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Respect court's comments, says council

KUALA LUMPUR, Wed. - The Bar Council wants the Government to give due respect to the Federal Court's comments on the conduct of Datuk Abdul Gani Patail, who is slated to be the next Attorney-General.

Breaking its silence on the issue, the council today said the Federal Court was the apex court of the land and its views should be given respect and weight.

Its chairman, Mah Weng Kwai, said the three judges of the Federal Court had called into question the conduct of Gani as the lead prosecutor in the trial of Datuk Seri Anwar Ibrahim.

In June, in throwing out a contempt charge against Anwar's lawyer Zainur Zakaria, the Federal Court had queried Gani's alleged attempt to get Anwar's tennis buddy to give evidence against him in 1998.

Gani had allegedly asked Datuk S. Nallakaruppan's lawyer to get his client to testify against Anwar in exchange for a reduced charge.

Nallakaruppan was, at that time, facing a death penalty charge. This was later reduced.

Zainur had then applied to disqualify Gani from prosecuting Anwar but was instead convicted for contempt.

The Federal Court threw out the contempt charge, saying there was prima facie basis for the application.

Gani's appointment, to take effect on Jan 1, had stirred protests from the Opposition and human rights groups. Only the council had stayed silent.

The New Straits Times reported that it had, instead, sent a letter to Prime Minister Datuk Seri Dr Mahathir Mohamad on Dec 13 to register its concern. Mah confirmed this today.

"The Bar Council has conveyed its views to the Prime Minister as the appointment of the Attorney-General is of public concern and of public interest," he said.

He also said this was a decision made by the council at its meeting on Dec 8.

Yesterday, the Prime Minister said the council was influenced by political opinions when it took such a stand, and Gani should be allowed to prove himself.

In response, Mah said its views were strictly independent.

"The Bar Council is not politically motivated nor influenced by politics, politicians or political parties in any way," he said.

Speaking to the NST earlier, Mah said the council had agreed at its meeting not to issue a public statement on Gani's appointment.

It had, however, commented on the premature retirement of his predecessor, Datuk Seri Ainum Mohd Saaid, on health grounds.

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