

Anwar vs Dr M libel suit: Was outcome fixed?
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Did former Chief Justice Ahmad Fairuz Sheikh Abdul Halim play a role in deciding the outcome of Anwar Ibrahim's defamation suit against former premier Dr Mahathir Mohamad at the High Court two years ago?

This question was mooted following allegations in an anonymous letter that High Court judicial commissioner Tengku Maimun Tuan Mat had struck out Anwar's libel suit after meeting Ahmad Fairuz several times before delivering her verdict.

Judges are bound by a strict code of ethics and must be absolutely impartial in their judgments, and not be swayed by pressure from the executive, legislature or by senior members of the judiciary.

If there is even a grain of truth to the allegation, the Malaysian judiciary will be shamed yet again.

Malaysiakini learnt a complaint was made to the Anti-Corruption Agency (now Malaysian Anti-Corruption Commission) in 2007 soon after Tengku Maimun delivered her verdict on Anwar's suit against Mahathir.

The letter containing the allegations was sent to ACA and also to the judiciary and the authorities. It claimed that Tengku Maimun had on several occasions discussed the matter with Ahmad Fairuz before she delivered her judgment.

It also alleged that Ahmad Fairuz had told Tengku Maimun "how to decide" in the case.

Anwar filed a libel suit against Mahathir following his stinging comments at a Suhakam press conference over the opposition leader's alleged sexual conduct.

Tengku Maimun, in striking out Anwar's suit, ruled that Mahathir's defence was likely to succeed and there was no need for the matter to be heard in a full trial.

VK Lingam, who was implicated in the infamous video-tape, judge-fixing scandal, was Mahathir's counsel in the case.

Two weeks ago, the Court of Appeal had dismissed Anwar's appeal application on a technicality - that Anwar did not file it in Bahasa Malaysia.

Lingam applied to strike out the appeal application before justice Abdul Malik Ishak, who was heading a three-member panel.

Did Lingam write judgment?

Reporters who covered the decision on Anwar's suit were offered copies of Tengku Maimun's written judgments by Lingam immediately after the verdict was read out.

This raises the question as to whether the lawyer had played a role in writing the judgment, possibly on behalf of Tengku Maimun.

There was a previously such allegation that Lingam had played a role in writing a judge's judgment, as was revealed by his former secretary GN Jayanthi at an inquiry into the videotape scandal.

Testifying at the royal commission of inquiry, Jayanthi (*left*) said she stayed up until 3am in Lingam's office to draft a judgment which was to eventually become a landmark decision.

The decision was read out by High Court judge Mokhtar Sidin in Vincent Tan's libel suit against MGG Pillai.

Jayanthi had said this happened sometime between November and early December 1994, where Lingam was representing Tan, the tycoon of the Berjaya Group.

"I later discovered the judgment written by Lingam was fully incorporated as the official judgment by the said judge," the former secretary had told in her testimony.

As many may recall, Lingam was alleged to have spoken to Ahmad Fairuz on the other end of the phone in the videotape when the latter was the Chief Judge of Malaya.

Ahmad Fairuz, when testifying at the royal commission, said Lingam's alleged conversation with him was slanderous and a fabrication.

Former UN rapporteur's report

Former UN special rapporteur on the independence of the judiciary Param Cumaraswamy, following the anonymous letter, wrote to the ACA in September 2007 to lodge a complaint on the possibility of such improper practises.

Param had his letter also questioned Tengku Maimun's confirmation as a full fledged judge a month after delivering the judgment.

A copy of Param's letter and the anonymous letter, which contained several other allegations of impropriety in the judiciary, were made available to *Malaysiakini*.

Attempts to contact Tengku Maimun, Ahmad Fairuz and the MACC were unsuccessful.

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