

'PM has power to reprimand judge for his recent comments'

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KUALA KLAWANG, Tues. — Prime Minister Datuk Seri Dr Mahathir Mohamad has the power to reprimand the Kota Kinabalu High Court judge for his recent comments said to have tarnished the image of the judiciary.

Minister in the Prime Minister's Department Datuk Dr Rais Yatim said the Prime Minister is given the power under Article 125 of the Constitution, to give proposals for the appointment of judges and judicial commissioner.

Speaking to reporters after closing a leadership course, Rais said: "In this capacity he has the right to comment on matters concerning judges as in the issue of judge Datuk Muhammad Kamil Awang's judgment over petitions filed for the 1999 election results of the Likas State seat."

Rais said Dr Mahathir's comment showed the reality of the matter as the judge who was about to retire acted unpredictably in his actions and judgment that this had hurt efforts by his (Rais') department and judiciary to restore the image of the judiciary.

"But we will continue to ensure judges remain neutral and not use their position for politicking or making anti-administration statements.

"I hope that Chief Justice Tan Sri Mohamed Dzaiddin Abdullah takes into consideration the points raised by Dr Mahathir in improving the judiciary on matters of the conduct, courtesy and ethics of a judge while passing a sentence or giving their views in a judgment.

"It should be clarified what the judges can say and what is to be handled through the administration."

He said it was very flimsy for someone on the outside to say the judiciary is independent so that judges can say what they want as the judiciary had pegged parameters within which to work.

"The difficulty is there is no legislation that pinpoints what is extraneous and what is within.

"As I said we are always wise after the incident. Therefore we should take stock that the mixture or intermingling of personal sentiments within a judicial process is definitely not right.

"I beg to differ from the judge who said that in some countries judgments coloured by personal sentiments is of the order. I want him to show which country practises this."

Commenting on a disclosure by Muhammad Kamil in his judgment in the Likas case that a witness subpoenaed by the Election Court was found killed while another was kidnapped during lunch break, Rais said a judge should not touch on matters that are extraneous to the case.

"So if the witness is found to be producing some evidential matters, he should take care of it and not allow it to spill out.

Rais said the Attorney General was studying the Likas case in deciding whether Datuk Yong Teck Lee could be considered a candidate in the Likas by-election.