

WHAT THEY SAY

NO COMMENT FROM DR M

Tun Dr Mahathir Mohamad will not respond to the allegations made by a High Court judge anytime soon. In a SMS sent to the *New Straits Times*, Dr Mahathir's aide, Sufi Yusoff, said the former prime minister would respond "in due time, if at all" to the allegations by Datuk Ian Chin yesterday.



I'm sorry. I cannot remember because it has been a long time. (Lamin was quoted by Datuk Ian Chin as advocating at a camp to indoctrinate judges to hold the view that the government's interest was above all else.)

*Tun Sri Lamin Yunus
retired Court of Appeal president (1994-2001)*

I do not recall what was said at the 1997 judges' conference. But I told the Malaysian Bar annual dinner in March 2001 that damages in defamation suits were "dizzying, troubling and a blot on the legal landscape", and that it was time for the judiciary to check the size of defamation awards. I also recall that former High Court judge Datuk Muhammad Kamil Awang had said he was asked to decide in favour of a Barisan Nasional candidate with regard to an election petition in Kota Kinabalu.

*Tun Mohamed Dzaiddin Abdullah
retired chief justice (2000-2003)*

It is a real shock. I do remember the (then) prime minister conveying the message about higher damages in defamation suits but not of any threats of removing judges via a tribunal.



*Datuk Shalk Daud Mohd Ismail
former Court of Appeal judge*

Tun Eusoff Chin (then chief justice) had invited (Tun) Dr Mahathir (Mohamad) to personally address judges at the 1997 judges' conference at a hotel in Shah Alam. The former PM did say that the government would not introduce a law to cap damages awarded to a party in a defamation suit but left it to judges to control it. He did also raise (Datuk) Ian Chin's election petition judgment, which the former PM said was "against us". However, we did not speak up because the majority of senior judges felt that Chin's ruling on that case was legally flawed. There were about 70 judges at the meeting but I think the majority of us, including Chin, were not influenced by what Dr Mahathir said. I feel Chin took the opportunity to speak from the Bench because he thought Dr Mahathir was responsible for blocking his promotion.

A serving judge



The disclosures are both startling and damning. Judges must make known and, if necessary, make public any acts of interference by any party. That allegation and all the other disclosures made by Chin must be looked into, not only by the chief justice but by all other relevant authorities. Judges, both present and past, must be encouraged to come forward and provide information of any such instances of interference so that further action may be taken.

*Datuk Ambiga Sreenevasan
Bar Council president*

DATE: 11 / 6 / 2008



Datuk Ian Chin

HIGH COURT JUDGE
MAKES EXPLOSIVE
ALLEGATIONS IN COURT



Tun Dr Mahathir Mohamad

'Dr M threatened judges...'

NST - 11/6/2008

WHAT I am going to disclose relates to what happened after two of my judgments were handed down. One was the judgment which I handed down on Feb 5,

1997 by which I distinguished M.G.G. Pillai vs Tan Sri Vincent Tan Chee YOUN & Other Appeals (1995) and refused to give what I consider to be an astronomical

award for damage to reputation in libel cases.

The other was the judgment handed down on Feb 13, 1997 in respect to an election petition

(Donald Lawan v Abang Wahed bin Abang & Ors, Sri Aman High Court) by which I set aside the election of Mong Dagang...'

Datuk Ian Chin

SHORTLY after those two judgments, the judges' conference was held from April 24, 1997. The then prime minister (Tun Dr Mahathir Mohamad) was scheduled to have a dialogue with the judges on that date. What was termed a dialogue was anything but a dialogue.

The then prime minister went there to issue a thinly veiled threat to remove

judges by referring them to the tribunal that had been set up, stating that though it might be difficult, it would still be done...

After he was done with issuing that threat, he proceeded to express his view that people should pay heavily for libel.

He managed to get a single response

from a Court of Appeal judge who asked whether he would be happy with a sum of RM1 million as damages for libel.

He approved of it and, later on, made known his satisfaction by promoting this judge (since deceased) to the Federal Court over many others more senior, when a vacancy arose...'

A month later, I was packed off to boot camp with selected judges and judicial officers to be indoctrinated to hold the view that the government's interest was more important than all else when considering our judgments. Stating this devilish notion was no less a person than the president of the Court of Appeal. **The perversion of justice did not stop there...'**