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Mahathir-Judges

NO NECESSITY FOR INDEPENDENT JUDICIAL SERVICES COMMISSION, SAYS PM

LANGKAWI, Oct 2 (Bernama) -- Prime Minister Datuk Seri Dr Mahathir Mohamad said today that the government does not see the necessity for the setting up of an independent Judicial Services Commission to deal with future appointments, transfers and promotion of judges.

"I don't see (the necessity). Nobody is truly independent. If we were to have, say an ombudsman, even he too will not be independent because definitely he is going to make a decision which will be influenced by his judgment and thinking," he told reporters after having lunch with Saudi Prince Admiral Fahd Abdullah Mohammed Abdul Rahman Al Saud at the Awana Porto Malai here.

Dr Mahathir said that even if an independent body were to be set up, it may not necessarily be fully independent as it would definitely have interest over certain issues.

"We can never say that there are people so completely independent that they will appoint someone they do not like," he said.

The Prime Minister was asked on the proposed resolution by the Bar Council at its extraordinary general meeting to be held on Saturday to call for the government and the Chief Justice to take steps to set up an independent Judicial Services Commission to deal with future appointments, transfers and promotion of judges.

Bar Council chairman Kuthubul Zaman Bukhari was reported to have said that the council proposed that the Judicial Services Commission be made up of the Chief Justice, the attorney-general, at least two senior judges, two senior legal practitioners nominated by the council and two members of the public.

Dr Mahathir said that in the event that the Bar Council's resolution was adopted, he was concerned that the judges appointed would be indebted to the council and would no longer be independent eventually.

"If that's going to be the case, the person appointed will be indebted and this means that they will always be responsive to the lawyers, thus they will no longer be independent.

"This is because they are aware of the authority of the lawyers in deciding who gets to be appointed as judges, who will be promoted and things like that," Dr Mahathir said.

The Prime Minister also said that if lawyers were to have more power than the judges, then they would not make a proper judgment.

He said that at present, judges were independent because there was never any interference by the government.

History, he said, had proven the independence of the judiciary in the country through judgments that were not in favour of the government and the ruling party like when Umno was declared unlawful, and also when Cabinet ministers were jailed and sentenced to death.

"Umno, which is a component of the ruling party, has once been declared unlawful by a judge. If they had not been independent, they could not have done so. Nowhere in the world could you find a lawyer declaring a political party in power as unlawful but that happened in Malaysia.

"In terms of independence, what more can be said," the Prime Minister added.

-- BERNAMA

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