

Nazri says 'No' again to judicial commission
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De facto law minister Nazri Abdul Aziz has argued that there is no need for an independent judicial commission relating to the appointment and promotion of judges unless the judiciary made a request for it.

Nazri who was pitted against Zaid Ibrahim in a debate in the Bar Council auditorium in Kuala Lumpur on Tuesday night received comments and criticisms for his stand from various lawyers but he did not budge.

Zaid who is a lawyer, kicked off the debate by saying a commission with a transparent selection process is needed to restore public confidence in the judiciary.

Describing the state of the judiciary as 'in dire straits', he said the recruitment of the judges is like a government department whereby the process is shrouded in secrecy.

"The Chief Justice (Ahmad Fairuz Sheikh Abdul Halim) doesn't explain this to the public. That's what integrity and transparency is all about but we don't have it," he said.

However, Nazri replied that the problem is not with the system but with individuals.

"There is nothing wrong with the system, it is the individuals. So why throw away the system?" he told to over 200 attendees.

He then pointed out that the CJ should be given the right to select the judges because leaders in other branches of the government was permitted to.

Mega super power

He cited that the leader of the house with the largest majority of seats in Parliament can make appointments "in any way he likes" and Prime Minister (Abdullah Ahmad Badawi) is given the liberty to pick cabinet members.

"Why shouldn't the CJ be given the same right to choose? We're not being fair to the judiciary," he said.

Zaid during his rebuttal was quick to say: "Can you imagine our PM selects our judges? (Sighs) I suppose as an Umno guy I'm in a better position (to say this) but I'm not so sure."

"There is this mega super power in control of everything in our lives. It's very worrying. Power must have limits. And judges are there to make sure of that to their best ability," he stressed.

Nazri went on the defensive after comments and criticisms streamed in when the microphone was open to the floor.

Many commented that Nazri's view on individuals ruining the judiciary could be the CJ or even the prime minister himself.

Others opined that the commission does not question the constitutional setting surrounding a judge's appointment but facilitates in making the necessary recommendations to assure the selection process was transparent

To which Nazri said: "The commissioner will not be allowed to tell what they have done because it is still under the Official Secrets Act. It's the same. So let's not kid ourselves.

"Don't scold me for this, this is in the constitution. I was not responsible for the constitution. It's not my fault. If you want to be angry, be angry with the founding fathers," he said.

'Engage the CJ'

Nazri also said that nothing in this country is independent and there was no clear separation of powers.

"In this country whatever commission you call it, Royal Commission or whatever, the commissioners are still appointed by the king who acts on the advice of the PM because (the king) is not an absolute monarch.

"What kind of independence are you talking about? It's an illusion to want a commission that is independent, that is very difficult," he said to disapproving murmurs from the audience.

However, he said the commission is possible if the judiciary under the CJ's guard asks Nazri for it.

"I will maintain that if this comes from the judiciary, I have no problem. As a humble servant, I will table the bill (in Parliament) and follow the procedures."

"I know this is problem (to get the CJ to do this) but you must not push the problem to me. You should push it to him (the CJ). You have to engage the CJ," he told the audience.

"If you can't engage the CJ, you can engage the next person. It won't be long, I think he's going to leave next year," he added cheekily when he rounded up the debate.

The debate was chaired by retired Court of Appeal judge and former Bar Council president VC George.

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