

Amanah to challenge judges' extensions in court

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Deputy president Salahuddin Ayub says the move violates the Federal Constitution and would affect the independence of the judiciary.

PETALING JAYA: Amanah wants to file for a judicial review to challenge the government's decision to extend the tenures of Chief Justice Raus Sharif and Court of Appeals president Zulkefli Ahmad Makinudin by newly appointing them as additional judges in the Federal Court.

Amanah deputy president Salahuddin Ayub said the move was in violation of the Federal Constitution and would impede the independence of the judiciary, as sounded out by former chief justice Abdul Hamid Mohamad.

He said Amanah's decision was made after the party had considered several important matters in ensuring the sanctity and supremacy of the nation's constitution was upheld.

"The move by Prime Minister Najib Razak (on the extensions) clearly ignores the Federal Constitution."

He claimed the move, made under Article 122(1A) of the constitution, was at odds with Article 125(1) which stipulates that a Federal Court judge can only hold office until the age of 66 years and additionally for another six months.

Article 122 (1A) states that the Yang di-Pertuan Agong, on the advice of the chief justice, may appoint any person who "has held high judicial office in Malaysia" as additional judge of the Federal Court.

Prime Minister Najib Razak's office had issued a statement on Friday that Raus would continue to be chief justice for another three years from Aug 4, while Zulkefli would also have his appointment as Court of Appeals president extended for two years from Sept 28.

Raus is scheduled to retire on Aug 3 and Zulkefli on Sept 27 after attaining the age of 66 years and six months, the maximum retirement age for judges.

The statement added that under Article 122B(1) of the constitution, the appointments for these posts are to be made by the Yang di-Pertuan Agong on the advice of the prime minister and after consultation with the Conference of Rulers.

The statement also said the appointments of Raus and Zulkefli as additional judges was based on the suggestion and advice of former chief justice Arifin Zakaria to the king on March 30 before he retired.

“The proposal and advice were accepted by the Yang di-Pertuan Agong in accordance with Article 122(1A) of the Federal Constitution,” it said.

The move has elicited criticism from the opposition, including DAP parliamentary leader Lim Kit Siang and PKR president Dr Wan Azizah Wan Ismail.

Wan Azizah, who is also the parliamentary opposition leader, said yesterday that the Pakatan Harapan (PH) coalition would seek to appeal to the Yang di-Pertuan Agong to “take a firm position” on the matter.

“I will also be moving a motion in the forthcoming sitting of Parliament calling for the extension of service to be nullified,” she had said.

She said Najib must be stopped “from continuing to destroy” the independence of the judiciary, adding that the move would lead to judges making decisions “to please the executive in order that they would be rewarded”.

Salahuddin accused Najib of using Article 122(1A) as a cover to enable the tenures of Raus and Zulkefli to be prolonged.

“Ironically, everyone knows that prior to this the government had already extended the tenure of Tan Sri Raus as chief justice after he passed the age of 66 and this extension has almost come to its end (after six months), and again his service is being extended.”

He added that the government had cited Raus’ tenure extension for three more years under Article 122 (1A), even though it only provides for the Yang di-Pertuan Agong to appoint additional judges for the Federal Court.

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