

**AG appeals against court's decision in Lingam case**  
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The Attorney-General's Chambers has filed a motion for leave to appeal the Court of Appeal's decision allowing senior lawyer VK Lingam and two former chief justices to challenge the findings of the Royal Commission of Inquiry on a controversial video clip allegedly linking the senior lawyer to the appointment of judges.

A senior federal counsel, when contacted by Bernama today, confirmed that the motion was filed at the Federal Court Registry yesterday.

Lingam, when contacted today, confirmed that a sealed copy of the application was served by hand to his law firm yesterday.

In a 2-1 majority decision on Aug 24, the Court of Appeal held that the High Court, in dismissing the trio's leave application for a judicial review against the commission's findings, had applied the wrong test in interpreting the prima facie threshold to be passed under Order 53 Rules of the High Court 1980.

Lingam, Ahmad Fairuz Sheikh Abdul Halim and Mohd Eusoff Chin had appealed against the High Court's dismissal of their applications for leave for a judicial review to challenge the findings.

The court, besides awarding a total of RM30,000 as legal costs for the three appellants, also remitted the case to the High Court to hear its merit.

In a related development, the merit for leave for a judicial review will be heard on Sept 29 before High Court (Appellate and Special Powers) judge Mohd Zawawi Salleh.

On Dec 12, 2008, the High Court ruled that the commission's findings were not reviewable on grounds that they were not a pronouncement of a decision and, thereby, did not affect the rights of the individuals or their obligations.

The five-member panel of commissioners, in their report, had found the video clip showing Lingam in a telephone conversation with Ahmad Fairuz over judicial appointments to be authentic.

The commission had also recommended that appropriate course of action be taken against six individuals, namely Lingam, Ahmad Fairuz, Mohd Eusoff, business tycoon Vincent Tan, Umno secretary-general Tengku Adnan Tengku Mansor and former prime minister Dr Mahathir Mohamad, for misconduct.

It found that there was sufficient evidence to investigate the six men for offences under the Sedition Act, Official Secrets Act, Penal Code and the Legal Profession Act 1976.

Except for Dr Mahathir, the other five have filed for leave for a judicial review in an attempt to quash the inquiry's findings. However, Tan and Tengku Adnan withdrew their appeal early this year.

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