

26 JUN 2001

Rais-judge

REVIEW CODE OF ETHICS FOR JUDGES, SAYS RAIS

KUALA KLawang, June 26 (Bernama) -- Minister in the Prime Minister's Department Datuk Dr Rais Yatim today suggested that the code of ethics for judges be reviewed to include additional and suitable provisions to prevent a repeat of the Likas case.

He said the Chief Justice Tan Sri Mohamed Dzaiddin Abdullah could improve the Judicial Department especially in terms of the conducts and manners as well as ethics of a judge when passing sentence or expressing views in a judgement.

"There are matters that cannot be mentioned for example, there are matters that are best left to the administration to handle, and this must be made clear. I will get in touch with the Chief Justice to convey to him the government views on the Likas case," he said after opening a recreational leadership course, organised by the Kampung Ulu Jelebu Semangat Bersatu Youth Association in Jeram Enggang near here.

He said this when asked to comment on the statement by Prime Minister Datuk Seri Dr Mahathir Mohamad yesterday that the action of the Kota Kinabalu High Court Judge Datuk Muhammad Kamil Awang in dragging the court into a public controversy had tarnished the image of the country's judiciary.

Early this month, Muhammad Kamil revoked the victory of Datuk Yong Teck Lee from the Barisan Nasional in 1999 election of the Sabah state seat of Likas on the grounds of phantom voters in the electoral roll for the constituency.

In his judgement, the judge mentioned of receiving a telephone call from his superior asking him to reject the election petitions without hearing as well as criticising government departments for not replying to his letters, giving examples of an application by his child for a temporary work permit in Sarawak and application for his child for a scholarship.

Dr Mahathir had said yesterday that as a result of Muhammad Kamil's action the public now had problems in trusting the courts.

Rais said Muhammad Kamil's statement was unexpected and all parties should learn from the incident and formulate preventive measures so that judicial institutions could be seen to be gradually constructive, neutral, fair and unrelated to administrative matters.

"Actually what he did to me has damaged efforts by my department and the Judicial Department in rehabilitating the image of the judiciary.

"But I am confident that we will try again so that judges will be truly neutral and not to use their position for politicking or including anti-administration comments that have nothing to do with the judiciary," he said.

On Dr Mahathir's comment, he said it was welcomed as it was in accordance with Article 125 of the Federal Constitution where the Prime Minister had the power to forward suggestion on the appointment of judges and judicial commissioners.

"On this basis, he (Dr Mahathir) made the comment in capacity of his position, which is recognised in the constitution. I hope others will not say that it is an interference, not at all," he said.

Asked about the people's prejudice towards the judiciary after the incident, Rais said he did not think so because it was an unrelated case and there was no such case prior to this.

"I place the case of the judge (Muhammad Kamil) as a separate case, a

unique case closely related to his own personality. Surely the behaviour of one judge will not cause the downfall of judiciary as our judicial institution has been in existence for a long time," he said.

Asked on the action of Kelantan state legislative assembly in passing the state amendment bill to limit the powers of the Sultan, he said it showed that PAS was being inconsistent in its stand as it had opposed the move in 1994 when the Federal Government amended the constitution.

"In 1994, PAS strongly opposed the amendment to the federal constitution but now, they want it streamlined with the decision of the federal government," he said.

Rais said it was the Sultan of Kelantan's prerogative to sign or not the amendment and if he refused to sign, the amendment would not become law.

The Sultan could also appeal to the Federal Court as provided under Article 128 of the Federal Constitution.

--BERNAMA

RP APG MAI ABG