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Parliament-Courts

GOVT RESPONSIBLE TO ALL PARTIES IN A TRIAL

KUALA LUMPUR, Oct 16 (Bernama) -- The government is responsible to all parties in a trial, not only the accused person but also the victim, Prime Minister Datuk Seri Dr Mahathir said today.

He said it would be an injustice if the government did something which caused a criminal to get off the hook merely on a technical ground.

"Hence, in this matter, the government must be careful and take some time to ensure justice for all parties," he said when replying to a supplementary question from Lim Guan Eng (DAP-Kota Melaka) at the Dewan Rakyat here.

Lim wanted to know whether the government would allow the 400 cases postponed by High Court due to a new ruling on the standard of proof to proceed without waiting for a study on the effects of the ruling which requires proof beyond reasonable doubt before the defence is called.

"If he (accused) is not guilty I believe the court will find him not guilty but if this technical point is raised and the person is guilty (and the whole world knows he is) but gets off because of a minor technical error, it is an injustice which should not happen in our legal system," he said.

Earlier, when replying to Haji Abdul Hadi Haji Awang (PAS-Marang), Dr Mahathir, who is also the Home Minister, said that the study by the Legal Department on the Federal Court ruling on the burden of proof was still not completed.

As such, he said it could not be decided in what aspects the ruling placed the onus on the police.

"The form of amendment to be made to the Penal Code can only be decided after the study is completed," he said.

For the moment, the prosecution was abiding by the standard of proof set by the Federal Court.

To a supplementary question from Lim Kit Siang (DAP-Tanjung) who wanted to know whether the government would discuss the matter with the Bar Council before making a decision on the new ruling, Dr Mahathir said the government wanted to do so.

However, it had difficulty discussing with the council which was always disagreeable and of the opinion that nothing the government did was right, he said.

"Nothing the government does is right with the Bar Council until sometimes we feel that it is better for the Bar Council to set up a political party, contest and join the dewan and talk in the dewan," he said.

Dr Mahathir said that they hid behind a professional body and used it to run down their own country to the world.

On Lim's statement that it was Dr Mahathir's statement about a person going free due to a technical point when the whole world knew that he was guilty was unfair when the trial or appeal had not been disposed of, the prime ministers said Lim was the one who was unfair because he did not want to see justice done.

"Yang Berhormat is more interested in seeing a criminal go free because of a technical error or because the investigation has not been done. In other countries there are rules that allow prima facie evidence to be accepted by the court of first instance," he said.

"If this is not fair, then many countries in the world including

Britain have unfair systems," he said. -- BERNAMA
HS JK