

Bar Council: We're no opposition lackey
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Council president Lim Chee Wee dismisses an article in Utusan Malaysia which accuses the Malaysian Bar of behaving like a wing of Pakatan Rakyat.

PETALING JAYA: The Malaysian Bar has denied the allegation that it is an opposition lackey, with Bar Council president Lim Chee Wee stressing that the body will continue being "the voice of legal reason and advise the public on what the law is, what the law should not be and what the law must never be".

"It has become rather convenient and easy for detractors of the Malaysian Bar to accuse it of being pro-opposition because of the statements of the Malaysian Bar, without responding in a logical and intelligent manner to these statements.

"The Malaysian Bar works closely with the government and where the government does a good job, we have unhesitatingly praised it; the best example is the National Legal Aid Foundation which finances lawyers to provide free legal representation in arrest, remand, bail and mitigation proceedings.

"By the same token, we will not be reluctant to criticise it where it does wrong," he said in response to an article penned by "Awang Selamat" in Utusan Malaysia yesterday.

Awang Selamat is the pseudonym of Utusan's top editors.

The Malay daily alleged that loan sharks are more trustworthy than the Bar and accused the Bar Council of being a wing of Pakatan Rakyat.

It also claimed that Bar Council has lost its credibility due to its silence in cases involving Barisan Nasional lawmakers while making a strong presence in cases involving Pakatan.

Among others, the article said the Bar Council has not defended Sabak Bernam MP Abdul Rahman Nakri of Umno who was sentenced to six years imprisonment but supported DAP in the Teoh Beng Hock case.

The daily also criticised the Bar Council for not defending former transport minister Dr Ling Liong Sik who is facing trial over the Port Klang Free Zone fiasco but urged Attorney-General Abdul Gani Patail not to appeal against Opposition Leader Anwar Ibrahim's acquittal from a sodomy charge.

Bar Council states its reasons

Lim explained that the call against appealing in Anwar's case was made because the complainant Mohd Saiful Bukhari Azlan was not a sodomy victim.

"Saiful is not a victim of a crime for the simple reason that Anwar is charged under Section 377B (of the Penal Code) which criminalises consensual sexual relationship between two persons.

"In other words, Saiful should have been charged together with Anwar if the allegation is true and it does not lie in the mouth of Saiful or his father to publicly portray Saiful as a victim, when he is a consenting participant in the alleged act," he said.

He added that Section 377B criminalises consensual carnal intercourse against the order of nature between two persons.

On the same note, Lim urged the Malaysian society to engage in intellectual discourse to debate whether sections 377A and 377B are founded on moral hypocrisy because the provisions do not draw a distinction between homosexual and heterosexual activity.

"Unless contradicted by accurate and truthful empirical evidence, it would be safe to assume that a substantial number of consenting heterosexual adults engage in fellatio and anal sex.

"This being the case, at its lowest level, these provisions are outdated in respect of fellatio and anal sex between consenting heterosexual adults," he added.

Lim also questioned why was Anwar solely prosecuted since Section 377B involved two consenting individuals.

He also queried why is the state apparatuses conducting moral policing in the bedroom.

He also pointed out that the different laws used for Muslims and non-Muslims is tantamount to discrimination from a human rights perspective.

On the cases involving Ling and Abdul Rahman, the Bar Council president was steadfast in his stand that "corruption must never be condoned, and it must be prevented, investigated and punished."

"In the case of Abdul Rahman and Ling, it is my understanding that their own political parties have not defended them, no doubt, because this is consistent with how corruption ought and must be viewed," he said.

On Bar Council's involvement in the Royal Commission of Inquiry (RCI) into the death of Teoh Beng Hock, Lim pointed out that Teoh was not charged with any crime and instead he was found dead after or during a Malaysian Anti-Corruption Commission (MACC) interview session.

"The RCI found that he was driven to suicide by the MACC officers. Therefore, there is a world of difference between the death of an innocent man, and a man convicted of corruption and another charged with cheating the government," he added.

Anwar's lawyer sets the record straight



In another development, Anwar's lawyer Sankara Nair slammed Lim over his "misleading and defamatory" statement on the opposition leader.

"I must take issue and vehemently object to his statement in respect of my client. He has got it completely wrong both in law and facts," he said in a statement today.

"Firstly, he ought not have gone overboard by getting into the details of the matter as he is fully aware and ought to be mindful that there is an appeal pending before the Court of Appeal and it is prima facie, subjudice," he added.

He also pointed out that the issue of Section 377 B of the Penal Code was well argued by the legal team and it was also summarily agreed by the deputy public prosecutor that the section was "not happily worded".

He added that the defence team had raised this legal issue of interpretation of the section so as to render the sodomy trial as a mistrial, on the basis that the evidence as adduced by the prosecution was not consistent with the charge.

"(However) we lost this legal argument in the courts. Hence our contention has been clear and consistent at all times.

"The charge under Section 377B has always been, inter alia, is a defective charge and is not congruent to the evidence adduced by the prosecution," he said.

"Also, it was never our contention, at any time, that there was anal intercourse and more so – consensual in the first place. It never happened and no proof of such has been adduced by the prosecution and therefore Section 377C, even if amended, would also have failed," he added.

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