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Mahathir-Judiciary

DIFFICULT FOR GOVT TO INTERFERE IN JUDICIARY, SAYS MAHATHIR

KUALA LUMPUR, June 10 (Bernama) -- Prime Minister Datuk Seri Dr Mahathir Mohamad said today it is difficult for the government to interfere in the judiciary because it is an independent body in the country's system of administration.

He said that if the government disturbed the judges, they would regard it as interfering with the judiciary.

"It is very difficult for us, it's a very sensitive thing. The judges are very concerned about their independence until sometimes they cross certain boundaries," he told reporters at the Royal Malaysian Air Force station in Subang, near here, upon his return from a four-day visit to Japan.

He was asked whether the relevant authorities should investigate Kota Kinabalu High Court judge Datuk Muhammad Kamil Awang's remark on Friday that he had been given a directive over the phone to strike off two election petitions concerning the Likas constituency in Sabah without a hearing.

Asked to comment on the judge's claim, Dr Mahathir said: "I don't understand. Certainly I didn't give any directive. I don't know, maybe other people are giving directives, maybe some people from some court perhaps can give directives, I don't know".

Muhammad Kamil made the remark in his judgment when he allowed the two petitions and ruled the election result for the Likas seat, which was won by former Sabah chief minister Datuk Yong Teck Chin of the Barisan Nasional in the 1999 state election, null and void.

He ruled, among others, that the electoral roll for the constituency was illegal because of the existence of phantom voters and that Yong had committed an offence under the Election Offences Act by using billboards to smear a candidate.

Dr Mahathir said Malaysia's administration was divided into the legislature, the executive and the judiciary with each having separate functions to act as a check a balance.

"If the legislators want to be judges, or the executives want to be legislators or the judges want to be legislators, then there's trouble," he said.

"If it comes to that, then there will be overlapping of the respective jurisdictions, I fear that the country's administration will be in chaos," he said.

The prime minister said he was only explaining the system of separation of powers practised in Malaysia and not making any assumption on the judiciary.

On allegations by certain parties that recent court decisions favouring the opposition showed the re-emergence of the independence of the judiciary in the country, Dr Mahathir said the government definitely wanted to see an independent judiciary.

The courts did have independence and many court decisions in the past had gone against the government and government parties and even Umno at one time was declared unlawful by the courts, he said.

However, he said, the independence of the judiciary did not mean taking over the role of others.

"If independence means opposing the government, that's not independence, that's favouring opposition parties.

"I hear that sometimes the opposition can shout in court, no one admonishes. Usually it is a kind of contempt of court but I know the opposition parties, they can do anything in some courts but the government cannot make the slightest mistake," he said.

-- BERNAMA

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