

# RCI SET UP OVER ALLEGED JUDICIAL MISCONDUCT

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Members of commission, terms of reference to be decided later, says Dr M

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**T**HE government has decided to set up a Royal Commission of Inquiry (RCI) into allegations of judicial misconduct.

"We are setting up the RCI. It is up to them to look into the allegation made by (former Court of Appeal judge Datuk Dr Hamid Sultan Abu Backer)," Prime Minister Tun Dr Mahathir Mohamad said following a visit to the Defence Ministry here yesterday.

He said RCI members and its terms of reference would be decided later.

In a 63-page affidavit filed on Feb 14 — in support of an application by lawyer Sangeet Kaur Deo — Hamid had revealed information on incidences of alleged interference in the judiciary, including in a decision on the late Karpal Singh's appeal on sedition charges at the Court of Appeal.

On a separate matter, Dr Mahathir responded to claims by Pas that there were attempts to initiate a vote of no confidence in him.

"I will see when there is a vote of no confidence... if Pas will vote (for me) or not," he said.

On Monday, Pas clarified that its support for Dr Mahathir until the 15th General Election was in his capacity as prime minister, and not as Parti Pribumi Bersatu Malaysia chairman.

Kelantan Deputy Menteri Besar Datuk Mohd Amar Abdullah said the decision to announce the support was to "protect" Dr Mahathir from attempts to topple him or if a vote of no confidence was initiated against him.

Amar said Pas would ensure that its 18 members of parliament supported Dr Mahathir "if anything were to happen to him".

On the formation of the RCI, Attorney-General Tommy Thomas said all court cases would proceed as usual, and cases at all levels of the superior and subordinate courts would continue to be heard.

"Any request for postponement must be made by a party to the relevant court in the ordinary way," he said.

"It would be a normal exercise of judicial function for a judge to decide whether any postponement should be refused or granted."

The establishment of an RCI,

Thomas said, did not mean that an automatic or blanket postponement of all cases would follow, and the scrutiny into the judiciary was not the first in history.

"In 1988, two tribunals were set up under Article 125 of the Federal Constitution to inquire into allegations of judicial misconduct against six Supreme Court judges."

"In 2007, a RCI into the V.K. Lingam video clip was established to investigate an allegation of intervention in the judicial appointment process by some judges."

He said in all these precedents, business at courts proceeded as usual and no adjournment was entertained by the courts.

"Litigants are entitled to have their cases heard and determined in courts, while judges and lawyers have a duty to ensure that the administration of justice is not interrupted.

"To suggest that court proceedings and the administration of justice should be put on hold pending the completion of the inquiry by the RCI is without any factual or legal basis."

He hoped that the speculation on alleged judicial misconduct would cease.

"The RCI must be permitted to discharge its duties in a calm and measured way." **Additional reporting by Hashini Kavishtri Kannan**