

Shafee wins injunction against Bar Council over post-Anwar trial

Malay Mail Online

June 23, 2015

By Syed Jaymal Zahiid

KUALA LUMPUR, June 23 — Tan Sri Muhd Shafee Abdullah today won an injunction to prevent the Bar Council from tabling a motion to censure the Umno-linked lawyer's conduct until the suit to strike out the motion is concluded.

Shafee's lawyer said the Appellate and Special Powers Court granted his client the injunction on, among others, grounds that any discussion of his conduct could be prejudicial to the suit and cause irreparable damage to his reputation.

"The court considered a few things... the balance of the convenience is in favour of the plaintiff meaning its more convenient to grant the injunction then to allow whatever irreparable harm that is to happen to take place to his detriment.

"Thirdly, the court is satisfied that damages is inadequate to compensate for whatever that he may suffer because this is not a monetary claim, this involves his right to be heard, right to fair process and right to protect his good name," Hasnal Rezua Merican told reporters after the judgement was given out.

The decision was delivered by Datuk Asmabi Mohamad behind closed doors.

Case management for the suit to strike out the Bar Council censure motion will be on July 20.

Shafee on March 13 secured an injunction from the Kuala Lumpur High Court prohibiting the Bar from deliberating on his allegedly questionable conduct as a lawyer following Datuk Seri Anwar Ibrahim's sodomy conviction.

Shafee, a private lawyer, was authorised and appointed by the Attorney-General's Chambers to head the government's prosecution team against Anwar at the Court of Appeal and Federal Court.

He had named as respondents senior lawyer Tommy Thomas; former Court of Appeal judge Tan Sri VC George, who has since returned to practice as a lawyer; the Malaysian Bar; and its former president, Christopher Leong.

Tommy had proposed the motion to censure Shafee's conduct, with the motion seconded by George.

Among other things, the motion claimed that Shafee had violated rules governing the legal profession, while also saying that his conduct was "morally reprehensible and legally unacceptable."

The motion urged the Malaysian Bar to pass a resolution to condemn Shafee's behaviour, lodge a complaint with the Disciplinary Board and to take further steps in order to prevent Shafee from "continuing to bring the legal profession into disrepute."

On February 10, the Federal Court upheld the Court of Appeal's conviction of Anwar for sodomising his former political aide Mohd Saiful Bukhari Azlan, also retaining a five-year jail sentence.

Copyright © 2015 Malay Mail Online

Sources: <http://www.themalaymailonline.com/malaysia/article/shafee-wins-injunction-against-bar-council-over-post-anwar-trial-conduct>