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Bittersweet memories

Former Lord President dwells on the judiciary crisis of 1988

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FORMER Lord President Tun Salleh Abas is the embodiment of modesty. After making headlines when he was sacked from the judicial system in 1988, he has moved on to new chapters of his life.

For years now, he has drawn great satisfaction in literally eating the fruits of his labour. The 79-year-old spends a great deal of his time toiling in his dusun (fruit orchard) in Besut while at the same time keeping abreast of developments outside the plantation.

"I hardly practise nowadays. I am a farmer now," Salleh said in between chuckles.

"I have bananas, dukongs, durians in my dusun. Can't really make money because the fertilisers are expensive. But it's rewarding to eat the fruits you plant yourself. Do drop by during the fruit season in July and August," said the tanned and be-spectacled former top judge.

When he is not enjoying himself in the four-acre orchard, which he inherited from his late father, Salleh will be taking life easy at the back of his house in Kuala Terengganu.

"I have six children (including one who has passed away) and 25 grandchildren. But they are all not here.

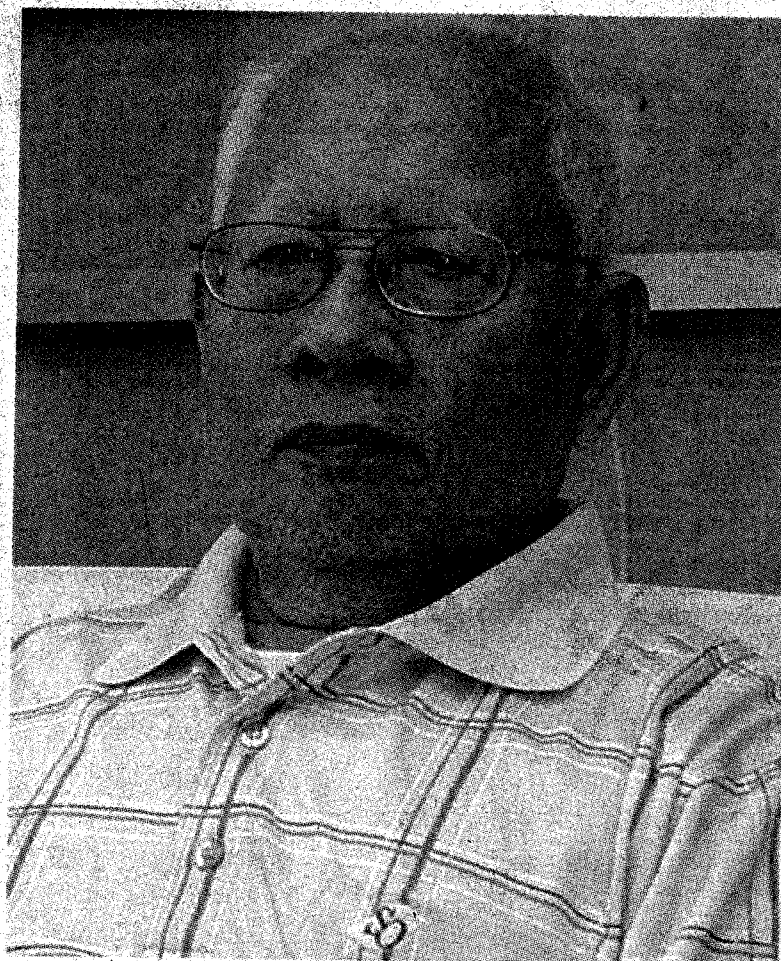
"I live in the Kuala Terengganu house with my wife. It's quiet but I enjoy my wife's company."

His complacency evaporated the moment we broached the 1988 judiciary crisis which led to his dismissal as Lord President.

When asked to comment on the proposal by Minister in the Prime Minister's Department Datuk Zaid Ibrahim that the government apologised to him and the two judges who were sacked in the 1988 judicial crisis, Salleh responded in a calm voice.

"If the apology is forthcoming, I welcome it. In fact, I welcome it the most. I wouldn't want to comment any further before that happens," said the spirited old man.

Born to a sailor and village trader in Besut, Salleh joined the judicial



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and legal service in 1957 upon his return from the United Kingdom with a law degree.

He ascended to the position of Lord President in 1984 and had presided over several high profile cases before he was dismissed for alleged misconduct through a tribunal in August 1988.

Two Supreme Court judges who had earlier granted him an injunction order against the tribunal were also dismissed.

After the bitter episode, Salleh started his own legal practice.

His tenacity is greater than a cat on a hot tin roof, a senior lawyer said.

Another told of an incident whereby the diminutive but deter-

mined Salleh had gone to the courts wheelchair-bound while being put on drips.

He had apparently been summoned to carry on with his case by the judges who were not convinced of his health condition.

"That is one reason why I was reluctant to appear in court after that," said Salleh about the incident.

"I was scheduled for a prostate surgery that day and I had to ask the doctor to postpone the operation because the Court of Appeal insisted on my arguing in court that day. They refused to grant a postponement of the appeal hearing," Salleh recalled.

"I was wheeled into the courtroom with the urine bag and drip

bag still attached. I argued for four hours that day.

"I even threw a book at the judges out of frustration. In the end, the court threw out the appeal. I lost not because it was not a good case, but because of injustice," he added.

He quickly brushed aside the painful memories and spoke of the sweeter ones.

"Do you know that I was the first prosecutor in the country who introduced the phrase 'crime of passion' through a murder case in 1957?"

"And who coined the phrase 'toothless bulldog' in the Datuk Harun Idris case?" he asked with a cheeky laugh.

Apart from his love for law, Salleh also dabbled with politics.

He contested in the 1995 general election for the Lembah Pantai parliamentary constituency under the Semangat 46 ticket and lost.

In the 1999 general election, he was elected state assemblyman for Jertih in Terengganu on a PAS ticket and was made an Exco member.

In 2004, he did not run for elections due to poor health. In September 2006, the Bar Council called for an impartial review of the 1988 judicial crisis. That same year, Salleh, who was then 77 years old, broke his 18-year silence to echo the Bar's proposal.

In a statement issued in response to the Bar's call, Salleh said that on May 27, 1988, he was summoned to the Prime Minister's Office and told by Tun Dr Mahathir Mohamad to step down because he had been biased in the discharge of his judicial duties.

Tun Salleh said that he refused to resign and was then threatened with dismissal.

The former judge believed that this had something to do with an impending case involving Umno.

However, Dr Mahathir responded to the statement the same day stating that he had asked Tun Salleh to step down to avoid a scandal.

The matter died down just as soon as it was brought up. Nothing happened after that...until last Saturday when it was raised by a new Cabinet minister.

Chronology of events

>TUN Salleh Abas became the Solicitor-General in 1963.

>At 50, was appointed as Federal Court judge.

>The Lord President Tun Suffian Hashim retired in 1982 and was replaced by the then Raja Azlan Shah but within two years, Raja Azlan became the Sultan of Perak and Salleh became Lord President in 1984.

>In 1987, elections for the leadership of Umno were held and Tengku Razaleigh Hamzah challenged the incumbent Umno president and prime minister Datuk Seri Dr Mahathir Mohamad (now Tun) and was widely touted to win the presidency.

However, Dr Mahathir won and remained president.

>The many supporters of Tengku Razaleigh were not satisfied with the result and attempted to get a court order for new elections.

>In the meantime, Salleh made general but strong statements about defending the independence of the judiciary.

He also convened a meeting of all 20 federal judges in Kuala Lumpur, and they decided to send a letter to the King stating that they were disappointed with comments made by the prime minister about the judiciary.

They asked that the unfounded accusations be stopped.

>Two months later, Salleh was suspended and High Court of Malaya Chief Justice Tan Sri Abdul Hamid Omar was appointed acting Lord President.

Salleh was brought before a tribunal for misconduct. In response, he filed a suit in the High Court challenging the constitutionality of the tribunal.

He also applied for an interim stay against the tribunal but it was denied.

>Five judges of the Supreme Court convened and granted Salleh an interlocutory (interim) order against the tribunal.

>The order was later set aside and in August 1988, Salleh was officially removed from the post of Lord President.

>The five Supreme Court judges who granted Salleh the interlocutory order - Tan Sri Azmi Kamaruddin, Tan Sri Eusoffe Abdoollcader, Tan Sri Wan Hamzah Mohamed Salleh, Wan Suleiman Pawan Teh and Datuk George Seah - were suspended.

>In October, Wan Sulaiman and Seah were sacked while the three other judges were reinstated.