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Hamid-Contempt

EX-LORD PRESIDENT GIVES VIEWS ON CONTEMPT OF COURT

KUALA LUMPUR, June 23 (Bernama) -- A person does not commit contempt of court if he speaks about another person on matters unrelated to the latter's court case, according to former Lord President Tun Hamid Omar.

"If someone makes a comment but not related to the case, offhand I would say it's not (in contempt of court). We have to balance it with the freedom of speech," he told reporters after launching the website of the Malaysian Red Crescent Society here today.

He said the Federal Constitution guarantees that one of the fundamental rights of a person is the freedom of speech.

He said if comments were made on the court's weaknesses and strengths, then that would be considered as contempt of court.

Hamid was asked to comment on whether Prime Minister Datuk Seri Dr Mahathir Mohamad had committed contempt of court when he spoke about his former deputy Datuk Seri Anwar Ibrahim during last week's Umno general assembly.

When asked again whether Dr Mahathir was in contempt of court, Hamid said: "I think it's an easy question (but) difficult to answer because contempt of court is such a highly technical subject. So you have to consider everything before you can even express your view on the matter."

He again stressed that criticising matters directly before the court and on appeal would be in contempt of court.

"But if he says something, may be about Anwar but on other things not related to the subject matter before the court, then you have to balance it with the freedom of speech."

"A person has that freedom guaranteed by the constitution. So there must be a balance. If you cannot say anything at all there must be something wrong with the fundamental right given to you under the constitution," he added.

Dr Mahathir, reacting to a bid by Anwar's defence lawyers to cite him for contempt of court, had also maintained that he was not in contempt of court when he spoke about Anwar's misconduct at the Umno general assembly.

Anwar, who is serving a six-year jail term for corruption, is currently on trial for sodomy.

-- BERNAMA

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