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No place for biased judges (HL)

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KOTA KINABALU, Mon. - Judges who have their own stand on a particular issue and disagree with certain laws passed by Parliament should disqualify themselves from hearing cases involving such laws.

Prime Minister Datuk Seri Dr Mahathir Mohamad said today justice would not be served if a judge disagreed with the law relating to the case brought up before him.

"If you disagree (with the law), disqualify yourself and allow someone else who is not prejudiced to be the judge," he said at a thanksgiving gathering for the Barisan Nasional victory in the recent Likas by-election.

In his speech, the Prime Minister also touched on the Election Court ruling on June 8 which declared the 1999 State election result for the Likas constituency null and void, paving the way for the by-election.

In his judgment, the then judge Datuk Muhammad Kamil Awang had given examples of inefficiencies in the Government and quoted the case of his children not getting replies for a scholarship and work permit.

"Judges should not be biased. If they do not like certain people in the case they are hearing, they should excuse themselves from hearing the case.

"Judges must be independent, but it is obvious from this case (Likas election petition) that he (the judge) continued to hear the case despite being angry at certain quarters."

He said contrary to allegations by people who claimed to be advocates of the rule of law, judges in Malaysia were independent and free from the influence of the Government.

Although the appointment of judges were made by the Government, they were not controlled by the Government.

However, he said, judges were expected to obey the rule of law if they were to discharge their duty impartially.

He regretted allegations that the judiciary was under the control of the Government.

Dr Mahathir said that to the Opposition and Westerners who sympathised with them, the judiciary was seen as fair only when their judgment was against the Government.

He said what these people forgot was that there had been cases in which government leaders, including a Federal Cabinet Minister and a Menteri Besar, who had been convicted of wrongdoings, and that even Umno, the dominant partner in the Government, was once declared illegal by the court.

The Prime Minister said if the Government controlled the judiciary, it would not be making decisions against the Government.

On the BN's big majority in the Likas by-election, he said it showed the party did not rely on phantom voters to win.

Dr Mahathir, who is BN chairman, thanked all component parties, including the Youth and Wanita movements and Puteri Umno for their hard work in ensuring a resounding win for the BN.

Before joining the people of Likas for refreshments, Dr Mahathir witnessed the presentation of computers donated by several companies to State education director Kamal D.E. Quadra.

Also present were Chief Minister Datuk Chong Kah Kiat, Likas Assemblyman Datuk Yong Teck Lee, State Ministers and leaders of State BN component

parties.