

B E564 AAE
COURT-MAHATHIR

86

9

KUALA LUMPUR, NOV 27 (BERNAMA) -- DAP SECRETARY-GENERAL ENCIK LIM KIT SIANG IS SEEKING LEAVE FROM THE HIGH COURT HERE TO APPLY FOR AN ORDER OF COMMITTAL AGAINST PRIME MINISTER DATUK SERI DR MAHATHIR MOHAMAD FOR CONTEMPT OF COURT RELATING TO HIS STATEMENT ON THE JUDICIARY WHICH APPEARED IN THE NOV 24 ISSUE OF TIME MAGAZINE.

JUSTICE DATUK HARUN HASHIM WILL HEAR THE APPLICATION FOR LEAVE TOMORROW.

ENCIK LIM WHO FILED THE APPLICATION AT THE HIGH COURT REGISTRY TODAY CLAIMED THAT THE PRIME MINISTER'S STATEMENT HAD SCANDALISED THE JUDICIARY AND BROUGHT IT INTO DISRESPECT.

THE WORDS UTTERED, HE SAID, ALSO AMOUNTED TO THREATENING AND INTIMIDATING THE JUDICIARY.

THE STATEMENT IN THE TIME MAGAZINE READS: +THE JUDICIARY SAYS (TO US), +ALTHOUGH YOU PASSED A LAW WITH A CERTAIN THING IN MIND, WE THINK THAT YOUR MIND IS WRONG, AND WE WANT TO GIVE OUR INTERPRETATION.+ IF WE DISAGREE, THE COURTS WILL SAY, +WE WILL INTERPRET YOUR DISAGREEMENT.+ IF WE GO ALONG, WE ARE GOING TO LOSE OUR POWER OF LEGISLATION. WE KNOW EXACTLY WHAT WE WANT TO DO, BUT ONCE WE DO IT, IT IS INTERPRETED IN A DIFFERENT WAY, AND WE HAVE NO MEANS TO REINTERPRET IT OUR WAY. IF WE FIND OUT THAT A COURT ALWAYS THROWS US OUT ON ITS OWN INTERPRETATION, IF IT INTERPRETS CONTRARY TO WHY WE MADE THE LAW, THEN WE WILL HAVE TO FIND A WAY OF PRODUCING A LAW THAT WILL HAVE TO BE INTERPRETED ACCORDING TO OUR WISH.+ -- MORE

1805MST 27 11 86

B E566 AAE
COURT-MAHATHIR 2 KUALA LUMPUR

ENCIK LIM SAID IN HIS AFFIDAVIT SUPPORTING THE APPLICATION THAT PART OF THE STATEMENT WAS ALSO INSULTING, CYNICAL, UTTERED +WITH TONGUE-IN-CHEEK+ AND INTENDED TO RIDICULE THE JUDICIARY AS A WHOLE, ADDING THAT THE PRIME MINISTER UTTERED THE WORDS TO +NEEDLESSLY EMBARRASS THE JUDICIARY.+

THE WORDS ALSO AMOUNTED TO A CHALLENGE TO THE JUDICIARY'S AUTHORITY AND THE DOCTRINE OF SEPARATION OF POWERS GUARANTEED BY THE FEDERAL CONSTITUTION, HE ADDED.

ENCIK LIM SAID THAT THE COURT SHOULD TAKE SERIOUS NOTE OF THE CONTEMPT INDULGED IN BY DATUK SERI DR MAHATHIR AND OUGHT TO INVOKE ITS POWER TO PUNISH HIM FOR CONTEMPT AS +IT GOES WITHOUT SAYING SAYING THAT THE MAINTENANCE OF THE AUTHORITY OF THE JUDICIARY IS INDISPENSABLE TO THE STABILITY OF GOVERNMENT.+ -- BERNAMA .

1807MST 27 11 86