

**Judge confirms Najib blocked promotion to Federal Court**  
**Free Malaysia Today**  
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**By FMT Reporters**

**Retired Justice Hishamudin says PM's action came after ruling against government in Hindraf case**

KUALA LUMPUR: A retired senior judge of the Court of Appeal has confirmed that his elevation to the Federal Court was blocked by the prime minister, Najib Razak.

The judge, justice Mohd Hishamudin Mohd Yunus, said the Judicial Appointments Commission had recommended his name for appointment to the Federal Court in 2013. "Unfortunately, the PM was not in favour of my elevation to the Federal Court. I think this fact is public knowledge," he said today in a press interview.

Justice Hishamudin could not confirm how many times he had been passed over for elevation. Asked if it was three times, he told Malaysiakini he had not bothered to keep count, "but probably, you could be right," he said.

He acknowledged that he was disappointed at being snubbed. "It would be unnatural if I did not feel that way. After all, I am human," he said in the interview, published today.

Hishamudin retired this month after six years on the appeal court, where he was the senior-most judge. He had served 15 years as a judge of the High Court, after two years as a judicial commissioner.

Judges are appointed by the Yang di-Pertuan Agong on the advice of the prime minister, based on recommendations by the Judicial Appointments Commission, an independent body set up to ensure impartial selection of judges.

It was believed that justice Hishamudin's name was not forwarded by the prime minister because he had led the Court of Appeal panel which allowed Hindraf activists M Manoharan and P Uthayakumar to sue the government over the welfare of Tamil schools. At the time Manoharan described the decision as the only time someone had won a case against a sitting prime minister.

Justice Hishamudin had also freed PKR leaders N Gopalakrishnan and Abdul Ghani Haroon from detention under the Internal Security Act in 2001, and more recently decided that prosecution of cross dressers was against the constitution.

Reflecting on his career, the judge said he had carried out his duty "in a manner expected of me", upholding his oath of office and making decisions in accordance with his conscience, the law, and the Federal Constitution.

"I have consistently upheld the cause of justice. If I have to relive my life again as a judge, I would still have decided those landmark cases in the same way that I did," he said.

Justice Hishamudin is a contemporary of Federal Court judges Abdull Hamid Embong and Mohd Apandi Ali, who was recently appointed Attorney-General upon the dismissal of Abdul Gani Patail.

Kit Siang: Stop Interference by PM

DAP leader Lim Kit Siang has called for an amendment to the Judicial Appointments Commission Act to prevent further occurrences of prime ministerial interference in the appointment of judges, as with Najib Razak blocking Justice Hishamudin's elevation to the Federal Court.

In a press statement today referring to the judge's remarks, Lim said Najib's action was a clear case of executive interference with the judiciary. He challenged Najib to explain whether he was guilty of abuse of power.

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