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Kamil: I've revealed identity of caller to Chief Justice

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KUALA LUMPUR, Mon. - High Court judge Datuk Muhammad Kamil Awang today hinted that a former top judge was the "mystery caller" who had directed him over the phone to strike out an election petition without hearing it.

While refusing to name the caller, he said politicians were ruled out, confirming Prime Minister Datuk Seri Dr Mahathir Mohamad's statement that it was neither him nor his deputy who had made the call.

"Who can give a directive to a judge? It must be somebody in the hierarchy ... you think, who else can direct a judge?" he told reporters in his chambers when pressed for a definite answer.

Q: Was this person your superior in the judiciary?

A: You may say so.

Q: It was a judge?

A: You can say so, you can guess.

He agreed that his superiors at that time (mid-1999) were Chief Justice Tun Mohd Eusoff Chin, Court of Appeal president Tan Sri Lamin Mohd Yunus, and Chief Judge of Sabah and Sarawak Tan Sri Chong Siew Fai.

"You can guess," he said, declining to confirm if it was Eusoff.

Muhammad Kamil said he had disclosed the identity of the person to Chief Justice Tan Sri Mohamed Dzaiddin Abdullah when the latter was appointed head of the judiciary last December.

Muhammad Kamil said he had also written a letter to Dzaiddin naming the person. The letter would be sent by hand tomorrow morning.

"I have to put it in writing to clear his (Dzaiddin's) name, otherwise the public may point to him. It's definitely not Dzaiddin!" he said.

Last Friday, in his judgment declaring the Likas election result null and void, Muhammad Kamil said he had received a phone call from someone directing him to strike out the petition without a hearing.

The judge had declared the election of Datuk Yong Teck Lee, former Sabah Chief Minister and president of the Sabah Progressive Party, null and void.

Since then, there have been increasing calls for him to disclose the name of the person so as to safeguard public confidence in the judiciary.

Muhammad Kamil said there had been widespread speculation, noting that many seem to pick out one particular name.

Relating the incident, he said the petition was brought to his court in mid-1999, following the Sabah State election in March that year.

He said after many preliminary objections were raised by the lawyers, he announced that he was setting aside technical objections in favour of justice.

"That started it. That's when the phone call came," he said.

Asked what he told the caller, he said: "I told him that this is my case, I have to be fair to the parties, hear all the evidence and make my decision at the end of it. I also told him that if you want me to do what you tell me to do, drop me a note in writing.

"It was not forthcoming, so I went on with the hearing. If I had the note, it would be easier for me, then I can lodge a (police) report," he said.

He added that he did not disclose the matter in 1999 because he had a duty to complete hearing the petition. Asked why he disclosed the matter in a judgment, he said "it's the truth".

Muhammad Kamil, 64, will retire on June 25 and "has no plans yet".

Following a long career in the Attorney-General's Chambers, he was based in Kuching for almost eight years before moving for a short spell to Kota Baru. He was posted to the civil division here in February.

Muhammad Kamil said apart from Dzaidin, he had also related the incident to several other judges in Sabah and Sarawak at that time.

He said they had confided in him that they had also received similar directives from the same person on election petitions before them. There were three other election judges in the two States.

"They asked for my view. I told them to ask their conscience. My allegiance is not to human beings, but to God," he said.

He said this was the only time he had received such a directive.

He also said he would not lodge a police report as his only duty was to report to his superior, the Chief Justice. It was now up to the Government or the Chief Justice to take action, he added.

He added that he believed that action should be taken against the caller as it was an offence to interfere in the course of justice.

"I expect the Government will take action, there'll be a follow-up," he said.

Muhammad Kamil said so far no one in Government had contacted him over the matter.

Asked if he was afraid of repercussions, he said he was not. He added that while lawyers in Sabah had told him to get police protection, he refused because "I have done nothing wrong".

He also said he hoped that in his small way, he would help restore confidence in the judiciary.

Earlier today, Dzaidin said it was not for him to direct Muhammad Kamil to disclose the identity of the caller.

"It is not the practice nor a judicial policy for the Chief Justice to interfere by directing judges on how to decide their cases or write their judgments," he said in a statement.

Dzaidin described the judge's comment in the judgment as "a very serious allegation".

In Kota Kinabalu, Yong called on Muhammad Kamil to reveal the identity of the caller and said neither he nor his lawyers knew of the phone call.

"It is very unfortunate that he did not inform the parties before or during the trial. Had he done so, parties could consider appropriate steps to be taken including applying to the judge to disqualify himself."