

Study on extent of Rulers' immunity to legal action

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KUALA LUMPUR, Mon. — As more calls poured in urging the Government to amend constitutional provisions relating to the position of Rulers, Prime Minister **Datuk Seri Dr Mahathir Mohamad** revealed that the Government was studying the extent to which Rulers are immune to legal action.

The Prime Minister said although "above the law" has many interpretations, it actually applies to certain matters only. They do not include beating or killing people.

Dr Mahathir said this when asked to comment further on reports that the police had received a report on the alleged assault of **Maktab Sultan Abu Bakar** hockey coach **Douglas Gomez** last week.

The strongest call for constitutional review came from former Law Minister and Attorney-General **Tan Sri Hamzah Abu Samah** who said the law should not provide exemption to anybody, not even the Rulers.

"What use is the law if there is a lacuna in it?" he asked. **Hamzah**, who served as Law Minister and Attor-

ney-General from 1978 to 1989, said that an amendment will act as a deterrent.

Dr Mahathir said the Rulers were above the law in such cases as debts but that immunity did not include beating or killing people.

He was responding to reporters' questions after opening the 14th meeting of the Federation of International Non-Governmental Organisations on **Dadah** here.

"The Government would have to study the form of action that could be taken in this matter," he said, adding that it was up to the police to investigate the matter.

In any case, he said the Government feared that recent incidents involving members of royalty may affect the thinking of the people towards them.

If such a situation prevails it will also affect the image of the Malay Rulers in the eyes of the people.

He cited as an example the situation in the United Kingdom where the people had held the royalty in high esteem until several recent incidents which resulted in many quarters changing their views about the British monarchy.

"I fear that if negative incidents involving the royalty continue to happen here

it would have an affect on people's views on the institution of Rulers," he said.

Gomez had sought treatment at a clinic upon leaving **Istana Bukit Serene** in **Johor Baru**. He alleged in the police report that he was assaulted by the Sultan of **Johor**.

The incident came in the wake of Gomez's criticism of the **Johor Hockey Association's principal office-bearers** after the forced pullout of the **MSAB** team from the **MHF-Milo Schools** Championship tournament earlier.

When asked if the Government or **Umno** would seek an audience with the Rulers to discuss the matter, he said: "I don't know... we have not thought about it yet."

Dr Mahathir said during the British colonial rule in Malaya there was a system where a crown prince or other member of royalty who did not show good conduct were not allowed to ascend to the throne when the Ruler died.

Therefore, princes and other members of the royalty are required to conduct themselves properly if they want to succeed to the throne.

When asked whether such a system is applicable now, Dr Mahathir said there had

been no opposition to the system previously.

"It is important to ascertain whether a member of a royal family who is in a position to ascend to the throne has the right character.

"If he likes to beat people and so on, we would have to consider seriously if he is fit to become a Ruler," Dr Mahathir added.

When asked by a reporter to comment on a statement by the **Yang di-Pertuan Agong Sultan Azlan Shah** in 1981 that Rulers should maintain their credibility if they do not want to be removed to the museums, Dr Mahathir said:

"The Rulers must give serious consideration to what the former Lord President had said."

Hamzah, who is also the president of the Olympic Council of Malaysia, said Malaysia followed the British Legal system and some laws in the Constitution need to be amended to suit local requirements.

"It is a British legacy based on the maxim that 'The King can do no wrong', but there is a growing belief that this need not be true."

He said during his tenure

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as Attorney-General there were two cases of members of the royalty charged and found guilty of assault — one in Perak and the other in Pahang.

“And I am glad because those who were charged turned over a new leaf and realised that they were not above the law.”

In Singapore, umno vice-president Datuk Seri Anwar Ibrahim said the Umno supreme council will decide whether to bring up the issue relating to the Johor palace to the Rulers Council at its next meeting.

Anwar said the suggestions that the issue be discussed at the Rulers' Council will be raised at the next scheduled meeting of the Umno supreme council.

He said this, along with the issue on palace interference in sports, would be discussed at the meeting.

Even though the supreme council had not made a stand on the issue, he said almost all its members had expressed their feelings on the matter.

“What has been said by them would be more or less what the supreme council would decide when it meets ” he told Malaysian

reporters at the office of the Malaysian High Commissioner here.

“The supreme council would certainly not take a stand that is less firm than that taken by the Cabinet on the issue.”

In the Dewan Rakyat today, several MPs have also called on the Government to take firm measures to protect the people against the wrath of the Johor Royalty to ensure that the weak will not be intimidated by the strong.

Shahidan Kassim (BN-Arau) said the people were now living in a modern era where ancient practices of

assault and murders are considered major crimes and those responsible should be punished.

He said the assault on Gomez cannot be tolerated and the Government should take steps to protect the people.

Ibrahim Ali (BN-Pasir Mas) said there was no law which allows the killing or assault of people by anybody.

Bernama reports that Mr Karpal Singh (DAP-Jelutong) claimed that apart from hitting Gomez, the Sultan was also involved in the death of a caddy while playing a round of golf at a club

here, had slapped two DAP Johor State assemblymen in April last year and had assaulted two members of the Pahang royalty.

He called on the police and the Attorney-General to initiate action on the cases, particularly the one involving Gomez, “without fear or favour.”

Mr Wee Choo Keong (DAP-Bukit Bintang) questioned why the police had not taken action over the alleged killing of the golf caddy and berated the local Press for not reporting the matter.

The House will sit again tomorrow.