

'Ex-judge for Anwar violated Bar's decision

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Politicians from both sides of the political divide have questioned why a former Federal Court judge is representing Anwar Ibrahim in the opposition leader's sodomy appeal, saying this went against a Bar Council resolution.

Gerakan Youth chief Tan Keng Liang and DAP MP Lim Lip Eng were referring to former Federal Court Judge Gopal Sri Ram who yesterday made submissions at the apex court in Anwar's defence.

Tan said this was despite the Bar Council passing a resolution on March 15 this year, calling for the prohibition of retired judges to appear in court as counsels, as the sitting judges hearing the case would be his or her former colleagues and juniors.

"According to the Malaysian Bar, such conduct may also have the effect of intimidating the bench and worse, it could give the perception that the said retired judge or counsel and his client have an advantage over other counsel and adverse parties," explained Tan in a statement today.

Tan (right) said in the words of the Bar Council when it pushed for the resolution's passing, this could adversely affect public perception on the administration of justice.

"Gerakan Youth urges the Malaysian Bar to clarify whether there was any special exception granted to the Pakatan de facto leader to be represented by a former Federal Court judge," he said.

Meanwhile, DAP's Lim who spoke in his personal capacity as a lawyer, said he too disagreed with the representation.

"In my personal capacity as a member of the Malaysian Bar and a DAP member, I disagree that a former federal court judge is acting as the lead counsel in Anwar's appeal because of the arguments used by the Malaysian Bar in its Annual General Assembly this year," he said.

'Tradition not abided'

The Bar Council in its resolution had said that it is a principle of antiquity in common law that retired judges of superior courts should not appear as counsel and this had been observed for decades.

However, it noted that this principle was not abided in recent years and a group of six retired judges had written to the Bar Council to express concern.

"In the context, retired judges of the superior court having failed to honour tradition and convention by appearing as counsel, they must now be prohibited or restricted by law from continuing with such unacceptable conduct," it said.

Anwar (right) was on March 7 jailed for five years by the Court of Appeal which found him guilty of sodomising his former aide Mohd Saiful Bukhari Azlan in 2008.

His final appeal against the sentence began yesterday at the Federal Court and the hearing is slated for two days.

Anwar, who is free on bail, maintains the charge against him is politically motivated.

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