

CJ: Anwar, Karpal cases based purely on law

Free Malaysia Today

13 March 2014

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GEORGE TOWN: Chief Justice of Malaysia Ariffin Zakaria insisted that the judiciary was free from any political influence or pressure when delivering judgment, even in high-profile personality cases.

He said the judgments in both the Anwar Ibrahim sodomy and Karpal Singh's sedition cases were based purely on the law and legal procedures.

The judiciary is independent and executes justice based on the merits of law and legal procedures, said Chief Justice of Malaysia Ariffin Zakaria.

"As far I'm concerned there has been no compromise to the independence of the judiciary due to political reasons," Ariffin said at a press conference here today.

"As CJ (Chief Justice), I have always maintained that my commitment to the country is to uphold the good name of the judiciary and so far there has not been any breach."

"Judges must give reasons for their decisions and their reasons are subject to scrutiny by the appellate courts.

"If anything goes wrong, illegal, of course we will change it in due legal process," insisted Ariffin.

His comments were in reference to criticism against the judiciary by Pakatan Rakyat supporters over the recent convictions of Parliamentary Opposition Leader and PKR supremo Anwar Ibrahim for sodomy and senior lawyer and DAP national chairman Karpal Singh for sedition.

Ariffin was in Penang to officiate the 48th Annual Conference of Council of Judges Malaysia. Chief Judge of Malaya Zulkifli Ahmad Makinuddin, Chief Judge of Sabah and Sarawak Richard Malanjun and President of the Court of Appeals Md. Raus Sharif were also present.

Ariffin said it would be improper for him to make any public comments or speak about the Anwar and Karpal cases, given that these cases are pending appeals.

He urged the public not to anticipate or pre-judge on what will happen in the appellate courts, pointing out that both political personalities were freed from their respective charges in the first instance.

'Justice works both ways.'

Maintaining that the judiciary had always been fair to all, including political leaders from both sides of the divide, he cited cases where former chief ministers and federal ministers had been

convicted.

“You can’t say when there was an acquittal, there was justice while when there was a conviction, there was injustice. That’s not right,” said Ariffin.

He said the judiciary was open to criticism but the criticism should be fair because the judiciary was hapless when under attack as it could not openly defend itself.

“We can only defend ourselves in our judgment.

“We cannot go ahead to deny this and that. We cannot have ceramahs. No roadshows for us,” said Ariffin.

He said affected parties can always utilise available legal avenues to prove that the judiciary had erred in its particular judgment.

“Give us the proof. Show us where we went wrong. There is always an appellate process,” said Ariffin.

Apart from the appellate process, he pointed out that if a judge seemed to be taking instructions or whatever that disrupted a case, the whole trial can be nullified and reviewed.

He cited a case involving broadcasting channel, TV3, in which applications had been filed to review the judgment made by the Court of Appeal and to disqualify one of the judges.

“We have procedures and avenues to ensure that the independence and integrity of the judiciary is not compromised.

“I don’t know what else we can have,” he said.

Several groups such as the Malaysian Bar Council and LawAsia have expressed their unhappiness with the judicial decisions made in the high profile cases, particularly Karpal’s conviction.

Some have suggested that they may go to the streets in protest of the judgment.

Ariffin said the affected parties should use all available legal avenues instead of street demonstrations to resolve the issue.

“But if they still want to walk on the streets, there is nothing the judiciary can do,” he said.

The annual judges’ conference is a statutory requirement under the Courts of Judicature Act 1964.

The judiciary must hold a conference at least once a year and Ariffin said occasionally the conference would be held twice a year as and when required.

The objective of the conference was to discuss arising court issues and to explore ways to improve the judicial system, such as the disposal of cases, clearing of backlogged cases and to

improve the quality of judgment.

Some 100 judges and justices from the High Court to the Federal Court are participants of the four-day conference (March 12–15).

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Source: <http://www.freemalaysiatoday.com/category/nation/2014/03/13/cj-anwar-and-karpal-case-was-based-purely-on-law/>