

**Karpal tells court: Written judgment in English invalid**  
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PUTRAJAYA: Court judgments written in the English language are invalid, the Federal Court here was told Monday.

Anwar Ibrahim's lawyer Karpal Singh (*picture*) argued that judgments written by judges of the Federal Court, Court of Appeal, High Court and subordinate courts, in both criminal and civil cases, must be in Bahasa Malaysia by virtue of provisions in Article 152 of the Federal Constitutional and Section 8 of the National Language Act, 1963 (NLA).

"All three judgments (written by Court of Appeal judges Abdul Malik Ishak, Datuk Azhar Ma'ah and Datuk Syed Ahmad Helmy Syed Ahmad, in the English language, which threw out Anwar's appeal) stand unconstitutional as they contravened Article 152 and Section 8," he said.

In fact, he said, Abdul Malik's judgment had stated that those were mandatory provisions to be strictly adhered to.

He said, as the law currently stood, all proceedings, including judgment, must be in Bahasa Malaysia, except if the position came within section 8 of NLA proviso where a court could order proceedings be partly in Bahasa Malaysia and partly in English, by way of its own motion or on application of any proceedings after considering the interests of justice in those proceedings.

"The judgment is null and void. There is no valid judgment for this court (Federal Court) to proceed further with Anwar's leave application to appeal. The court (Federal Court) should direct the Court of Appeal to write a proper judgment in the national language," Karpal said.

The veteran lawyer raised this issue as a preliminary point in a court proceeding hearing the matter on Anwar's defamation suit against former premier Dr Mahathir Mohamad.

On Oct 10, last year, the Court of Appeal threw out Anwar's appeal on a technicality, to set aside a High Court decision which had summarily struck out his RM100mil defamation suit against Dr Mahathir.

The Court of Appeal's three-man panel held that the memorandum of appeal filed by Anwar in the English language was defective and invalid, and that court documents must be filed in Bahasa Malaysia.

Anwar commenced legal action against Dr Mahathir in January 2006 for making a defamatory remark against him at the Malaysian Human Rights Conference on Sept 9, 2005.

The Federal Court's three-man coram, led by Chief Judge of Malaya Arifin Zakaria, deferred its decision on the preliminary point to a date yet to be fixed. The other two were Federal Court judge James Foong and Court of Appeal judge Suriyadi Halim Omar.

Lawyer V. K. Lingam, representing Dr Mahathir, submitted on procedural incompletion saying that it was an abuse of court process to bring up the preliminary point at the leave application stage.

Lingam said instead that Karpal must file a proper application to raise the issue.

He explained that in the court of appeal, he had sought the court's permission to submit his case in English and the court allowed him to do so.

"The judgment and orders (by the court) are always in Bahasa Malaysia but the grounds of the judgment being in English was because counsel in the proceeding had sought to conduct the proceeding in English under the National Language Act," he said.

Outside the court, Karpal Singh told reporters that the decision on his preliminary point had a far-reaching consequence. He said it was the first time, after Independence, that the issue was being raised.

"I would suggest, until the Federal Court decides on the issue, there should be a stay on all other cases in which judgments were written in English," he said. - Bernama

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