

25/06/1999

Judge: Anyone can make comments, but don't touch on proceedings

KUALA LUMPUR, Thurs. - High Court judge Datuk Arifin Jaka said today anyone can make any comment on any subject as long as it did not touch on any aspect of the sodomy trial.

He said if anyone felt slighted by the comment, he could take appropriate action.

He added that he did not want to see further attempts to cite anyone for contempt during the trial.

Arifin said this after the defence brought up a comment by former Lord President Tun Hamid Omar yesterday.

At the outset of the afternoon session, lawyer Karpal Singh had urged the court to stop people from commenting on the trial, saying the defence would not hesitate to cite Hamid for his "irresponsible" comment.

Hamid told reporters yesterday that the Prime Minister should not be held in contempt of court if his (PM's) comments on Datuk Seri Anwar Ibrahim were not related to the trial.

Hamid was talking about Datuk Seri Dr Mahathir Mohamad's opening speech at the Umno general assembly last Friday where the Prime Minister had referred to Anwar's conduct and morals.

The defence had immediately attempted to cite Dr Mahathir for contempt but was told to make a proper application. They were told this again when they later raised Dr Mahathir's subsequent denial that he was in contempt.

For the third time, Arifin repeated that a proper application should be made.

"I take the firm stand that anyone can make any comment on any subject they feel like doing so, provided it does not touch on any aspect of the proceeding that is being conducted in this court.

"If anyone feels slighted or injured by such comments, he is entitled to take any appropriate action. I hope no further attempts are made to cite anyone for contempt during the proceedings.

"Such applications will amount to a tactic to delay the progress of these proceedings. I do note the concern of the defence," he said, adding that the defence was free to reply in the Press to Hamid and also free to file a formal application to cite Hamid.

Arifin made this ruling after hearing submissions from Karpal and Attorney-General Tan Sri Mohtar Abdullah.

Mohtar had said the statement was made outside court and thus, a proper application should be made if the defence felt it necessary. He said it was premature for Karpal to complain from the Bar or for the court to give any order on the matter.

On Hamid's statement, Mohtar said he was not defending the former Lord President but as an officer of the court, he wanted to point out that the statement was not contemptuous.

He said taken in its context, it was a fair comment as Hamid was merely stating the position in a hypothetical situation.

"I hope the Press has heard what the A-G has said. Please report it," Arifin said, looking at the media section of the gallery.

Earlier, Karpal urged the court to do something to enable the trial to proceed in peace and to avoid the impression that people were trying to influence the proceedings.

"What would any reasonable citizen think when such comments are made, one by the PM, next by the former LP and next, some general of the armed

forces might make some statement!" said Karpal.
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