Birmingham Spring Assizes in 1900. Before the start of a trial for obscene libel, he warned the press that they should not publish indecent accounts of the evidence. After the conviction and sentence of the defendant in the criminal case, Mr. Gray wrote and published in the *Birmingham Daily Argus*, of which he was the Editor, an article [in which he described] how Mr. Justice Darling,

"... filled in a pleasant five minutes yesterday. ... Mr Justice Darling ... [warned] the Press against the printing of indecent evidence. His diminutive Lordship positively glowed with judicial self-consciousness. ... He felt himself bearing on his shoulders the whole fabric of public decency. ... There is not a journalist in Birmingham who has anything to learn from the impudent little man in horsehair, a microcosm of conceit and empty-headedness. ... One of Mr. Justice Darling's biographers states that 'an eccentric relative left him much money.' That misguided testator spoiled a successful bus conductor."

This splendid piece of invective effectively punctured the vain pretensions of Mr Justice Darling whose injudicious behaviour on the Bench was frequently a disgrace. ...

Mr Gray's prose was not appreciated by the courts. He was brought before the Queen's Bench Division charged with contempt of court. He swore a groveling affidavit of apology, no doubt on sensible legal advice that otherwise there would be even more serious consequences for him. ...

Lord Russell, the Lord Chief Justice, ... gave a solemn judgment, noting that it was "an article of scurrilous abuse of a judge in his character of judge – scurrilous abuse in reference to the conduct of a judge while sitting under the Queen's Commission, and scurrilous abuse published in a newspaper in the town in which he was still sitting under the Queen's Commission." He concluded that there was no doubt that the article amounted to a contempt of court. ... he was

fined 100 pounds and ordered to pay the costs.

The above case was reported in the Law Reports series as R v Gray [1900] 2 QB 36, 39-42. This is the case where Lord Russell of Killowen had laid down the draconian law of contempt which had stifled criticisms of the judiciary in the early part of the twentieth century until the judgment of Lord Atkin in *Ambard v A-G for Trinidad & Tobago* ended it in 1936.

Here are a couple of examples of those pre-1936 cases:

i) In R v Vidal, The Times 14 October 1922 a dissatisfied litigant who believed that the President of the Probate, Divorce and Admiralty Division of the High Court was a party to a conspiracy against him walked up and down outside the Law Courts with a placard accusing the judge of being “a traitor to his duty.” He was sentenced to four months’ imprisonment.

ii) In R v Freeman, The Times 18 November 1925 another dissatisfied litigant sent a letter to Mr. Justice Roche, who had decided a case against him, accusing the judge of being “a liar, a coward, a perjurer.” He was held of being in contempt of court.

But the tide of the pompous attitude of the judges in their own conceit and self-importance changed abruptly in 1936

At page 114 of David Pannick’s book *Judges*: “More recently, courts have emphasized that only in very exceptional cases will charges of contempt be brought against those who criticize the judiciary.”

Lord Atkin explained it in the Privy Council case of *Ambard v A-G for Trinidad and Tobago* [1936] AC 322, at p 335:

... whether the authority and position of an individual judge, or the due administration of justice, is concerned, no wrong is committed by any member of the public who exercises the ordinary right of criticising, in good faith, in private or public, the public act done in the seat of justice. The path of criticism is a public way: the wrong-headed are permitted to err therein; provided that members of the public abstain from imputing improper motives to those taking part in the administration of justice, and are genuinely exercising a right of criticism, and not acting in malice or attempting to impair the administration of justice, they are immune. Justice is not a cloistered virtue: she must be allowed to suffer the scrutiny and respectful, even though outspoken, comments of ordinary men.

This case was decided in 1936, so it is embodied in our common law of contempt by virtue of section 3(1) of the Civil Law Act 1956 which says:

(1) Save so far as other provision has been made or may hereafter be made by any written law in force in Malaysia, the court shall:

(a) in Peninsular Malaysia or any part thereof, apply the common law of England and the rules of equity as administered in England on April 7, 1956;

(b) in Sabah, apply the common law of England and the rules of equity, ... as administered or in force in England on December 1, 1951;

(c) in Sarawak, apply the common law of England and the rules of equity, ... as administered or in force in England on December 12, 1949, ...

But tragically, to the many who have suffered at the hands of the judges, the blame has to be placed on our Supreme Court for being under the delusion that the common law of England on contempt was that as stated in *R v Gray*[1900] 2 QB 36 and they have applied it as the common law which applies in this country by virtue of section 3(1) of the Civil Law Act 1956. They were oblivious of *Ambard v A-G for Trinidad and Tobago* which was decided in 1936 and which has since then completely changed the way the common law world looked at the law of contempt of scandalising the judiciary.

The result that *Ambard v A-G for Trinidad & Tobago* has brought about is that all previous Supreme Court cases that depended on *R v Gray* were decided per incuriam (by oversight, failure to notice). The effect is that all those cases of contempt mentioned in the judgment of the Supreme Court in *Attorney-General, Malaysia v Manjeet Singh* [1990] 1 MLJ 167 have failed to apply the common law of England on contempt as it stood in 1956 – in other words, our courts by applying *R v Gray*, a 1900 decision, have consistently applied an obsolete law.

The judgment of Mohamad Yusuff SCJ at pp 177, 178 belies the mediocrity of the judgment itself. He said:

The Supreme Court has this far consistently applied the common law principle of contempt of court as seen in the judgments of these cases, viz: *Arthur Lee Meng Kwang v Faber Merlin (M) Bhd & Ors* [1986] 1 MLJ 193, *Lim Kit Siang v Dato' Mahathir Mohamad*[1987] 1 MLJ 383 and *Trustee of Leong San Tong Kongsi (Penang) Registered & Ors v SM Idris* [1990] 1 MLJ 273. All these cases dealt with contempt in scandalizing the court. ... the common law, as has been expounded, applied and decided by our courts after April 7, 1956, by virtue of the Civil Law Act 1956, has become part of our law. ... On the law applicable to this case ... as mentioned earlier, the principle of common law of contempt as stated in *R v Gray* [1900] 2 QB 36 still applies in our country.

This judge and all the other judges who have decided the cases of *Manjeet Singh*, *Arthur Lee*, *Lim Kit Siang* and *Leong San Tong Kongsi* did not realize that *R v Gray* had been superseded by *Ambard v A-G for Trinidad & Tobago*. This judgment of the Privy Council as to the obsolescence of the offence of scandalising the judiciary has demonstrated that *R v Gray* is no longer good law. (Emphasis by LoyarBurok)

Therefore, the common law of England on the law of contempt of scandalising the judiciary as it stood in 1956 is *Ambard v A-G for Trinidad & Tobago*; the judgment of the Privy Council by Lord Atkin allows for criticism of the judiciary even in the ferocity of the language used. The common law of England on the law of contempt as administered in England in 1956 is not *R v Gray* (which is obsolete) but *Ambard v A-G for Trinidad & Tobago*.

Poor Arthur Lee, and poor Lim Kit Siang, and poor Manjeet Singh and poor Murray Hiebert (*Murray Hiebert v Chandra Sri Ram* [1999] 4 MLJ 321), they have all been convicted of the offence of scandalising the judiciary on an obsolete law.

Tragically, the obsolescence of the offence of scandalizing the judiciary has escaped the uninspired minds of our judges.

Mr Martin Jalleh has suggested that I be charged with contempt of court. I think it was an unreasonable request because such an event would put the entire judiciary in a quandary. Those cases, such as Arthur Lee, Lim Kit Siang, Manjeet Singh, and even Murray Hiebert are over, bar the shouting, ? the phrase is used when any controversial event is said to be technically settled but arguments about the outcome continue, albeit with little effect on the result: see *Red Herrings and White Elephants*, Albert Jack, Metro Publishing Ltd, London, 2004. I would suggest that it is best to let sleeping dogs (or should I say, lions) lie.

Even our former prime minister Tun Mahathir admitted in Che Det that when he gave his opinion that the judge should not be prosecutor, judge, and executioner in Matthias Chang's case — he did so with trepidation. Actually, he has nothing to worry about. We are both on the same boat. Our defence is this:

By virtue of section 3(1)(a) of the Civil Law Act 1956, the common law of Peninsular Malaysia is the common law of England as administered in England on April 7, 1956. The common law of England on the law of contempt of scandalising the judiciary as administered in England in 1956 is *Ambard v A-G for Trinidad & Tobago* which allows for criticism of the judiciary even in the ferocity of the language used.

This briefly tells the history and evolution of the law of contempt up to the present time.

We can now proceed to look at Matthias Chang's case with a broader and better understanding.

How does the law of contempt in the face of the court apply to Matthias Chang?

As far back as in 1527 there is this tale of Sergeant Roo, “a great lawyer of that time, more eager to show his wit than to be made a Judge,” who had composed a satire on the abuses of the law for which Lord Chancellor Wolsey was responsible. The satire was delivered in the presence of the King. Roo was summarily dispatched to prison — see *Judges* by David Pannick, Barrister; Fellow of All Souls College, Oxford, OUP, 1987, at page 105 to which he has also included the rider:

Nowadays a more tolerant attitude is taken towards critics of the judiciary. Nevertheless, lawyers and non-lawyers remain reluctant to emulate the critical approach of Sergeant Roo.

In times past — as I have explained in the history above — lawyers, “If they have suggestions for reform of the judiciary, or comments to make on judicial performance, they whisper them to each other over lunch in the Middle Temple or in professional journals remote from the public

gaze. Such heresies are expressed cautiously, in deferential language.” – see Judges, pp 105, 106 where it also said:

In one case, after Lord Mansfield (Chief Justice of the King’s Bench, 1756-88) had given judgment for a Bench of four judges, he asked Sergeant Hill, who appeared for the unsuccessful party, to “tell us your real opinion and whether you don’t think we are right.” Hill replied that “he always thought it his duty to do what the Court desired and ... he ... did not think that there were four men in the world who could have given such an ill-sounded judgment ...

More often, it is only in fiction that the conventions of politeness to judges are defied. The judges before whom John Mortimer’s Rumpole appears are perverse and malign. They are ignorant of the ways of the world. They are differential or rude to witnesses depending on the social status of those who have the misfortune to give evidence in their courts. ... Only a barrister of Rumpole’s experience (and lack of ambition) can afford to reply in kind to the discourtesy emanating from that fictional Bench.

Ever heard of the expression “truth is stranger than fiction”? In this country we have experienced for real perverse and malign judges, not the fictional ones experienced by John Mortimer’s Rumpole.

In 1680, Nathaniel Redding accused two judges of “oppression” and was condemned in Court to pay the King 500 pounds and lie in prison till he paid it, see Nathaniel Redding’s Case, Sir Thomas Raymond’s Reports 376 n. (1680). Later that term the court remitted the fine and the sentence of imprisonment.

In the Matter of Thomas James Wallace (1866) LR 1 PC 283, a Nova Scotia lawyer wrote a letter to the Chief Justice complaining that “I can’t help thinking that I am not fairly dealt with by the Court or Judges.” He added that he “could also recall cases where the decision was, I believe, largely influenced, if not wholly based, upon information received privately from the wife of one of the parties by the judge. Is this justice?” Lord Westbury, in the Judicial Committee of the Privy Council, remarked that this “undoubtedly was a letter of a most reprehensible kind ... a contempt of court, which it was hardly possible for the Court to omit taking cognizance of.”

I have found a case after 1936, it is R v Logan (1974) Crim LR 609. A man on being convicted shouted from the dock, that it was “a carve up”, was held to be a contempt of court.

But why am I telling this?

Was Matthias Chang charged with contempt for discourtesy to the Bench?

I should think so too. It was crass impertinence of him to behave in such an unruly manner towards a judge. As a lawyer he should know better than to be discourteous to the court.

If I remember correctly he was charged with disrupting the court proceedings while giving evidence as a witness by stomping out of the witness box in a huff and left the court because the

judge refused to allow him to deliver a submission or speech from the witness stand.

The only modern case (post 1936) of disruption of court proceedings that I am aware of is the case of *Morris v Crown Office* [1970] 2 QB 114 where the English Court of Appeal allowed an appeal against their sentence of imprisonment imposed on Welsh students who had disrupted court proceedings. Davies LJ said, at page 127:

On occasions one has the misfortune to encounter someone who makes a disturbance in court. Usually when that happens it is a case of a disappointed litigant who, from a sense of rage or disappointment at the result of his case, loses control of himself and gives vent to his feelings by an outburst either by word of mouth or physically.

In *Balogh v St Albans Crown Court* [1975] QB 73, a young man was sentenced by Mr. Justice Melford Stevenson to six months' imprisonment for contempt of court by planning to release laughing gas into the court to disrupt proceedings. He was released by the Court of Appeal because his conduct was not a contempt as he had not disrupted court proceedings. His plan was foiled by the police.

So now we know that the atrocious behaviour of Matthias Chang in court is a contempt in the face of the court. As he did not appeal against the sentence, could it be assumed that he was happy with the sentence of one month's imprisonment?

Had he appealed, who knows, he could have succeeded following *Morris v Crown Office*.

I suppose he wants to be a martyr without a cause.
By AVATARAuthor Profile Page on April 12, 2010 1:02 PM

Dear Tun, I read this elsewhere, maybe you would like to share this piece with your readers because generally we the public are not well verse with the law.

Matthias Chang: Martyr without a cause?

By NH Chan

APRIL 11 — In the Sun newspaper of Friday, 2 April 2010 I came across this story:

Dr M's ex-aide starts jail term for contempt

KUALA LUMPUR: Matthias Chang, former political secretary of ex-premier Tun Dr. Mahathir Mohamad, was sent to prison after he refused to pay a RM20,000 fine for contempt of court.

Chang was served the committal order by the High Court before he was taken to Kajang prison.

The lawyer was cited for contempt of court on March 25 when he failed to apologise to the court during cross-examination in his defamation suit against American Express (Malaysia).

The committal order stated: “At about 2.30pm to day (March 25) ... when the court refused your request to address the court as a witness, you lost your cool and walked out of the witness box and thereafter left the court during the proceedings. Your conduct is a contempt in the face of the court by virtue of Order 52 (1A) of the Rules of the High Court.”

Judge Noor Azian Shaari had ordered Chang to pay a fine of RM20,000 within seven days, in default [to serve a] month’s jail sentence.

The judge says that Chang had committed contempt in the face of the court.

I will first tell about how the law of contempt came into being. Then I will tell about how it had evolved into what it has become in modern times. But before that you may wish to know,

What is contempt in the face of the court?

If you have read my book *How to Judge the Judges*, 2nd edition, Sweet & Maxwell Asia, you will come across this passage on page 61:

Contempt in the face of the Court

If you attack the character or conduct of a judge it could be termed a contempt by scandalizing the judiciary. If you make the same attack in court or if you disrupt proceedings in court it is called contempt in the face of the court.

This was what the judge Noor Azian Shaari meant when she told Matthias Chang “Your conduct is a contempt in the face of the court.” Chang had disrupted court proceedings as a witness when he walkout in a huff.

The difference between contempt by scandalising the judiciary and contempt in the face of the court is that the latter is dealt with summarily, that is to say, done or made immediately and without following the normal procedures — this is the dictionary meaning. And this is how Lee Hun Hoe CJ (Borneo) put it in *Cheah Cheng Hoc v Public Prosecutor* [1986] 1 MLJ 299 (SC), at p 301:

The power of summary punishment is a necessary power to maintain the dignity and authority of the Judge and to ensure a fair trial. It should be exercised with scrupulous care and only when the case is clear and beyond reasonable doubt. As Lord Denning, MR said in *Balogh v Crown Court* [1974] 3 All ER 283, at 288:

“It is to be exercised by the judge of his own motion only when it is urgent and imperative to act immediately – so as to maintain the authority of the court — to prevent disorder, to enable witnesses to be free from fear, and jurors being improperly influenced, and the like ...”

This power must be used sparingly but fearlessly when necessary to prevent obstruction of justice. We feel that we must leave the exercise of this awesome power to the good sense of our

judge. We will interfere when this power is misused.

Now that we know what is contempt in the face of the court better than any other uninstructed person, we should not listen to a non-lawyer, like Che Det, giving pompous legal advice and telling-off the judge that “no one should be the prosecutor, the judge and the executioner.” Doesn’t our former prime minister know that summary decisions are part of living in a civilized society? The umpire in a badminton match does it all the time, so does the referee in a soccer match and other sporting activities, but most of all, and he should know as he was a parliamentarian, the speaker of the House of Representatives or Legislative Assembly does it all the time at every sitting; they are all, to use his own words, “prosecutor, judge and executioner.”

Contempt in the face of the court means “the power of summary punishment to be exercised by the judge of his own motion only when it is urgent and imperative to act immediately” so as to prevent – as in the case of Matthias Chang — disruption of the court proceedings. This is a necessary power to be exercised only in the most pressing cases so as to deal with the circumstances or situations stated by Lord Denning in *Balogh v Crown Office*.

The history of this awesome power of the judges

But first let me relate the historical evolution of this awesome power of a judge at common law. I won’t say it is a draconian power because nowadays, that is, ever since 1936 – since *Ambard v A-G for Trinidad & Tobago*, a more tolerant attitude is taken by the common law towards critics of the judiciary.

On how the law of contempt came into being

At the beginning, before 1936, it was an excessively harsh power; one could say it was a draconian power. But why was it so? Because during the time of despotic kings of England, the king’s judges were lions under the throne of the king, and they were wielding the power of the king in the administration of the king’s notion of justice – do remember that the common law of England is entwined in the history of England. This was how Mr. Justice Wilmot (in an opinion which was not delivered because the prosecution was dropped) explained the purpose of this law in *R v Almon* 97 ER 94, 100 (1765):

The arraignment of the justice of the Judges is arraignment of the King’s justice; it is an impeachment of his wisdom and goodness in the choice of his Judges, and excites in the minds of the people a general dissatisfaction with all judicial determinations and indisposes their minds to obey them; and whenever men’s allegiance to the laws is so fundamentally shaken, it is the most fatal and most dangerous obstruction of justice, and, in my opinion, calls out for a more rapid and immediate redress than any other obstruction whatsoever; not for the sake of the Judges, as private individuals, but because they are the channels by which the King’s justice is conveyed to the people.

In 1788 in the case of *R v Watson* 2 Term Reports (Durnford and East) 199, 205 (1788) Mr. Justice Buller expressed similar sentiments:

Nothing can be of greater importance to the welfare of the public than to put a stop to the animadversions and censures which are so frequently made on courts of justice in this country. They can be of no service, and may be attended with the most mischievous consequences. ... When a person has recourse ... by publications in print, or by any other means, to calumniate the proceedings of a Court of justice, the obvious tendency of it is to weaken the administration of justice, and in consequence to sap the very foundation of the Constitution itself.

And how from such beginnings the law of contempt had evolved to what it is today

Despite the demise of the reign of despotic kings where it ended with the flight of King James II from the realm (James II was the last of the Stuart Kings of England, 1603-1714) – “the grandiloquent fear that criticism of the courts may endanger civilization” had continued right up to the early twentieth century. “The branch of contempt of court known as ‘scandalising the judiciary’ served to inhibit criticism of the courts by laymen. To a limited extent it remains a fetter on freedom of expression about judicial performance.” — see Pannick, *Judges*, page 109.

In *R v Gray* [1900] 2 QB 36, 40, Lord Russell of Killowen CJ laid down the law of contempt in this way:

“Any act done or writing published calculated to bring a Court or a judge of the Court into contempt, or to lower his authority, is a contempt of court.”

This is nicely summed up by David Pannick in his book *Judges*, at page 110:

“The grandiloquent fear that criticism of the courts may endanger civilization has, in the twentieth century, continued to lead to the punishment of persons who have insulted members of the judiciary or impugned their impartiality.”

The book then goes on to say, pp 110-112:

English law remained unwilling to leave it to public opinion to assess whether criticism of the judiciary had any basis.

Mr Justice Darling was the presiding judge at the Birmingham Spring Assizes in 1900. Before the start of a trial for obscene libel, he warned the press that they should not publish indecent accounts of the evidence. After the conviction and sentence of the defendant in the criminal case, Mr. Gray wrote and published in the Birmingham Daily Argus, of which he was the Editor, an article [in which he described] how Mr. Justice Darling,

“... filled in a pleasant five minutes yesterday. ... Mr Justice Darling ... [warned] the Press against the printing of indecent evidence. His diminutive Lordship positively glowed with judicial self-consciousness. ... He felt himself bearing on his shoulders the whole fabric of public decency. ... There is not a journalist in Birmingham who has anything to learn from the impudent little man in horsehair, a microcosm of conceit and empty-headedness. ... One of Mr. Justice Darling’s biographers states that ‘an eccentric relative left him much money.’ That misguided testator spoiled a successful bus conductor.”

This splendid piece of invective effectively punctured the vain pretensions of Mr Justice Darling whose injudicious behaviour on the Bench was frequently a disgrace. ...

Mr Gray's prose was not appreciated by the courts. He was brought before the Queen's Bench Division charged with contempt of court. He swore a groveling affidavit of apology, no doubt on sensible legal advice that otherwise there would be even more serious consequences for him. ...

Lord Russell, the Lord Chief Justice, ... gave a solemn judgment, noting that it was "an article of scurrilous abuse of a judge in his character of judge – scurrilous abuse in reference to the conduct of a judge while sitting under the Queen's Commission, and scurrilous abuse published in a newspaper in the town in which he was still sitting under the Queen's Commission." He concluded that there was no doubt that the article amounted to a contempt of court. ... he was fined 100 pounds and ordered to pay the costs.

The above case was reported in the Law Reports series as *R v Gray* [1900] 2 QB 36, 39-42. This is the case where Lord Russell of Killowen had laid down the draconian law of contempt which had stifled criticisms of the judiciary in the early part of the twentieth century until the judgment of Lord Atkin in *Ambard v A-G for Trinidad & Tobago* ended it in 1936.

Here are a couple of examples of those pre-1936 cases:

i) In *R v Vidal*, *The Times* 14 October 1922 a dissatisfied litigant who believed that the President of the Probate, Divorce and Admiralty Division of the High Court was a party to a conspiracy against him walked up and down outside the Law Courts with a placard accusing the judge of being "a traitor to his duty." He was sentenced to four months' imprisonment.

ii) In *R v Freeman*, *The Times* 18 November 1925 another dissatisfied litigant sent a letter to Mr. Justice Roche, who had decided a case against him, accusing the judge of being "a liar, a coward, a perjurer." He was held of being in contempt of court.

But the tide of the pompous attitude of the judges in their own conceit and self-importance changed abruptly in 1936

At page 114 of David Pannick's book *Judges*: "More recently, courts have emphasized that only in very exceptional cases will charges of contempt be brought against those who criticize the judiciary."

Lord Atkin explained it in the Privy Council case of *Ambard v A-G for Trinidad and Tobago* [1936] AC 322, at p 335:

... whether the authority and position of an individual judge, or the due administration of justice, is concerned, no wrong is committed by any member of the public who exercises the ordinary right of criticising, in good faith, in private or public, the public act done in the seat of justice. The path of criticism is a public way: the wrong-headed are permitted to err therein; provided that members of the public abstain from imputing improper motives to those taking part in the

administration of justice, and are genuinely exercising a right of criticism, and not acting in malice or attempting to impair the administration of justice, they are immune. Justice is not a cloistered virtue: she must be allowed to suffer the scrutiny and respectful, even though outspoken, comments of ordinary men.

This case was decided in 1936, so it is embodied in our common law of contempt by virtue of section 3(1) of the Civil Law Act 1956 which says:

(1) Save so far as other provision has been made or may hereafter be made by any written law in force in Malaysia, the court shall:

(a) in Peninsular Malaysia or any part thereof, apply the common law of England and the rules of equity as administered in England on April 7, 1956;

(b) in Sabah, apply the common law of England and the rules of equity, ... as administered or in force in England on December 1, 1951;

(c) in Sarawak, apply the common law of England and the rules of equity, ... as administered or in force in England on December 12, 1949, ...

But tragically, to the many who have suffered at the hands of the judges, the blame has to be placed on our Supreme Court for being under the delusion that the common law of England on contempt was that as stated in *R v Gray*[1900] 2 QB 36 and they have applied it as the common law which applies in this country by virtue of section 3(1) of the Civil Law Act 1956. They were oblivious of *Ambard v A-G for Trinidad and Tobago* which was decided in 1936 and which has since then completely changed the way the common law world looked at the law of contempt of scandalising the judiciary.

The result that *Ambard v A-G for Trinidad & Tobago* has brought about is that all previous Supreme Court cases that depended on *R v Gray* were decided *per incuriam* (by oversight, failure to notice). The effect is that all those cases of contempt mentioned in the judgment of the Supreme Court in *Attorney-General, Malaysia v Manjeet Singh* [1990] 1 MLJ 167 have failed to apply the common law of England on contempt as it stood in 1956 – in other words, our courts by applying *R v Gray*, a 1900 decision, have consistently applied an obsolete law.

The judgment of Mohamad Yusuff SCJ at pp 177, 178 belies the mediocrity of the judgment itself. He said:

The Supreme Court has this far consistently applied the common law principle of contempt of court as seen in the judgments of these cases, viz: *Arthur Lee Meng Kwang v Faber Merlin (M) Bhd & Ors* [1986] 1 MLJ 193, *Lim Kit Siang v Dato' Mahathir Mohamad*[1987] 1 MLJ 383 and *Trustee of Leong San Tong Kongsu (Penang) Registered & Ors v SM Idris* [1990] 1 MLJ 273. All these cases dealt with contempt in scandalizing the court. ... the common law, as has been expounded, applied and decided by our courts after April 7, 1956, by virtue of the Civil Law Act 1956, has become part of our law. ... On the law applicable to this case ... as mentioned earlier, the principle of common law of contempt as stated in *R v Gray* [1900] 2 QB 36 still applies in

our country.

This judge and all the other judges who have decided the cases of Manjeet Singh, Arthur Lee, Lim Kit Siang and Leong San Tong Kongsı did not realize that R v Gray had been superseded by Ambard v A-G for Trinidad & Tobago. This judgment of the Privy Council as to the obsolescence of the offence of scandalising the judiciary has demonstrated that R v Gray is no longer good law. (Emphasis by LoyalBurok)

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Had he appealed, who knows, he could have succeeded following Morris v Crown Office.

I suppose he wants to be a martyr without a cause.

By nazrimalik Author Profile Page on April 12, 2010 1:00 PM

Can our present PM do something about it, Tun? He has no 2/3 majority in the parliament. But if he has, is he brave enough to correct the law? I am talking about the whole, not only about this particular subject. I still remember the day when Tun stood for us against one of the Sultan here. Yes, you have fought for us internationally too. I m so hopeful that Dato Sri Najib will do the same when the time comes...

By Freddie Kevin Author Profile Page on April 12, 2010 12:40 PM

Dear TMM,

To austoz and others

Peruse this link from dissident point, of Singapura.

Regards

Freddie

By cokanglaAuthor Profile Page on April 12, 2010 10:20 AM

salam Tun,

pachinko said

"The man who caused the downfall of our previously highly respected judiciary has written about the sorry state of the judiciary. Since the good doctor must know better than anyone about unfairness, injustice, double standards, judges with self-interests etc, I wouldn't dare challenge his intimate knowledge in these matters."

my humble opinion is that we have to change the way we think and that change is to synonym human being with perfect, there are no perfect in human being or are there anyone out there that can challenge this by giving me the name of any invention that is perfect since the existence of mankind, and i doubt there is.

Bar Council should stop pretending that they are all the mighty oracle that are the one stop solution for our justice feud. they are man made, they are nor perfect. so change have to be done from time to time to suit these man made judiciary so as to be relevant. there are no one time solution in this, it is an ongoing process.

so, how do you gauge a 'highly respected judiciary'? what are the benchmark? if there isn't how do you downfall that at the first place?

By eanisazmanAuthor Profile Page on April 12, 2010 10:08 AM

Salam Toke Det,

Bloggers,

This is a very famous joke in the US. Hear it out.."Q: What do you call when a thousand lawyers chained in the sea?A: A good start"

Hmmm.. Cynically, I guess what happened to our justice system is not something unusual to the people in the US anyway. Even a thief was compensated by the house owner in the UK for hurting his feet during robbery time as ruled out by the Court.

What justice?....

By MAZAI Author Profile Page on April 12, 2010 8:48 AM

YANG BERBAHAGIA TUN,

SEMOGA ALLAH MENBERIKAN RAHMAT DAN KESIHATAN KEPADA TUN BERDUA.

DALAM MEMBICARAKAN HAL BERKAITAN DENGAN UNDANG-UNDANG DAN PERATURAN KITA PERLU SESEKALI MELETAKKAN DIRI KITA DIKERUSI HAKIM. HUKUMAN YANG DJATUHKAN TIDAK SEBESAR MANA SAYA PERCAYA IANYA SETIMPAL DENGAN KESALAHANNYA.

KITA TIDAK MAHU AKAN WUJUD KEADAAN MAHKAMAH SEPerti DI PARLIMEN, SEMUA AHLINYA KEBAL DISISI UNDANG-UNDANG SEHINGGA TINGKAHLAKU MEREKA KADANGKALA LEBIH BURUK DARI KANAK-KANAK SEKOLAH. WALAUPUN SEMUA DI PARLIMEN ITU ORANG-RANG YANG TERPILIH DAN BERWIBAWA.

KALAU LAH SEMUA KESALAHAN HENDAK DIBICARAKAN ATAS NAMA ASAS HAK MENDAPATKAN KEADILAN, TIDAK PERLU LAH KITA WUJUDKAN ISTILAH KOMPOUN DALAM UNDANG-UNDANG KERANA INI JUGA MEMBERI KUASA PELAKSANA UNDANG-UNDANG MEMBUAT KEPUTUSAN TANPA DIBICARAKAN. JIKA INI BERLAKU TUN BAYANGKAN IA AKAN MENGGALAKKAN ORANG MELAKUKAN KESALAHAN KERANA MEREKA TAHU TEMPUH PROSES UNDANG-UNDANG AKAN MENYELAMATKAN MEREKA. UNTUK MEMBICARAKAN KESALAHAN YANG KECIL AKAN MELIBATKAN MASA, KOS DAN KERANAH. PIHAK YANG MENJALANKAN TUGAS JUGA AKAN MERASA FEDUP.

SAYA DAPAT BAYANGKAN BAGAIMAN MASALAH YANG AKAN DIHADAPI OLEH POLIS, JPJ, PBT, JBT AGAMA, JBT HUTAN, DAN LAIN-LAIN PIHAK PENGUTKUSAAN UNDANG-UNDANG. TINDAKAN MEREKA AKAN SENTIASA DIPERTIKAIKAN WALAUPUN YANG DILAKSANAKAN ITU MENGIKUT UNDANG-UNDANG.

LAZIMNYA MEREKA YANG TERLIBAT AKAN TETAP TIDAK MENGAKU KESALAHAN MEREKA. ORANG YANG BENAR-BENAR MENCURI, MENIPU ATAU MELANGGAR PERATURAN UNDANG-UNDANG AKAN TETAP TIDAK MENGAKU BERALAH. MEREKA AKAN SANGGUP MEMBELANJAKAN WANG YANG BEGITU BANYAK UNTUK MEMPERTAHANKAN DIRINYA. KADANGKALA SANGGUP MEBAYAR PEGUAM YANG JAUH LEBIH MAHAL DARIPADA WANG YANG SDICURI HANYA KERANA UNTUK MENDAPATKAN HAK KEADILAN.

SEPerti YANG SAYA PERNAH SEBUTKAN DALAM ULASAN SEBELUM INI BERIKANLAH SEDIKIT KEPERCAYAAN KEPADA MEREKA YANG DIAMANAHKAN. HANYA KEPERCAYAAN INI SAHAJA YANG MEMBOLEHKAN MEREKA MENJALANKAN TANGGUNGJAWAB DENGAN YAKIN. JIKA KITA DAPATI ADA

KERAGUAN BERILAH PANDANGAN DAN NASIHAT AGAR HAKIM LEBIH BERHATI-HATI DIMASA AKAN DATANG.

SEMASA KITA BERADA DIJAWATAN-JAWATAN TERTENTU KITA JUGA MENGHARAPKAN KEPERCAYAYAN DAN KEYAKINAN SEMUA PIHAK. JADI TUN BERILAH SEDIKIT KEPERCAYAYAN KEPADA HAKIM BERKENAAN. ITU TUGANSNYA. DAN JUGA MARWAHNYA.

SAYA DOAKAN SEMOGA TUN SENTIASA SEJAHTERA DAN DIRAHMATI ALLAH. POSTING TUN LAIMNYA SENTIASA MEMBUAT KAMI SAMA-SAMA BERFIKIR.

TERMIKASIH.

MAZAI

By HafizAuthor Profile Page on April 12, 2010 12:19 AM

Tun,

(addition to crazy diamond's comment on Apr 10, 6.20pm)

When it comes to the Bar Council, they will criticise and condemn anything the government is doing.

It seems that the Bar Council is more interested to be the police of Malaysian politics. We never hear or see other regulatory bodies get involved in our political arena. Does anyone hear about the Board of Engineers, Board of Architects or even the Malaysia Institute of Accountants (accountants only comment during the annual budget) barking at the government? It seems these professionals are true professional, they do not want to get involved in politics.

Lately, when the government lost the 2/3rd majority in the Parliament, the Bar Council is getting more vocal and critical when talking about the Malay and Islamic rights. It seems that Bar Council has becoming the tool for certain parties to condemn the government and Malay rights.

A message to the Bar Council, stop being the police of Malaysian politics and concentrate on the qualities of lawyers in Malaysia. If you want to get involved, maybe get the government to amend the LPA and get yourself registered as a political party and you can work together with DAP who are full with lawyers.

By austozAuthor Profile Page on April 11, 2010 7:41 PM

Dear Tun,

It is very intriguing that you should raise your concern now.

From the BBC, 30 November 1998: "There has been a dramatic new development in the trial of

the former Malaysian Deputy Prime Minister, Anwar Ibrahim. The presiding judge Augustine Paul sentenced one of his defence lawyers to three months' imprisonment after he refused to apologise for submitting an affidavit alleging that prosecutors tried to fabricate evidence against Mr Anwar."

(<http://news.bbc.co.uk/1/hi/world/asia-pacific/224501.stm>)

From the BBC, 23 March 1999: "The trial of Malaysia's former Deputy Prime Minister, Anwar Ibrahim, has come to an abrupt end, with the defence team facing possible arrest. The judge cited Mr Anwar's legal team for contempt of court when the lawyers refused to make their closing arguments, saying that it would not be proper to do so until their application for the judge to step down had been heard."

(<http://news.bbc.co.uk/1/hi/world/asia-pacific/301485.stm>)

From the NYTimes, 12 September 1999: "In a landmark verdict, a Malaysian court sentenced a Canadian journalist, Murray Hiebert, to a six-week jail term today after he lost an appeal against a contempt-of-court conviction... He was originally sentenced over an article he wrote on Malaysia's increased litigiousness that included a description of a suit brought by the son of a judge for the Malaysian Court of Appeal against his school after the youth had been dropped by the debate team."

(<http://www.nytimes.com/1999/09/12/world/malaysia-sentences-journalist-from-canada-for-contempt.html>)

These incidents happened when you were Prime Minister, and you defended them. Some even suspect you ordered them. But of course, in this case, you actually like Matthias. Nobody must be the prosecutor, judge and executioner but yourself.

What a hypocrite.

By cheadekAuthor Profile Page on April 11, 2010 7:19 PM

salaam tun. i have always enjoyed reading your entries. they're all very educational for me. tun, have you heard about 'the arrivals' videos? if you haven't just yet, i'd like you to go to this website. i am aware that you are very informed about what goes on in the world today, but nevertheless, i just feel that maybe you'd like to see these short videos and perhaps also help spread the truth to all concerned. the website is www.arrivals.technocrazed.com/videos.

take care, tun. and may God bless.

By donplaypuksAuthor Profile Page on April 11, 2010 5:44 PM

"Deng Xiao Ping did say before, " All men are born equal, but there are some who are more equal than others". What analogy we witness here in Malaysia is most disgusting to the rational mind." Clever conscience.

Actually the origin of this paraphrased quotation is from the 1945 'Animal Farm' by Georger Orwell.

dpp

We are all of 1 race, the Human Race
By JJJAuthor Profile Page on April 11, 2010 5:09 PM

salam Tun,

Aha Ravi,

you equating Tun's actions against DSAI with 'judicial despotism' is very funny but irrelevant, typical of your nature. A PM has got the necessary constitutional powers to do that.

Thank God for Tun's bold and decisive actions which was mighty unpopular but of course he will be proven right sooner or later.

Ezam, Dr Chandra Muzaffar, Nallakaruppan and countless others can't all possibly be wrong. The odds are too much stacked in some truth about what they have revealed so far.

Jeng3
By rasfanrahimAuthor Profile Page on April 11, 2010 5:08 PM

Salam Tun Mahathir & all,

What you said and commented about MC episode is purely based on friendship. That's what friends are for. The judge did in her capacity and so were you when you decide to remove DSAI from his post. DSAI friends and sympathizers react to your move by going to the streets.

The judge knows perfectly what she did and so were you. I heard you sang this song once and how I try to relate it to you, as a leader.

And now the end is near
And so I face the final curtain,
My friends, I'll say it clear,
I'll state my case of which I'm certain.
I've lived a life that's full, I've travelled each and every highway
And more, much more than this, I did it my way.

Thank you Tun for making me understand.
By Mis_bahAuthor Profile Page on April 11, 2010 4:09 PM

Assalamu Alaikum Tun,

To rarunasalam,

Once again you are acting as an angle or even God. May be it's become your habit shooting blindly. What to do. At least it meets your satisfaction even though it hits back on your face.
By Mis_bahAuthor Profile Page on April 11, 2010 3:55 PM

Assalamu Alaikum Tun,

It is a very interesting notes by you. My point of view is that judge should not mix his/her anger and cases when making judgement. This is to ensure justice to everybody--the accused and the prosecutor. Once judge's personal and anger take place then that is the end of justice.

By musatoAuthor Profile Page on April 11, 2010 1:27 PM

Assalamualaikum Tun.

Sebenarnya bukanlah satu penghinaan bila melanggar keputusan yang telah dibuat oleh mahkamah/majoriti.

Saya sendiri boikot dari balik raya ke kampung dan menjejaki kaki ke rumah sedara mara yang masih fikirkan pasal hal nyawa dari mengingati bahwa nyawa itu milik Allah.

Bukanlah satu penghinaan sekiranya kita masih mengingati dan masih menyebarkan ilmu alim ulama zaman dulu kala.

Baru-baru ini saya tertarik dengan rencana hikam tasawuf dari Sheikh Ibnu Atoillah r.a yang diterjemahkan oleh Panel Penyelidikan Yayasan Sofa. Secara umumnya ini adalah antara pengajian Tasawuf yang mashyur apabila diperkatakan tentang Tok Pulau Manis (1650M).

Beliau terkenal dengan peninggalan kitab Syarahan Hikam Tok Pulau Manis. Saya masih belum memiliki buku ini, tapi kalau dapat pun belum tentu saya dapat fahaminya.

Saya punyai blog sendiri iaitu musato-blog.blogspot.com. Blog untuk mengisi rasa bosan pada Disember 2008. Selepas beberapa hari (Mac 2010) pengkebumian arwah datuk, barulah saya dapat penuhkan profil musato walaupun telah beberapa kali saya tanyakan secara peribadi (mengikut firasat saya) kepada beliau sejak hari pertama nak akad nikah sampai la beliau meninggal. Tiada sepetah kata keterangan pun dari beliau.

Mereka-mereka ini adalah dari susun galur Tuan Abdul Malik Bin Isa, iaitu cucu kepada Tok Pulau Manis. Tidak seperti galur yang lain yang tidak dapat dikenalpasti oleh cacatan sejarah, kubur generasi cucu alim ini dapat ditandakan di kubur kampung halaman saya.

Of course saya mencatatkan ini kerana ingin menggambarkan bahawa sesungguhnya Hukum Allah itu sentiasa berlangsung, tidak sepertimana Undang-Undang dan Mahkamah.

Terima kasih Tun.

By krishAuthor Profile Page on April 11, 2010 10:43 AM

Salam Tun..

As malaysian i need explanation from Tun...Abt the link below..

as anti israeli..

http://www.youtube.com/watch?v=Nnk5_ccvr9k&feature=related
<http://www.youtube.com/watch?v=FkculpL7Dlo&feature=related>
<http://www.youtube.com/watch?v=fLY2FauQJj4&feature=related>
<http://www.youtube.com/watch?v=VNxQlsLTUcc&feature=related>
By Penmark ImpeXAuthor Profile Page on April 11, 2010 9:49 AM

Dear Tun,

~ There is a higher court than courts of justice and that is the court of conscience. It supercedes all other courts. ~
Mohandas Gandhi

Thank you

By AlanAuthor Profile Page on April 11, 2010 7:20 AM

Tun, I believe tht these same people assume double standard because when they wanted to do the right thing, they have been rejected. The Law does not allow an executive to be the judge and jury.

By sdeksAuthor Profile Page on April 11, 2010 2:00 AM

Salam Buat Ayahanda Tun,

Kalau orang macam Matthias boleh dihukum penjara, orang biasa macam saya ini apatah lagi! We are nothing compared to Matthias. Tapi itulah adat negara kita, yang diberi kuasa bebas menggunakan kuasa tanpa budi-bicara, lebih-lebih lagi kakitangan kerajaan. Mereka inilah salah satu sebab kejatuhan Barisan Nasional pada PRU yang lalu.

Baru-baru ini Najib mengumumkan kemudahan Hospital percuma untuk kakitangan kerajaan. Apakah mereka rakyat istimewa berbanding kami. Adakah mereka yang memastikan BN terus berkuasa. Benda-benda macam inilah yang buat saya sakit hati. Biarlah adil, kami pun rakyat yang bayar cukai jugak. Begitu juga dengan peneroka felda, Najib suka heboh kalau nak beri apa-apa pada peneroka. Ini pun tak baik sebab yang tak dapat apa-apa ini jauh lebih besar bilangannya dari peneroka. Publisiti macam ini, hanyalah merugikan BN dan saya percaya BN akan kalah tak lama lagi kerana ketidak-adilannya yang menyakitkan hati ramai penyokongnya sedikit demi sedikit. Kes Matthias adalah contohnya, hakim ini tetap dapat gaji kalau Pakatan Rakyat berkuasa. He got nothing to loose. Tapi sebenarnya dia akan menyebabkan segelintir lagi penyokong BN lari kerana tak puas hati pada kerajaan. Ada banyak lagi perkara yang rakyat tak puas hati tapi sayapun malas nak tulis sebab saya ni nothing compared to Matthias.

By mr.penangAuthor Profile Page on April 11, 2010 1:01 AM

Salam Tun.

I m very shocked and feel aghast that Tun can compare MC's fast with that of Ghandiji.

Please, please Tun,

How can u even think of it. What MC did was for his own gain, or loss , whatever.

By Nothing But WindAuthor Profile Page on April 11, 2010 12:58 AM

Dear Tun Dr M,

I totally agree with you that the contempt of court (judge) should be reviewed. It is quite unfair that the judge could insult the accused in any way he could but the accused, defense and prosecution lawyers could not even show their dissatisfaction towards the judge in not even at the most politest manner.

As far as I understand, once contempt of court is declared by the judge that is it, the accused will straight away be punished without giving him a chance to prove a otherwise.

Of course the above is what your argument is. I (and of course many) just would like to suggest (if possible), contempt of court could only be brought to the attention of a special committee comprising distinguished lawyers from the BAR Council and the judges (senior to the accusing judge).

The verdict reached by this committee would be strictly followed. Of course, this committee should be flexible so that the verdict on contempt of court could be reached within a matter of a few days.

By 27th CenturyAuthor Profile Page on April 11, 2010 12:32 AM

SPRM should investigate if there a misconduct by the judge when the Bar council failed to take any action on judge misconduct. Better still, the people should replace the whole bar council members with new members they thrust and not wasting people time, money and justice.

By zaki_77Author Profile Page on April 10, 2010 11:19 PM

Tun, do something! Help our beautiul country out of its rut before the rot consumes every aspect of law and government.

By rarunasalamAuthor Profile Page on April 10, 2010 10:24 PM

Aha Tun...

so, in other words, you're comparing the ability of the Judge to accuse and convict someone as being contempt of court as "Judicial despotism"...nice

So, when you took upon yourself to

a/ dismiss Anwar Ibrahim as the countries deputy PM without the due course of law being fully exercised (pronounced guilty by proceedings of court) - you weren't acting as Judge & Jury all rolled in one?

b/ stand-down the 3 Chief Justices without the full assessment of an independant body

confirming these justices can be lawfully dismissed - you weren't acting as Judge & Jury all rolled in one?

c/ constantly harrasing Tun Abdullah to resign on the basis of your accusations that he was mismanaging the party and government without filing a single formal charge against him - you weren't acting as Judge & Jury all rolled in one?

So, when the shoe is on the other foot - when one of your cronies is now rapped on the knuckles by the judge for having been rude to her during an official proceeding, you accuse the judge of exceeding their authority.

Sir, facts are there for you to face that Mathias Chang is being a massive drama queen, and he should have first and foremost conducted himself professionally in court.

(Ravi)

By liAuthor Profile Page on April 10, 2010 8:07 PM

My Dearest Tun Always,

HAHAHHA it's "true to the fact" every single word of it and I hope you are vocal not because it involves Mathias but for the justice system.

Its not a perfect law and its "one sided". I was once told by a person that he is not "sacred" of anything because only the "courts" can decide. The meaning to his words is vast since a person is "innocent until proven guilty".

I rest my case.

By skaizerAuthor Profile Page on April 10, 2010 7:09 PM

look whos talking now,

Tindakan tun membela matthias tidak ada bezanya dengan fanati-fanatik PKR membela anwar. Perlukah undang-undang dipinda atau diperkudakan demi seorang individu yang bergelar VIP berbanding nasib dan kesejahteraan berjuta -berjuta rakyat marhaen. What a double standard.

Saya rasa konflik di antara tun dan anwar adalah disebabkan terlalu banyak persamaan di antara tun dan anwar. satu dari persamaannya adalah campurtangan dan cercaan yang melampau terhadap sistem kehakiman.

By Wenger KhairyAuthor Profile Page on April 10, 2010 7:00 PM

Sudin,

I am still perplexed, flabbergasted and beyond belief that you could somehow relate any perceived or real deficiencies in our courts to KJ. We know you can stretch a theory but this is stretching is further than any chewing gum or bubble gum invented over the last 3000 years.

Pachinkos point is quite interesting. I would not want to comment further in case i get banned.

Btw, is there any justice that we still have to pay for Danaharta and many other mega projects? I heard we even have to issue a USD 2 billion bond to pay for some of those "d e v e l o p m e n t" things. But 1MPM6 said this

Asked what the money would be used for if such a bond was issued, Najib, who is also Finance Minister, said it was not so much for the money as there was enough liquidity in the domestic system for development purposes.

“But if we were to decide it will be purely on the basis of getting the right kind of signal from the market because if the market is exuberant about it, then it is good for Malaysia.”

However, he said, other factors would have to be taken into account such as cost and exchange rate fluctuations before a decision could be made. — Bernama

Do you think we will have to pay 7.5% interest? Maybe we could spend the USD 1 Billion in interest to hire "better" judges so that MC wont need to mogok lapar.

By checkerAuthor Profile Page on April 10, 2010 6:26 PM

Salam Tun & Fellow CheDet's Bloggers,

I fully support RimbaMas view. Man-made laws as "Man" himself, are not perfect. As Muslim we believe only those Allah's laws are absolute and perfect and must be obeyed by all Muslims. However many, even Muslim themselves, will and have questioned some laws as prescribed in Quran purely based on human logic which in turn will depend on one's intellectual level & cultures etc.

A clear example is on "aurat"- a simple case. There are clear guideline for Muslim on this issue but how many follows? Because we use human logic and cultures.

By the way, if I am not mistaken the judge in the case is a lady. What I am trying to say is that why we ever wonder Islam is not encouraging a woman to be a judge? Some question and disagree strongly, especially those fighting for women equality including SIS, why in Islam, women should not be appointed as judge and 2 women witnesses will be required but one man would be acceptable? I do not wish to elaborate on matters as most of us are clearly ignorant about the subject. Another example, in the case where the Federal Court judge that sit on the use of word Allah case was also a lady judge and making it even worst she was also a non-muslim who obviously have no knowledge about Islam or was already prejudice on her judgement. What do we expect?

May Allah bless us all.

By clear conscienceAuthor Profile Page on April 10, 2010 6:25 PM

TDM, please read an interesting article here

<http://malaysiakini.com/v6/link.php?http%3A%2F%2Ffeedproxy.google.com%2F~r%2FLoyarburok%2F~3%2FuxHLQ5yNSAE%2F>

written by NH Chan who has criticized you as one who should know what constitutes summary decisions.

I think it serves a very good lesson for TDM so that whenever TDM opens his mouth or writes in his blog, he (TDM) should anticipate the response and resent.

Well, I learn till the day we drop dead. It is not too late to do so even if I were to be in my mid-80s.

By crazy diamondAuthor Profile Page on April 10, 2010 6:20 PM

Dear Tun,

Bar council is just mock of opposition party to humiliate the present government which they don't like. They will use every weapon in possession to destroy the credibility of any institution they don't like. Bar council is also part of political organisation which seek to be an organisation who can influence or could decide who will be the judge. In this case, it clearly a political institution not the justice institution which is its original purpose was to uphold law and order of the country. For me, Bar council is hypocrisy at the highest.

By clear conscienceAuthor Profile Page on April 10, 2010 6:16 PM

I totally agree with donplaypuks on his comments.

Would TDM say anything about the way Kugan's death came about. TDM doesn't care much about the ordinary people but in the case of MC, his appearance speaks much about his discrimination.

Common, TDM! Don't playpuks with us. We have grown up and we would not swallow what you profess in. Everyone knows what is behind this sandiwara being played on stage here in MC's case.

It is another avenue of project TDM into the political stage that all would be well if TDM is back in politics. OMG, at this age in mid-80s.

I would prefer to spend more time serving God if I do have this long life as TDM. I would thank God for giving me that long opportunity to be on this planet to serve HIM. God knows my heart, He knows what I am up to and He through HIS divine hands directs the truth as truth is one of HIS commandments for man to indulge in. The truth will and shall prevail.

By leadingAuthor Profile Page on April 10, 2010 6:12 PM

Tun,

You said, "Clearly we are seeing double standards in the implementation of justice"

If an independent public survey is conducted on the above, I expect you will get more than 80% endorsement.

Regards,

♥♥♥.leading.com.my

By clear conscience Author Profile Page on April 10, 2010 6:05 PM

What MC does should be his business where there is no place for TDM to poke his nose in.

Every single Malaysian has his own rights and preferences as to how he should & would conduct himself; in defiance or otherwise in achieving or sending a message across. MC chose his & he should take responsibility over his actions; no TDM.

TDM should not even comment on this or trample over this right of MC; not just bcoz TDM was his former boss.

The law is the law. It is only whether the law is just or not which is left to the masses to decide as it affects the masses; not just one person or a dozen in hand. It cannot be serving unto just someone when it suits him. How ironical can TDM's message to the world in this blog article.

He who sows, reaps and he who became his accomplice is similarly guilty. Contempt is contempt; no two ways about it. Just like the Lingam case. Why was it not emphasized with greater strength? Was it bcoz it has mentioned TDM's involvement as known in the masses or was it not important to be given weight.

Deng Xiao Ping did say before, " All men are born equal, but there are some who are more equal than others". What analogy we witness here in Malaysia is most disgusting to the rational mind.
By AJP Author Profile Page on April 10, 2010 5:59 PM

This is my point of view which MEANS it is my own personal view.

I think you all know that SHARING is CARING. With that in mind, I am going to share my views..

In this world, there are 2 types of people.

1. Passive.
2. Active.

If a person remains passive all his/her life, then what he/she will be when he is 50 years old?

Logically, he would STRICTLY follow his own way of life and will defy/deny the real truth.

Fortunately, Tun Mahathir is NOT in this group.

Tun Mahathir is a person which belongs to the 'active' type. A person who belongs to this group will always be different and unique.

Now, back to the topic. If a judge is in the "passive" group, he or she will always be the pain in the axx for the society as a whole.

Lawyers have NO EXPERIENCE of running a country.

To the lawyers or the judges,

I think you know it is very difficult and challenging to manage your own family(energy, time, money,emotional stress).

So, do you think you can manage 27 millions people easily and with ease just by implementing certain rules?

If you really can manage better, then I would suggest you to be a party member of any parties that suits you and serve the country.

My dear lawyers or judges,

If I elect you as a Prime Minister,

- * Would you be able to bring us FDI?
- * Would you be able ensure that every race in Malaysia has equal rights and equal benefits?
- * Would you be able to meet people of all types of people who want your PRECIOUS time?
- * Would you be able to work more than 8 hours a day?
- * Would you be able to meet 100s of people everyday and solve their problems?
- * Are you prepared for your name to be tainted with scandals/gossips/slanders in newspapers

or even a blog?

* Would you guarantee us the peace that we have enjoying NOW forever if you become a minister or even a prime minister?

* Would you be able to manage our entrusted country's finance efficiently and intelligently?

My dear lawyers and judges,

Now, do you think ISA is needed to curb the unforeseen or foreseeable actions that can cause problems to our country.

If there is no law which can curb before the bad incident is gonna happen, then how would you be able to curb it?

Last but not least, your(lawyers/judges) thinking and mindset is not even the same as your children. So, pls don't treat a person upholding his values which are NOT detrimental to our country just because you disagree with anyone.

AJP

By sudinAuthor Profile Page on April 10, 2010 5:02 PM

Salam Tun.

Big majority of people are not very well versed on legal matters, but lately one thing certain is everywhere we are laughing at the profession. Laws (and also practices done by other professions) are drafted based on logic, but why the jokes? The simple reason is because Bar Council (BC) is nuts! Statements issued are always against Tun, especially during the era of 'Mr clean & no quality' Pak Dol. That KJ (kurang _jar) kid cunningly distributed sweets to them like putting their own Zaid 'no principle' looking after their affairs, allowing judge(?) Chin to make the cheekiest jib at Tun, accepting the 'ethnic cleansing' phrase by a group demonstration related to many of their kind. Worse of all is they never do/say wrong! Sometime you just wish the Germans of 1935-1945 to be back to take care of them!

The Appeal Court judges believed that Anwar did indulge in sodomy yet they acquit him! Bush detained suspected terrorists without any legal reference, but BC lashed out when we detain people under ISA! When Tun explained the details on the Salleh Abas saga BC still fully concurred that Tun has destroyed judiciary! To those in the BC who are nuts like your boss, just remember that you are wrong to negate us as nuts like you because that proof you're 2 times nuts! Really some laughing matters.

When Tun carried out dawn raid back in early 1980s, they were definitely more pro than con.

One definite con is Tun basically released them from the colonial estates and when later this allowed them to penetrate into BC, they behaved just like 'melepaskan anjing tersepit'. Sometime you just have to accept why Idi Amin threw them out in Uganda! Sitiveni Rabuka definitely has bitter lessons from them in Fiji.

By obbi71Author Profile Page on April 10, 2010 4:40 PM

It looks as though that something has to be done but what? With all fairness, kalau pun member tu menyakitkan hati judge tu takkan sampai kena penjara 1 bulan macam pencuri biasa aja. Is it a crime what Mathias did to be punished like that? Sometime I don't understand the law and the enforcement part of it. Macam dulu, ada kat TV, seorang yan 'kecil' (small fry) di tuduh rasuah. Beliau dibawa ke mahkamah dengan begiri. Tetapi ada a big fish dituduh rasuah (berjuta ringit) dibawa ke mahkamah tanpa digari. Pakai undang-undang Allah, tiada siapa akan persoalkan.
By sudinAuthor Profile Page on April 10, 2010 4:21 PM

Salam Tun.

Big majority of people are not very well versed on legal matters, but lately one thing certain is everywhere we are laughing at the profession. Laws (and also practices done by other professions) are drafted based on logic, but why the jokes? The simple reason is because Bar Council (BC) is nuts! Statements issued are always against Tun, especially during the era of 'Mr clean & no quality' Pak Dol. That KJ (kurang _jar) kid cunningly distributed sweets to them like putting their own Zaid 'no principle' looking after their affairs, allowing judge(?) Chin to make the cheekiest jib at Tun, accepting the 'ethnic cleansing' phrase by a group demonstration related to many of their kind. Worse of all is they never do/say wrong! Sometime you just wish the Germans of 1935-1945 to be back to take care of them!

The Appeal Court judges believed that Anwar did indulge in sodomy yet they acquit him! Bush detain suspected terrorists without any legal reference, but BC lashed out when we detain people under ISA! Real laughing matters.

When Tun carried out dawn raid back in early 1980s, they were definitely more pro than con. Tun basically released them from the estates and when later they penetrated into BC, they behaved just like 'melepaskan anjing tersepit'. Sometime you just have to accept why Idi Amin did to them in Uganda!

By pachinkoAuthor Profile Page on April 10, 2010 3:35 PM

The man who caused the downfall of our previously highly respected judiciary has written about the sorry state of the judiciary. Since the good doctor must know better than anyone about unfairness, injustice, double standards, judges with self-interests etc, I wouldn't dare challenge his intimate knowledge in these matters.
By HajarAuthor Profile Page on April 10, 2010 2:30 PM

Dearest Tun,

WELL SAID TUN..

Thanks for advising Matthias Chang to stop his "MOGOK LAPAR". I also believe that starving ourselves is not the right way to show our dissatisfaction towards any injustice. What if we end up dead? Who is going to lose? It is like COMMITTING SUICIDE.

I hope the judge will revise her decision. Matthias Chang might not act the way she expected him to act (some might say that he was rude), but he was not performing a CRIME. It's a BAD DECISION to send someone who is not a criminal to jail.

Thanks Tun.

** May Allah SWT bless Tun & family **

By Rimba Emas Author Profile Page on April 10, 2010 2:02 PM

SALAM BUAT TUN BERDUA MOGA DIRAHMATI ALLAH S.W.T

1) KISAH DALAM SEJARAH TELAH DICERITAKAN KEMBALI OLEH INDIVIDU-INDIVIDU SEPERTI ALLAHYARHAM HAMKA DAN YANG LAIN BAHAWA UNDANG-UNDANG YANG TIDAK BERPEGANG KEPADA TALI ALLAH S.W.T TELAH MENYUSAHKAN RAMAI YANG TERANAIYA.

2) MALAH DALAM AL-QURAN JUGA TELAH DI CERITAKAN PENGANAIYAN OLEH PENGUASA-PENGUASA BESAR TERMASUKLAH APA YANG TELAH BERLAKU KEPADA RASUL-RASUL ALLAH S.W.T SEPERTI NABI YUSOF A.S DIPENJARAKAN SELAMA BEBERAPA TAHUN.

3) INI MENUNJUKKAN BOLEH BERLAKU PENYELEWENGAN YANG BERULANG-ULANG MENGIKUT PEREDARAN MASA DAN ZAMAN JIKA MANUSIA MEMBERI PELUANG KEPADA MEREKA YANG TIDAK MENYEMBAH ALLAH S.W.T UNTUK MENJATUHKAN HUKUMAN.

4) ADALAH TIDAK TEPAT JIKA SOAL KEISLAMAN DIBICARAKAN OLEH UNDANG-UNDANG BUKAN ISLAM. MAKSUDNYA UNDANG-UNDANG BERPANDUKAN KATA-KATA ALLAH S.W.T. MELALUI AL-QURAN.

5) AKHIRNYA SATU IKTIBAR JUGA KEPADA SAUDARA MATTIAS CHANG BAHAWA ADA YANG TIDAK KENA DENGAN UNDANG-UNDANG INI MAKA BERBAGAI CARA HENDAK DI BUAT SEPERTI BERPUASA.

6) ADAKAH DENGAN BERPUASA INI AKAN DAPAT MELEPASKANNYA DARI PENJARA ? BELIAU MENGIKUT CONTOH SAUDARA GHANDI. TIDAK MALAH AKAN LEBIH MEMUDARATKANNYA JIKA PUASANYA BUKAN SEPERTI PUASA UMAT ISLAM DI BULAN RAMADAN.

7) HANYA SATU CARA SAHAJA SUPAYA KISAH KEJADIAN SEPERTI INI YANG PERNAH KITA DENGARI BOLEH DIELAKKAN IALAH DENGAN MEMBUANG SEGALA PERATURAN-PERATURAN YANG BOLEH MENGANIAYA MANUSIA INI.

8) PERATURAN-PERATURAN YANG DIKENAKAN SEPERTI DENDA DAN PENJARA YANG TIDAK DAPAT MENYELESAIKAN KEJADIAN DARI BERULANG HENDAKLAH DIBUANG KERANA SEMUA ITU MAINAN MANUSIA UNTUK HABUAN SAMPINGAN.

9) CONTOHNYA HUKUM POTONG TANGAN KERANA MENCURI BUKANLAH SATU YANG ZALIM JIKA SEMUA USAHA LAIN YANG DIGANTI TIDAK DAPAT MENYELESAIKAN MALAH LEBIH MEMBAWA MALAPETAKA DALAM MASYRAKAT ITU. JADI ADA LOGIK APA YANG DI PERINTAHKAN OLEH ALLAH S.W.T.

10) MANUSIA AKAN Mencari jalan untuk menginkari hukum-hukum ALLAH S.W.T KERANA WANG SEHINGGA SANGGUP PULA (SUDAH KELIHATAN) UNDANG-UNDANG BARU MEMBELA YANG DITUDUH WALAU PUN SUDAH JELAS KESALAHANNYA DIDEPAN MATA.

11) SUDAH TENTU SIMANGSA AKAN RUGI ATAS KOS YANG AKAN DITANGGUNG SEDANGKAN KEJADIAN ITU DIPUNCAKAN OLEH SI TERTUDUH. MAKA INI SUDAH TENTU TIDAK DAPAT MENGINSAFKAN SITERTUDUH MENGULANGI KEJADIAN ITU KERANA TIDAK TAKUTKAN HUKUMAN YANG SETIMPAL YANG AKAN DIKENAKAN.

12) SUDAPLAH DIA TIDAK TAKUT AZAB SEBENAR OLEH ALLAH S.W.T KERANA BELUM DILAKSANAKAN LAGI MALAH DIBERI PELUANG PULA OLEH UNDANG-UNDANG DI DUNIA INI BERMAHRAJALELA MALAH BOLEH PULA MENGGANGGU MANUSIA YANG PATUH KEPADA ALLAH S.W.T.

13) MANUSIA SALAH MEMILIH CARA YANG SEBENAR YANG PATUT DILAKUKAN UNTUK MENYELESAIKAN MASAAH ITU KERANA HARTA DUNIA DAN KUASA MENGIKUT NAFSU.

15) KES BICARA YANG TIADA BUKTI YANG JELAS PERLULAH MELALUI UNDANG-UNDANG MENGIKUT AGAMA SI MANGSA DAN SI TERTUDUH SUPAYA SEKURANG-KURANGNYA ADA PERTIMBANGAN YANG DIADILI BAGI KEDUA-DUA PIHAK.

WALLAHU'ALAM

By PraxisAuthor Profile Page on April 10, 2010 1:50 PM

Laws are meant for a purpose and cannot be interpreted out of context. Whether the law is abused or used depends on those who implement, and not solely on the lawmakers.

In the case on Matthias, the judge seems to have abused his powers to silence a senior lawyer of good standing who I can imagine must have been critically challenged the judge's procedures.

ISA is capable of being abused, but it wasn't under your tenure. Without the ISA we would be under military rule now, and that's what we would devolve into if we accede to PR's campaign without thinking.

The only recourse victims have is sane thinking people like you.
By fzaAuthor Profile Page on April 10, 2010 1:11 PM

Personally, i believe the law of contempt should remain as it is. dear tun, i really respect what you have done for the country. but this is the part that i beg to differ.

The law of contempt is designed to prevent members of the public from disrespecting the court. Therefore it should be up to the judge in question to decide whether there is contempt. What would happen if there is to be another proceeding just to try the case for contempt, there would be tons of cases flying around. And this may deter judges from invoking such law when required, which would not be good for the objective stated above.

As long as the appeal process is within reasonable time (as the punishment is , i do not see any problem. I'm sure the judge who uses this power in an unjust way will be judge by his/her own peers. The power should be exercised sparingly as and when required.

Whether the judge was right to use the law of contempt, i am not sure. lets see what the judge at the appellate court says.
By donplaypuksAuthor Profile Page on April 10, 2010 12:56 PM

And by comparing MC's silly fast to that of Mahatma Ghandhi, you are clearly insulting Ghandhi!! Ghandhi was fighting for the Independence of an entire nation from a colonial power.

Whose interest was MC fighting for by jumping the gun and behaving like a petulant child in open court and at that by a trained lawyer who should know all about according due respect to a judge in his own court?

It's ridiculous to put MC and Ghandhi on the same planet!

And where were you when other innocent M'sians were arrested in car parks, sidewalks, at 3 a.m. at home, by balaclava donning cops with sub-machine guns, in their own offices and handcuffed in front of their staff just a day before Ramadan etc., etc., etc?

dpp

We are all of 1 race, the Human Race

By donplaypuksAuthor Profile Page on April 10, 2010 12:47 PM

Tun

I sincerely hope that MC will end his self-imposed fast and recover well. However, I have no empathy for his conduct.

The FACT remains that MC has the entire avenue of due process and the appeals system to seek justice, if he was indeed denied justice and/or treated unfairly at the lowest level of our judiciary system.

As for your sudden concern about contempt hearings and outburst that these should be handled by a 2nd judge, it comes across as hypocritical and a little if not a lot, self serving. You saw nothing wrong with it when you were in power for 22 years or when it did not involve your ex-aide!! When people challenged you previously on the neutrality of many of our senior judges, you always maintained that they followed the law of the land. Now you cast doubt on the very system you had a big hand in shaping and supported, including the abuse and misuse of the ISA, especially by yourself!!

No, I don't agree with MC going on a death fast until he's exhausted all legal remedies and avenues!! Anyway it all looks and sound very theatrical and contrived with him being "convinced" by you to relent when his wife, children, parents and siblings appeared unable to talk him out of his selfish act!

I can only say to MC, GROW UP, and fast!!

dpp

We are all of 1 race, the Human Race

By ARIF OMAR Author Profile Page on April 10, 2010 12:38 PM

BENAR TUN. MAJLIS PEGUAM PUN DAH TAK BERMULUT. MULUT MEREKA DAN LIDAH MEREKA BERCABANGM MEREKA ADA AGENDANYA. APA SALAH MATHIAS CHANG?

By ARIF OMAR Author Profile Page on April 10, 2010 12:37 PM

BENAR TUN. MAJLIS PEGUAM PUN DAH TAK BERMULUT. MULUT MEREKA DAN LIDAH MEREKA BERCABANGM MEREKA ADA AGENDANYA. APA SALAH MATHIAS CHANG?

By hadafi Author Profile Page on April 10, 2010 12:28 PM

tun, if the judge did the wrong doing, i believe there are code of ethics or code of conduct for judges. we have ketua hakim negara for that.

i think the real issue is: how would you feel if your counterpart as politician when in your pm office and make an argument, and suddenly leave your pm office while saying, "tun, it is up to you you either you want to finish me or save me".

should you end up by kill your counterpart in politics or would you will refer it to the 3rd party?

knowing you, the politician is finished before he walkout the putrajaya office.

thank you.

By HBTAuthor Profile Page on April 10, 2010 11:35 AM

Dear Ayahanda Tun,

If Bar Council can solve all matters regarding justice in the name of Bar Council, Malaysia, then the case of Matthias Chang being arrested in the car park would not have had happened in the first place.

To prove that Bar Council is the Upmost Justice in the Federal Territory, Malaysia, the President has demonstrated his stand that his way of handling the case is the most accurate and best way in maintaining the court order.

To the Bar Council, the President is the greatest of all, and he might be thinking that Malaysia is still the colony of Britain, and who is Matthias Chang, the Malaysia citizen, to tell off the British Bar Council in Malaysia, eventhough he is willing to pay for the penalty on the next day.

Does the President of Bar Council knows what is the function of our Jabatan Peguam Negara?

There is no double standard in all systems.

Double standards occured because they are not aware of the main standard.

This President would be pressured to resign from his position as the President, and I am sure (Ravi) would be furiated because he believes that they are the still the Rajans (Raja-Raja India?) of Federal Territory, Malaysia.

If Bar Council does not know what is national democracy in Federal Territory, it would be better off for them not to practice international democarcy in the name of Britain Bar Council in Malaysia.

Ayahanda Tun, 'Kerajaan Negara' cannot intervene such case because if they did, they would be accused of being a crony of Dr Mahathir Mohamad.

In Malaysia, only Agong has the power to prosecute Bar Council under Federal Constitution, Malaysia.

The King of Thailand will not intervene the Red Shirt Protest in the name of Peace, Democracy and Development of Thailand today since the Police and Army Forces paid by Thai's tax payers' monies to maintain the country's stability and peace.

Have a pleasant day, Ayahanda Tun.

By Hazman Abu Bakar Author Profile Page on April 10, 2010 11:20 AM

An Australian Judge was very rude and failed to respect the dignity of a Malaysian fraudster on April 8th, set the criminal free. This case is very similar to what Matthias Chang went thru but both were treated differently! why there aren't any local news writing about Matthias hunger strike? This is saddening.

By nase2 Author Profile Page on April 10, 2010 10:59 AM

Salam buat Ayahanda Tun,

Lantik sajalah presiden majlis peguam jadi ketua hakim, semua masalah perundangan yang membelenggu kita akan selesai - sebab orang lain masih tak cerdik lagi pasal undang-undang..

Source : <http://chedet.co.cc/chedetblog/2010/04/the-law-and-the-courts.html>