

I'm ready to face royal commission : Dr Mahathir
Malaysiakini.com
Apr 14, 2008

In the latest tit-for-tat feud between Dr Mahathir Mohamad and top lawyer Param Cumaraswamy, the former premier said he was ready to face a royal commission over allegations of abuse of power. MCPX

mahathir hulu langat 120408 press conference According to Mahathir, while he was "happy to face a royal commission of inquiry", Param would reject such a body for lacking integrity.

"Only if he himself makes up a one-man commission would the result be acceptable to him. That is the kind of judicial approach he apparently believes in," he said in his letter.

Mahathir was responding to a letter written by Param, the former United Nations special rapporteur on the independence of judges and lawyers, which was published in Malaysiakini last Friday.

Param's letter was in turn a response to Mahathir's April 7 letter, which appeared in The Sun.

In his latest salvo, Mahathir also explained why he did not sue Shafee Yahaya, the former Anti-Corruption Agency chief, who had claimed the former PM had instructed to him to drop investigations involving the director-general of the Economic Planning Unit 10 years ago.

In his letter, Mahathir again defended himself over the VK Lingam tape scandal, where a well-connected lawyer was filmed for allegedly brokering the appointment of top judges.

"I had already explained to the (royal) commission that there is nothing in the law to bar me from listening to anybody's view of a candidate for the bench. But who I recommend is my own decision. Lingam may have influenced judges etc, but that did not mean I made a decision based on Lingam's views. The real truth is that I had never been lobbied by Lingam."

In the grainy 14-minute footage, Lingam was seen talking about approaching Mahathir through two intermediaries, a minister and a business tycoon - both of whom are said close to the then prime minister - in getting the "right" judges promoted.

Mahathir's letter in full

The following is Mahathir's full statement sent to Malaysiakini:

parliament ipcmc roundtable talk 281207 param cumaraswamy Param Cumaraswamy works on the basis of suspicions and his own perception of everything and everyone. Tangible evidence is not necessary.

As I said Shafee (Yahaya)'s statement was merely his version of what was said at a meeting between him and me. He may swear but that still does not prove he was telling the whole truth.

I could have sued him for libel but I too can only submit my sworn version of the verbal

exchange between him and me. The judges would have to determine who was telling a lie and this the judges could not do with any certainty.

Consequently, I did not think it was worthwhile for me to sue or even to defend myself. If I had done anything wrong then the government agencies would have to investigate and decide. Their decision was that I had done nothing wrong. I had every right to call up an officer against whom allegations had been made by another officer.

I suppose Param as a lawyer knows that a person is not guilty until proven otherwise.

The Economic Planning Unit (EPU) head had not been proven guilty. So why cannot he be appointed governor of the Central Bank?

Today there are lots of cases of suspicions of corruption and abuses of power in the government. But Param has not made any critical comment, much less take up the cases or even write and make known his suspicions and demand for a commission of inquiry.

As to the video-taping of (well-connected senior lawyer) VK Lingam, one should ask why this is done. Isn't it because of the intention to blackmail? Incidentally he is my lawyer in a case where Anwar Ibrahim (the same person who provided the videos) had sued me for RM100 million because I said he had indulged in sodomy. It should be pointed out that in releasing the video in two parts, Anwar was tempering with evidence.

And he claims he has more video clips to release. The video clips are obviously being withheld and their value as evidence is questionable.

I had already explained to the commission that there is nothing in the law to bar me from listening to anybody's view of a candidate for the bench. But who I recommend is my own decision. Lingam may have influenced judges etc, but that did not mean I made a decision based on Lingam's views. The real truth is that I had never been lobbied by Lingam.

Param seems ever ready to denigrate anyone who did not do what he expects them to do. Thus because the late attorney-general Mohtar Abdullah cleared then chief justice Eusoff Chin of any wrongdoing therefore Mohtar's decision that there was no case against me must also be in the same category.

In fact, he condemns Mohtar's decision during my era, implying that I had been responsible for all of Mohtar's decisions. What is his proof that all of Mohtar's decision were influenced by me? Again his apparent reason is because of his suspicion and his contempt for anyone who did not decide the way he expects.

I just wonder how he was appointed by the UN to be the rapporteur on the commission looking into the independence of the judiciary and lawyers. He already had a biased opinion of them as evidenced by his statement in his letter about "Malaysia's internationally discredited judiciary and legal system". His report on them cannot be regarded as impartial.

As far as his immunity to Malaysian laws is concerned, the ratification by Malaysia of the Convention on Privileges cannot possibly cover personal attacks against private individuals. Otherwise people on the UN commissions can do anything they like including as I mentioned, murder. When immunity is granted, it is expected that the person concerned would behave with propriety and would not abuse it. The report should be submitted to the UN authorities.

It must not be made use of by the author to score (points) against helpless individuals. That would be abusing the immunity conferred. It is contemptible. In any case, the UN only imposes its rule on weak countries that cannot do anything to defend themselves.

Powerful countries can totally disregard the UN, hence Guantanamo Bay.

No Malaysian court, according to Param found his statements libelous. But then all these courts according to Param are internationally discredited. Their not finding Param's statements libelous should be rejected especially by Param, because it would be made by discredited courts. Why is Param citing these courts' decision to back his claim?

Had I volunteered to appear in court to clear my reputation, I would be at the mercy of these internationally discredited courts also. If they did not find me guilty, then Param would say the court is a discredited court.

This of course would be considered by him as irrefutable evidence that my sworn testimony was wrong. You are damned if you do and you are damned if you don't.

In any case, he insists that the statements of these three high officials of our enforcement agencies (the AG, the head of the ACA and the police) are very unsettling. This is a nice way of saying he believes they are lying. These officials are not saying this in my era or Eusoff Chin's era. How does he conclude they are lying? Would he appear in court to say these officials are lying in the era of Abdullah (Ahmad Badawi)?

Param has gone through great lengths to assert that I had abused and consolidated power when I was prime minister. He has not shown a shred of admissible evidence to show that I had done this. Only surmises and personal opinion. Do you convict people based on these?

Still I would be happy to face a royal commission of inquiry. The only problem is that Param has already concluded that they would not possess integrity. Only if he himself makes up a one-man commission would the result be acceptable to him. That is the kind of judicial approach he apparently believes in.

I hate to think that the world might take this bitter man and his personal hatred as typical of Malaysians. We have better people who are representative of the Malaysian character.

Dr Mahathir Mohamad

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