

Govt still not convinced, says Nazri

NST- 25/4/2007

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KUALA LUMPUR: The government remains unconvinced of the need for an independent judicial commission.

Minister in the Prime Minister's Department Datuk Seri Mohd Nazri Aziz yesterday reiterated his stand that the commission was unnecessary.

He also questioned whether the commission, intended for the promotion and appointment of judges, would be truly independent.

"Only if the commission can say it was sent down from heaven and appointed by God, can it truly be independent. The words 'independent judicial commission' are an illusion."

"The members will always be beholden to somebody, the persons who appointed them," he added.

The Bar Council first proposed an independent commission relating to the promotion and appointment of

judges about a decade ago.

The setting up of the commission, made up of individuals, including lawyers, academics and former judges, has also been supported by former judges and the Malaysian Human Rights Commission (Suhakam).

Under the Federal Constitution, judges are appointed by the Yang di-Pertuan Agong on the advice of the prime minister after consulting the Conference of Rulers and the chief justice.

Speaking at a debate on "The Need to establish an Independent Judicial Commission", Nazri, who is de facto law minister, said he had not come to the debate to be liked.

"I didn't come here to be popular. I came only to listen, to be convinced. And at this moment, I am still not convinced we need this commission."

Nazri said the Bar Council had to engage the judiciary, particularly Chief Justice Tun Ahmad Fairuz Sheikh Abdul Halim.

The words 'independent judicial commission' are an illusion.

*Datuk Seri Mohd Nazri Aziz
Minister in the Prime Minister's Department*



"I know there's a problem, but it's your problem with the chief justice. You must not push your problem to me. I don't have a problem, I have an excellent relationship with (Ahmad Fairuz)."

Nazri, however, said if the proposal came from the judiciary, "I will table the bill".

"If the Bar Council gives me a

memorandum, it will be in the chief justice's office first thing in the morning," he said.

Lawyer Datuk Zaid Ibrahim, who presented arguments for the commission, began his speech by describing the judiciary as being in a "hopeless" state.

"One of my favourite bands is Dire Straits. That's what I think the state

of the present judiciary is — in dire straits, in a hopeless situation.

"It has in fact been hopeless for the past 20 years, since 1988," added Zaid, referring to the judicial crisis.

His speech, which was well received by the 220 lawyers at the event, touched on the importance of transparency in the judiciary.

"We see junior judges elevated to the Federal Court. What is the basis of such promotions? We also see good judges languishing in the High Court for years. How can this be?"

"How are judges selected? We have no way of knowing what the basis of appointments are," added Zaid.

Bar president Ambiga Sreenevasan said a memorandum would be forwarded to Ahmad Fairuz and Nazri.

"It is highly unlikely that the judiciary will agree to the independent judicial commission as one with power will not give it up so willingly, but we will try our best."