

**Outgoing CJ defends judges-PM meet**  
**Malaysiakini.com**  
**September 6,2011**

The meeting between Prime Minister Najib Abdul Razak and the judges today will not compromise the independence of the judiciary, outgoing Chief Justice Zaki Azmi says.

The meeting is meant to brief the premier on how federal government funds were being used to improve the court delivery system, Zaki told reporters.

Zaki, 66, who will retire on Monday, said the visit would not interfere with the administration of justice as alleged by certain quarters.

He also said the such meetings were not new and that there had been a similar meeting with Dr Mahathir Mohamad when he was premier on two occasions in the 1990s.

The judiciary had asked for an allocation of RM130 million for the courts for recording transcriptions and the judiciary's national e-filing system.

"Mind you, we do not appoint any consultants for this transformation," he said.

"It is nothing out of the ordinary as alleged (by certain quarters) as the judges' conference had been planned six months ago and the prime minister informed us of wanting to visit the court only last week.

"There is nothing hidden in the meeting as suggested. It will not affect our impartiality and independence in delivering judgments," he said in reference to the Council of Judges Conference held today in Kuala Lumpur.

Zaki said this was out in the open, even in the media, for all to see.

Several former judges and lawyers are questioning the motive of the tea meeting during the scheduled three-day Judges Conference as reported in The Malaysian Insider today, and suggested it is political tampering.

A total of 130 judges from the High Court, Court of Appeal and Federal Court will be meeting the prime minister at the Palace of Justice.

Incoming CJ Arifin Zakaria, who was present at the press conference, said it was normal for ministers or the PM to meet judges "as during Mahathir's time, during the dialogues, we had raised issues regarding our salary and benefits".

The meetings with Mahathir, said Arifin, who is the Chief Judge of Malaya, were done in Kuching and also in Glenmarie but he could not remember the exact year.

**'Is it wrong for PM to see how money is spent?'**

Zaki said one could not deny that the court received allocations from the federal government and the PM was using this meeting to see for himself the betterment done for the judiciary.

"I do not go overseas to convince people about Malaysia's justice system but the prime minister does that and by getting to see for himself the transformation made, he will be fully informed and can brief investors and foreign governments on why they should come to Malaysia and how the judiciary remains independent," he said.

"Is it wrong for the prime minister to see how the money is being spent? Despite the meeting, it will not cause the the judiciary to be perceived as less independent or impartial. The court is still one of the pillars of the government," Zaki explained.

Zaki maintained that since his appointment as CJ he has not attended political functions and he could not understand the negativity attached to this afternoon's meeting.

He said High Court judges from remote areas in Sabah and Sarawak had no opportunity to meet the PM because of their duty as judges but since it coincided with the conference, this was an opportunity for them to meet the premier (Najib).

Arifin said that as a judge, he had acted according to the precedent set by highly respected predecessors not to meet the Executive, and he had done so when he served in Kota Baru and Kuantan as a High Court judge.

"However, this meeting is held in the open and we are transparent about this," he said.

Zaki interjected that it was not as if he (Najib) would whisper to anyone, to himself or to the other judges or something.

In fact, when Minister in the Prime Minister's Department Nazri Abdul Aziz visited the Kuala Lumpur court complex, he was not present.

"Najib thought that since I am retiring, this would be a good opportunity to see for himself the transformation," Zaki said.

#### **'We are better than Singapore and HK'**

He also said the transformation done in the past three years had seen cases being heard and disposed of quickly and "we are working faster than Singapore and Hong Kong".

In fact, he pointed out, the World Bank in its annual report on Malaysia commended the transformation of the judiciary.

"The World Bank in its findings had recommended that other countries learn from Malaysia's judicial experience and visit Malaysia. This is indeed a big recognition for us and the country," Zaki said.

The report was released two days ago and will be made public during Najib's visit this afternoon.

The chief justice admitted despite the achievements, public perception still was that the judiciary is not independent.

He said there were allegations that he influenced judges in their decisions.

"I want to set the record straight. I have never influenced judges in their judgments. I am only answerable to Allah (God) and I do not interfere in any of the decisions. I am saddened by this on-going accusation," he said.

"If I influence, why do you find lower (High Court) judges giving judgments one way. On appeal, we may see the decision going otherwise or maintained (upheld). Which do you accept, a judgment by three experienced judges or one by a sole judge who may be a junior?"

"Furthermore, it is not easy to influence two or three judges. If I would use my influence, I would use it also on the High Court judge, but I don't," he explained.

#### **'Amendments not to my benefit'**

Zaki also denied allegations that the amendment to the Judges Remuneration Act 1971 in July, which gives him a full pension, was solely to benefit him.

"It is not for my personal benefit and I truly do not need the money. In fact, I have lost a lot since entering the judiciary and becoming chief justice (after leaving private practice).

"The amendment is to benefit previous senior judges like (former Lord President) Salleh Abas, (former Chief Judge of Sabah and Sarawak) Steve Shim (left) and former (Chief Judge of Sabah and Sarawak) Mohamad Jemuri Serjan," he said.

Malaysiakini raised the issue last month, with senior lawyer Karpal Singh saying the law was amended to benefit Zaki as he had been parachuted to the job by the executive and this was 'payback' for his services to Umno.

Arifin, who has been in the judicial service for almost 20 years, verified that Jemuri had written numerous times over not getting a full pension and the recent amendment would benefit him.

Zaki also denied rumours that he would receive a gratuity of RM2 million after his retirement.

"I have heard rumours, as mentioned by Bar Council president Lim Chee Wee, who also asked the same thing. This is utter nonsense as I do not need (the money)," he said.

The outgoing chief justice paid tribute to the success of the transformation of Malaysia's court system through teamwork, particularly from Arifin, Chief Judge of Sabah and Sarawak Richard Malanjum and the other Federal Court judges.

He hoped that this would continue with Arifin taking over as the next CJ next Wednesday.