

26/06/2001

PM: Kamil has tarnished image of the judiciary

Ramlan Said

KUALA LUMPUR, Mon. - Prime Minister Datuk Seri Dr Mahathir Mohamad said today the Kota Kinabalu High Court judge who claimed he was directed to dismiss an election petition had tarnished the image of the judiciary.

While the claim had yet to be proven, he said, the judge had succeeded in dragging the institution into public controversy that "we now have problems in trusting the courts".

Dr Mahathir also questioned the judge's inclusion of his personal experience involving his children in his judgment over petitions filed for the 1999 election results of the Likas State seat.

He said the judge, Datuk Muhammad Kamil Awang, should have disqualified himself from hearing the case as some facts made known now showed his impartiality could have been affected.

"I must say that I am disappointed after reading what actually happened to the judge where for the first time a judge included his personal frustration in his judgment.

"This is unprecedented in the history of the courts for the judge to say that 'my child did not get good treatment from this Government'.

"The same kind of cases had been dismissed by other courts, but apparently this judge was not happy with the way he was treated in Sabah."

The Prime Minister was speaking at a Press conference after opening the 20th Al-Baraka symposium for Islamic economies at the Sheraton Imperial.

He made the remarks when asked if the Likas by-election, which is a Chinese-majority constituency, would become the first test on whether Barisan Nasional would be affected by the controversy over the purchase of Nanyang Press Holdings by MCA.

Dr Mahathir replied he did not think so, arguing that the by-election would be something else altogether.

Muhammad Kamil, at the end of his 29-page judgment delivered on June 8 where he declared the election results null and void, noted that many government departments did not respond to letters.

He gave two examples: "...where my son had applied for a temporary work permit which was refused, and I wrote an appeal to the authority concerned"; and in another case "...my daughter had applied for a scholarship for a one-year postgraduate course".

"In both cases, there was no acknowledgement despite reminders, although earlier on, personal assurances of favourable consideration had been given."

The seat was won by former Chief Minister Datuk Yong Teck Lee.

A by-election will be held as no appeal is allowed.

The Election Commission has yet to announce the nomination and polling dates.

Dr Mahathir said Muhammad Kamil should have made a report immediately after receiving the alleged directive.

"If he was afraid of his boss, there is also the Government ... he can report to me and say 'look, my boss told me to make a judgment that I don't agree with'.

"He should have reported, or as it is (now), told the Press and say 'my superior called and asked me to make a different judgment'."

Dr Mahathir said he did not know whether Muhammad Kamil had actually been directed by his superior as a telephone conversation was not so easy to verify.

"Whether he was actually told to dismiss this case or not, I don't know, and apparently he was not able to prove it either.

"But (what) he has succeeded in dragging the courts into public controversy ...now we have problems in trusting the courts because he has tarnished its image."

The police are investigating the allegation and have since interviewed Muhammad Kamil.