

PM's immunity bid denied

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Legal questions don't raise constitutional issues, court rules

KUALA LUMPUR: The High Court has rejected Prime Minister Datuk Seri Anwar Ibrahim's attempt to refer eight legal questions to the Federal Court, including whether he is immune from lawsuits.

The questions were tied to a lawsuit filed by his former research assistant, Muhammed Yusoff Rawther, over an alleged sexual assault in 2018.

Justice Roz Mawar Rozain ruled that the questions did not raise any substantial constitutional issues, stating that they failed to meet the threshold for referral under the Federal Constitution and the Courts of Judicature Act.

Meanwhile, Anwar's lawyer Datuk Seri K. Raja Segaran told reporters after the judgement was handed down that they respectfully disagreed with the court's judgement and would file an immediate appeal to the Court of Appeal.

In her judgement earlier, Justice Roz Mawar said none of the Articles of the Federal Constitution cited by Anwar's legal team gave rise to any real, substantial or justiciable question of constitutional law requiring determination by the Federal Court under Article 128(2) of the FC or Section 84 of the Courts of Judicature Act 1964.

"From a judicial perspective, the proposed questions do not appear to meet the threshold of genuine constitutional controversy," she said, Bernama reported.

Anwar filed the application on May 23, seeking the High Court, which is hearing the suit, to refer the legal questions to the apex court.

The questions include whether, under Articles 39, 40 and 43 of the Federal Constitution, a sitting prime minister enjoys limited

Anwar firm on rule of law and judicial independence

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PETALING JAYA: Prime Minister Datuk Seri Anwar Ibrahim says his application to refer eight legal questions to the Federal Court, which was dismissed by the High Court, is not about seeking personal immunity or escaping legal scrutiny.

He said that he remains committed to the rule of law and the independence of the nation's judiciary.

Anwar said his application to the High Court concerns the integrity of the Federal Constitution and the need to ensure that anyone holding high public

immunity from lawsuits involving allegations of personal conduct that occurred before his appointment.

In her brief grounds, Justice Roz Mawar said the questions are speculative, not needed for the disposal of the case, and do not concern the interpretation or validity of any constitutional provision.

Regarding the question of immunity, she said Articles 39, 40, and 43 on Executive Authority, which Anwar applied to refer to, are structural provisions that allocate executive powers but do not confer personal immunity.

"No express or implied protection against civil liability exists. Constitutional silence on immunity must be interpreted in favour of equal legal accountability.

office is protected from litigation that is politically motivated.

"It (application) concerns the integrity of our constitutional system and the need to ensure that high public office is protected from litigation that may be strategically timed, politically motivated or institutionally disruptive.

"I remain fully committed to the rule of law, the independence of our courts, and the dignity of democratic governance.

"The legal process will continue, and I will continue to discharge my responsibilities without distraction or compromise," Anwar said in a statement yesterday.

"The articles cited by the defendant's legal team are inoperative in the context of his application for constitutional reference," she said.

The judge also ruled as flawed the defendant's contention that allowing the civil suit to go on may undermine the Prime Minister's ability to discharge executive functions.

She explained that this was because no immunity is implied in Article 43, as the provision deals solely with tenure and does not prescribe or imply immunity from judicial proceedings.

The judge also said there was no clause in Article 43 which shields a sitting prime minister from accountability in respect of private acts committed prior to assuming office.

"One, no immunity is implied in Article 43; the provision deals solely with appointments and tenure and does not prescribe or imply immunity from judicial proceedings," she said.

Justice Roz Mawar said Anwar had also affirmed readiness to proceed with the trial, and there was no evidence that the suit would impair his ability to perform constitutional duties.

She said the court finds no special circumstances warranting a stay of proceedings.

The court also dismissed Anwar's application to stay the hearing of the suit and ordered the trial to commence on June 16 as fixed earlier.

She then ordered Anwar to pay RM20,000 in costs to Muhammed Yusoff.

Apart from Raja Segaran, lawyers Datuk Megat Abdul Munir Megat Abdullah Rafaie and Alan Wong Teck Wei represented Anwar, while lawyers Muhammad Rafique Rashid Ali, Nurmustanir Md Nor and Muhammad Amirul Ar-Rasyid Azman acted for Muhammed Yusoff.

Muhammed Yusoff filed the suit on July 14, 2021, and Anwar, in his defence, contended that the former had lied under oath to authorities regarding the alleged sexual assault incident.

The PKR president, who filed a counterclaim on Sept 28, 2021, alleged that Muhammed Yusoff had fabricated the story about the sexual assault to tarnish his political career and prevent him from becoming prime minister.

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