

Dr M: I was not influenced

Former PM says he had the final say in the appointment of judges

THE LINGAM VIDEO INQUIRY

KUALA LUMPUR: Tun Dr Mahathir Mohamad did not know lawyer Datuk V.K. Lingam until recently nor was he influenced in the appointment of judges but the former prime minister could not remember the recommendations made by the then Chief Justice Tun Mohamed Dzaiddin Abdullah on the appointment of judges.

This was revealed when Dr Mahathir testified before the Royal Commission of Inquiry into the V.K. Lingam video clip yesterday.

DPP Datuk Nordin Hassan: For the appointment to all posts except that of the Chief Justice, were you required to consult the Chief Justice?

Dr Mahathir: Yes.

Nordin: Were you bound by the recommendations of the Chief Justice?

Dr Mahathir: No, I was not bound by them.

Nordin: Were you influenced by anyone in deciding the candidate for the post of President of the Court of Appeal?

Dr Mahathir: In giving my consent, I listened to what people said. Although I did not ask for views, in my conversations and social meetings, there were people who talked and I took note but the final decision was my own decision.

Nordin: Were you influenced by anyone in deciding who to nominate for the post of Chief Justice?

Dr Mahathir: Not specifically. But as I've mentioned just now, I have listened to views unofficially during my conversations and when I attended social events. I took note of such views but the final decision was my own.

Dr Mahathir was then referred to two letters.

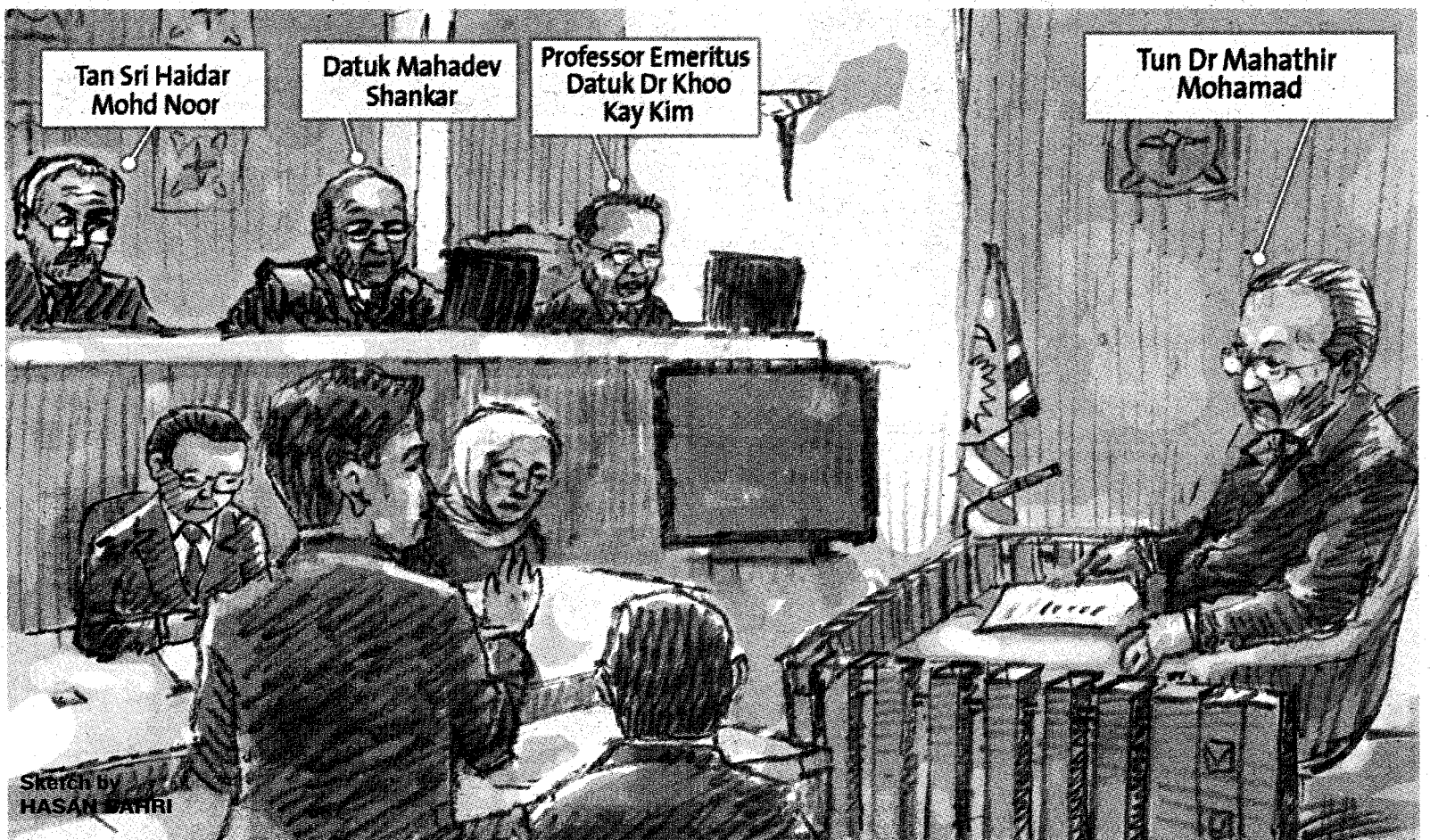
The first letter was from Dzaiddin to him on a list of five candidates to be considered for appointment as High Court judges, while the second one was Dr Mahathir's reply in which he had agreed to the first three individuals proposed by Dzaiddin.

Dr Mahathir had also asked Dzaiddin to choose another two candidates from an attached list of five other judicial commissioners.

Nordin: Where did you get the names of these other five judicial commissioners?

Dr Mahathir: I might have asked officers who were more familiar with them and from what I had heard, I suggested that two of them be selected to fill the vacancies.

Nordin referred Dr Mahathir to two other letters; the first from Dzaiddin to him and the second, his



reply to the then Chief Justice.

Dzaiddin had in his letter chosen Datuk Sulaiman Daud and Datuk V.T. Singam.

He also asked Dr Mahathir to reconsider the candidacy of lawyers Dr Andrew Chew and Zainudin Ismail, whom he had originally proposed but was dropped by the then Prime Minister.

In his reply, Dr Mahathir only agreed to the candidacy of Sulaiman and Singam but rejected that of the two lawyers.

Nordin: Can you briefly explain the reason you made the rejection?

Dr Mahathir: I don't remember.

Nordin then referred Dr Mahathir to the transcript of the video clip at the centre of the controversy and explained the nature of the transcript to the former prime minister.

Nordin: Have you seen the video clip from which this transcript was made?

Dr Mahathir: I saw it on television.

Nordin: Have you received any memorandums from Tun Eusoff Chin or Datuk V.K. Lingam on the appointment of High Court judges?

Dr Mahathir: I don't remember receiving any memorandums from V.K. Lingam but in the course of my duties as Prime Minister, I might have received letters from Tun Eusoff. However, I do not remember.

Nordin: Was the reason you dropped Dr Andrew Chew and Zainudin Ismail's names from the list

of candidates for appointment to become High Court judges because Zainudin had opposed the appointment of Tun Ahmad Fairuz as Chief Judge of Malaya as well as that of Tan Sri Mohtar Abdullah?

Dr Mahathir: I wasn't aware that there were any disputes about the appointments of these judges.

Nordin then read the following portion from the transcript:

"And then ... ah ... Tan Sri Dzaiddin said he is going to recommend for six people for ... Court of Appeal ... but until today the letter hasn't come to PM. He never discussed, but neither has he sent the letter to PM. He has not sent."

"So, I know, you know, under the Constitution for judges all is ... is for your job lah ... Dato to send, but we don't want to make it an issue now ... A tough time hah? Ah, so ok. Actually, I told Tengku Adnan to inform PM, PM to call you for a meeting. But I ... I will organise this so that Tengku Adnan will call you directly ... and then I got your number. I will tell him to call you directly to arrange for you to meet PM lah."

Nordin: Had Tengku Adnan ever arranged any meetings between you and Tun Ahmad Fairuz on the appointment of judges?

Dr Mahathir: No.

Nordin read the following portion from the transcript:

"You see he has now asked for six

Court of Appeal judges, so that he can put his men before he retire ... Correct, correct, correct, correct ... Ah ... and then? Ah, ah ... correct, correct, correct, correct ... Ah, but never mind, I will do this ... I will get the ... Tengku Adnan to arrange for PM to call you and Tan Sri Vincent Tan ... for PM to call."

Nordin: Have you ever called Tun Ahmad Fairuz or Tan Sri Vincent Tan regarding the appointment of six Court of Appeal judges?

Dr Mahathir: As far as I can remember, no.

Nordin then read the following portion from the transcript:

"One day, I went to Vincent Tan's house, I fired him at night in the house, I said bloody hell if you don't do this, who will do it? All these people, Tun Eusoff Chin, Datuk Ahmad Fairuz, Tan Sri Zainon all fought for us."

"Then he called Tengku Adnan. He said, saya bukan Perdana Menteri Malaysia lah, you know, if the old man don't want to listen to me, go to hell. He quarrelled with me."

"I said, never mind, never mind, you don't Tan Sri, you talk to PM again tomorrow morning put Datuk Ahmad Fairuz as CJM. So next day morning he went and he called me back nine thirty, he said the PM already agree."

Nordin: Has Tan Sri Vincent Tan ever called you to suggest that Tun Ahmad Fairuz be made Chief Judge of

Malaya?

Dr Mahathir: No (shakes head). Nordin read the following from the transcript:

"But you know the old man, at 76 years old, he gets whispers from everywhere and then you don't whisper, he ... he get ... aa ... aa taken away by the other side. But now the PM is very alert because every time he gets letters from Tan Sri Dzaiddin ... he calls Tengku Adnan, he said discuss with Vincent, come and discuss and ..."

(Dr Mahathir smiled when Nordin read the part that said, "he gets whispers from everywhere". Nordin also said *dengan izin* each time before reading the words "the old man")

Nordin: When you got a letter from Dzaiddin, did you call Tengku Adnan and tell him to discuss with Tan?

Dr Mahathir: No (smiling). **Nordin:** Had Datuk V.K. Lingam, Tan Sri Vincent Tan and Tengku Adnan ever come to see you regarding Dzaiddin's proposal for Tan Sri Abdul Malek Ahmad to be made Chief Judge of Malaya?

Dr Mahathir: No. **Nordin:** Was it true that Tan Sri Abdul Malek's candidacy was rejected because he was "anti-PM"?

Dr Mahathir: He was rejected but that was not the reason.

Wong Chong Wah, counsel for

Mahathir: I make my own decisions

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say precisely but in order to contact Datuk V.K. Lingam I probably spoke to Tan Sri Vincent Tan.

Leong: Tan Sri Vincent Tan had on several occasions brought Datuk V.K. Lingam to your house?

Dr Mahathir: That's not true.

Leong: He has not been to your house?

Dr Mahathir: After I engaged him, he's been to my house. That was after all these events.

Leong: Is he still currently your lawyer?

Dr Mahathir: Yes, he is still.

Leong then referred Dr Mahathir to the portion of the transcript regarding the appointment of High Court judges where two proposed lawyers' names were dropped and compared it with the correspondence with Dzaiddin on the matter.

Leong: The person speaking in the transcript is speaking of official secrets. Would you know how the speaker got the information?

Dr Mahathir: I wouldn't be able to say. It is privy.

Leong: Did Dzaiddin make recommendations for six people for appointment to the Court of Appeal then?

Dr Mahathir: I can't remember. I don't know the contents of the letter.

Leong: On June 8, 2002, six persons were indeed appointed to the Court of Appeal. The process of appointment or confirmation takes about three to four months, correct? It appears that the person (in the video) seems to have information that should only be privy to yourself and the Chief Justice.

Dr Mahathir: It is privy.

Leong: I presume you don't know

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how he came to know about it?

Dr Mahathir: No.

Leong also posed several questions to Dr Mahathir in an attempt to clear the air as to whether Dzaiddin had nominated Abdul Malek for the Chief Judge of Malaya post when it was vacated to which the former prime minister said that it could be so.

Leong: Could you inform us the reason for not agreeing to the nomination of Tan Sri Malek as Chief Judge of Malaya?

Dr Mahathir: After listening and hearing what people said, I formed my own conclusion. I then made a decision. Why I made the decision at that time, of course, is not something I tell people because it's my prerogative to decide. I don't have to tell people.

Leong: You would have come up with your own candidate. Would you be able to tell us how you come up with your own candidate?

Dr Mahathir: Usually if I wanted to propose, I'd ask those familiar with these things, including civil servants. Then I would make the proposal.

Leong: We have a situation there, the Chief Justice would be most familiar with his fellow brothers, but the position is that Tun had information that another candidate was more suitable. May I ask as to the main source of this information or consultation?

Dr Mahathir: I can't remember precisely. But what was being talked about I take into consideration, I take

the view and I make my decision.

Leong: These sources would be sources at random?

Dr Mahathir: They include civil servants, at times if I suspect anything I may ask verbally senior police personnel, ACA. I have to make sure the candidate I choose is the right person.

Leong: Could Tan Sri Vincent Tan be a source?

Dr Mahathir: Could be. There are many officers who are experienced. They could be from A-G's Department, civil service, or people who have retired or those who had known the personalities in question.

Leong: Could you have obtained some of these names from a memorandum from Tun Eusoff Chin?

Dr Mahathir: I can't remember. My dealings with Eusoff is that he would submit a list of judges according to seniority. Whenever he submits, he would send all information of the judges. That's when he was CJ (Chief Justice).

Leong clarified that the memo he was referring to was the one allegedly sent by Eusoff after he had retired.

To this, Dr Mahathir replied that he did not remember a specific memo recommending names and that he had lost contact with Tun Eusoff after he retired as Chief Justice.

Commissioner Datuk Mahadev Shankar: Were your reasons for rejecting Tan Sri Abdul Malek Ahmad discussed with Dzaiddin? He suggested it, you rejected it. Did you discuss it with him?

Dr Mahathir: I normally don't explain to anybody. This is why I made the decision. This is why, I listen to a lot of people and I make my own decision. I don't explain to anybody.