

No law or person can give Anwar the right to be in Parliament, says former A-G

The Malaysian Insider

March 4, 2015

By V. Anbalagan, Assistant News Editor

Convicted opposition leader Datuk Seri Anwar Ibrahim will not be making an appearance when the Dewan Rakyat convenes next week as no one has the legal authority to direct the prison authorities to produce him in parliament, said former attorney-general Tan Sri Abu Talib Othman.

The government's former legal adviser further said neither the Dewan Rakyat speaker nor the home minister have the legal clout to order that Anwar be produced in parliament.

"I don't think the law has been amended to allow the speaker and the minister to order that a convicted MP attend proceedings," he said.

Talib said Anwar had been sentenced by a court of law in accordance with the Federal Constitution and the applicable law.

"He has been ordered to be placed in custody after he was sentenced to five years jail," he told The Malaysian Insider in response to allegation that Home Minister Datuk Seri Ahmad Zahid Hamidi was evading his responsibility in deciding whether Anwar could attend Parliament next week.

He said the speaker only presided over meetings and his powers were all provided in the constitution and the standing orders.

"It is beyond the powers of the speaker to direct the prisons department to produce Anwar, who is also the Permatang Pauh MP, to attend the daily parliament sittings," he added.

Earlier in a joint statement, lawyers N. Surendran and Latheefa Koya said the law was clear that Ahmad Zahid was the final and legal authority to decide whether Anwar could attend Parliament's first sitting which begins on March 9.

Ahmad Zahid had said on Monday that only the Pardons Board, attorney-general and the speaker had the final say whether Anwar could attend Parliament.

"Zahid's statement is shocking, incomprehensible and a direct contradiction of the Prisons Act 1995," they said.

The lawyers referred to Section 13(1) of the Prisons Act which states that the Prisons director-general "shall be responsible" to the minister for the due observance of the provisions of the law.

The lawyers also criticised Ahmad Zahid's suggestion that the Pardons Board be allowed to make a decision first, saying that if the Pardons Board made a decision one way or the other, the issue of bringing Anwar to Parliament from prison would not arise at all.

They also decried Ahmad Zahid's move in responding to their request for Anwar to attend the sitting through the media instead of replying to them directly.

Anwar's lawyer had written a letter to Zahid on February 25 to instruct the prisons department to escort Anwar to attend the sitting.

Meanwhile, PKR secretary-general Rafizi Ramli said yesterday that Pakatan Rakyat lawmakers would stage protests in the event Anwar was barred from attending the sitting.

Although he did not say what form of protests would be held, Rafizi confirmed that his party and allies DAP and PAS would take steps to address the matter.

"There are some plans specific to the unjust decision taken against Anwar that PR MPs will take."

"I think it is better for the parties' whips to announce but definitely we will have some action," he told a conference at PKR headquarters yesterday.

Talib, who was attorney-general for 13 years until 1993, said Anwar could attend Parliament if he is given a pardon.

He said in the interest of Permatang Pauh voters, the Pardons Board should sit as soon as possible to dispose of this matter.

"The people of Permatang Pauh must not be deprived of an elected representative in the Dewan Rakyat," he said.

He said attending proceedings was only one of the duties of an elected representative.

More importantly, the elected representative has to be around to serve his constituents," he said.

Talib said since the speaker had made a decision not to declare the seat vacant, it was only fair for the board to deliberate on the petition as soon as possible.

"The administrators should fix a suitable date which is convenient for the King to sit," he added.

On February 24, Speaker Tan Sri Pandikar Amin Mulia announced that Anwar remained as Permatang Pauh MP and opposition leader pending a decision on his petition to the Yang di-Pertuan Agong.

Anwar's wife Datuk Seri Dr Wan Azizah Wan Ismail and daughter Nurul Izzah Anwar presented a petition for a royal pardon to Istana Negara just before the 14-day deadline expired.

Nurul Izzah, the PKR vice-president and Lembah Pantai MP, said the petition for pardon was made on the basis that her father's conviction failed to adhere to the principles of justice.

On February 10, a five-man bench led by Chief Justice Tun Arifin Zakaria found Anwar guilty of having carnal intercourse with his former aide Mohd Saiful Bukhari Azlan.

The apex court also upheld the five-year jail term imposed by a lower court.

He committed the offence at a unit of the Desa Damansara condominium in Bukit Damansara on June 26, 2008.

Anwar's application for pardon would be chaired by the Agong and the members of the board would consist of the Federal Territories Minister, the A-G and two others. – March 4, 2014

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