

## **Anwar defends appointing ex-judge as counsel**

**MalaysiaKini.com**

**Oct 29, 2014**

PKR de facto leader Anwar Ibrahim has defended his decision to appoint retired Federal Court judge Gopal Sri Ram as his counsel, follow criticisms on the matter.

"He has been my best defence (counsel)," he said, adding that his performance is "impressive".

Lawyer for the prosecution Mohd Shafee Abdullah also said that it is not wrong for the ex-judge to represent Anwar.

"I don't think we can hinder anyone, as that is his right," he said.

The remarks come after a group of 21 lawyers and activists have added to the chorus demanding that the Bar Council makes clear its stance after a former Federal Court judge acted for Opposition Leader Anwar Ibrahim in his sodomy appeal.

The lawyers, who include former Perkasa vice-president Zulkifli Noordin and pro-Sedition Act leader Mohd Khairul Azam Abdul Aziz, said this is because the Bar Council had earlier this year passed a resolution urging the prohibition of retired senior judges to act as counsel in court.

Mohd Khairul (right) had previously proposed an alternative Bar Council after accusing the statutory body of being an opposition sympathiser.

"It is not proper for the Bar Council to have two sets of principles that differ when Anwar Ibrahim is involved and the credibility of the legal profession is surely tarnished by such hypocritical actions," the lawyers said in a joint statement this afternoon.

Gopal Sri Ram yesterday acted as Anwar's new lead counsel and made submissions in the opposition leader's defence in the apex court.

The group urged the Bar Council to immediately weigh into the issue as failure to do so would reflect badly on the body.

"President of the Malaysian Bar maintains a deafening silence, which can only be described as hypocritical, to say the least, in the face of the actions of Gopal Sri Ram. The Bar Council has failed to comply with its own resolution in this matter.

"The Bar Council's silence is a contradiction of its own commitment to uphold justice without fear or favour," they said.

'Principle of antiquity'

The lawyers who signed the joint statement included Faidhur Rahman Abdul Hadi, Azril Mohd Amin, Mohammad Yahya Zakaria and Farah Nadiah Zainuddin.

Other activists who are party to the statement include Zamzuri Mohamed Tahir, Ahmad Soffian Mohd Sheriff, Suhaimi Adnan (right) and Nadiah Hanum Md Nadzri.

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 in court hearings and this had been observed for decades.

However, it noted that this principle was not abided by 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," the Bar said in the resolution.

DAP secretary-general Lim Guan Eng, when met at the Palace of Justice after attending Anwar's hearing, said he agreed with the Bar Council's resolution but Gopal's appointment was Anwar's personal decision.

"Personally, I will respect the Bar Council resolution but I think this decision is up to Anwar to decide.

"Because the very basic principle in law is that an accused has a right to seek the best defence counsel, so I think this is his personal decision to make," said Lim, who is also Penang chief minister.

Anwar's team defends Gopal

Meanwhile, Anwar's lawyers N Surendran and Eric Paulsen said Gopal's appointment is not an issue as a previous Federal Court decision had already ruled that he can act as counsel despite being a retired superior court judge.

Surendran (left) and Paulsen pointed out that Gopal, as a former federal court judge, was not representing Anwar in a lower court but one that is equal to his level.

"This is the Federal Court, the highest court in the country," they said.

Surendran also clarified that it was Anwar's defence team who approached the ex-judge, following lead counsel Sulaiman Abdullah illness, for his services and not the other way around.

"In the best traditions of the Bar, he agreed to take up the case on a short notice," he said.

Anwar yesterday told reporters that Gopal Sri Ram had approached him for the job.

Surendran also brushed aside criticism over the fact that Gopal Sri Ram had before this represented Umno.

Citing the ex-judge himself, he said a lawyer is "like a cab driver, where if someone stops him he takes them in".

Anwar 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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