

Litigants should now 'seek review of Lingam cases'
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A recommendation by the Lingam tape royal commission of inquiry for Dr Mahathir Mohamad and five others to be investigated over their role in the appointment of judges received a warm welcome from several NGOs today.
MCPX

lingam tape 160508 reportOther persons also named to face possible action were former chief justices Ahmad Fairuz Sheikh Abdul Halim and Eusoff Chin, senior lawyer VK Lingam, Umno secretary-general and former minister Tengku Adnan Tengku Mansor and business tycoon Vincent Tan.

The commission proposed that the six be probed under a slew of laws - Sedition Act, Official Secrets Act, Penal Code, Prevention of Corruption Act and the Legal Profession Act.

De facto law minister Zaid Ibrahim said today that the cabinet had tasked the Attorney-General's Chambers to start a probe on the six, as recommended by the commission.

Litigants should seek review

Former United Nations special rapporteur on the independence of judges and lawyers Param Cumaraswamy said there was another dimension to be looked at on these six individuals.

He said that litigants involved in suits where Lingam acted for one of the parties during the periods when Eusoff and Ahmad were chief justices and where they lost should consider applying for review of the judgments.

"Eusoff Chin and Ahmad Fairuz were considerable suspicions that both these chief justices (CJs) exercised influence over some judges in the High Court and Appellate Courts," he said.

He said the judges depended on them for their promotions and therefore acceded to the dictates of these CJs.

"There were instances where the honest and independent judges who refused to toe the line saw their promotions delayed or not promoted at all," Cumaraswamy added.

"Instead judges far more junior were seen to have been given leapfrog promotions over more senior and better ones.

"I can name some where Mahathir must have been instrumental. The findings of the royal commission lend some support to the truth to those suspicions," he said.

Transparency International Malaysia chairperson Ramon Navaratnam said it was only appropriate that the recommendation was followed as no one was above the law.

"If we believe in the rule of law, we must (then) adhere to the principles that they are applicable to all, including the government leaders," said Navaratnam.

He also stressed that the law must be universally followed without any fear of favour.

"So that the sovereignty of governance can be reserved," he added.

AG should act independently

Apart from Navaratman and Cumaraswamy, other NGOs also threw their support behind the recommendation to investigate the six for potentially breaking the law.

Below are the excerpts of what some of them had to say:

Lim Chee Wee, Malaysian Bar Council secretary

We welcome the recommendation made by the commission. It is moving into the right direction, so that we don't repeat the same mistakes of the past.

John Liu, Suara Rakyat Malaysia's managing coordinator

It is a very encouraging development that they are actually naming these people. But it remains to be seen if the government is serious about it (the reform of the judiciary).

Simon Sipaun, Suhakam vice-chairperson

We will go by their recommendations because when the commission made this type of decision, it must have (good) reasons. Being independent, I'm sure they have looked at all angles. As an outsider like Suhakam, it is better for us to just support. On that ground, we have no reason to disagree with them.

Anil Netto, Aliran activist

It's about time that these high-profile figures are put under investigation. I support the recommendation made by commission. However, the attorney-general should act independently when they are looking at these cases.

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