



I tell you the truth, after I was dismissed on Aug 8, 1988, I became absolutely disillusioned with the law. So much so, that I never encouraged my children and grandchildren to study law. But I took my comfort and solace in becoming a simple gardener. But I kept on praying to God that a day would arrive that the truth would triumph.

Tun Salleh Abas

KUALA LUMPUR: Breaking an 18-year silence, former lord president Tun Salleh Abas yesterday charged that the powers of the courts had been curbed.

Saying the Executive had become very powerful, he added the power of judicial review — including against decisions of ministers — should be vested in the courts.

Speaking at the National Heart Institute, Salleh supported the Bar Council's proposal that the Government review the sacking of three judges, including himself, in 1988.

He judged optimistically about current trends in the country, saying: "I feel there is more transparency now. People can voice out.

"Newspapers write articles sometimes opposing the Government.

"But, it is also time to review ministerial powers.

"At present, it is 'any decision of the minister shall be final and cannot be questioned by the Court'."

In 1988, Salleh wrote a letter to the King on behalf of the judges expressing disappointment over accusations made by the then Prime Minister Datuk Seri (now Tun) Dr Mahathir Mohamad against the judiciary.

Salleh was suspended. Later, five other judges were also suspended, of whom, two (the late Tan Sri Wan Suleiman Pawan and Datuk George Seah) were dismissed.

Salleh, who will be 77 on Friday, was speaking to reporters after undergoing an angioplasty.

During the Press conference, he distributed a press statement on issues relating to the 1988 episode which led to a crisis in the judiciary.

"Since the judicial crisis took place in 1988, the Government has tried to clip the power of the judiciary. The way to do it, which I think is absolutely wrong, is to take away the vesting of judiciary authority from the courts.

"At one time, the courts had what we call the power for judicial review which is to receive complaints from the rakyat against wrongdoings and abuse of power."

He said the public should be allowed to take their complaints to the upper courts as practised in England and India. "It is very healthy.

"But in this country, you can't do that

Salleh breaks 18-year silence

NOT-28/8/2006

The Lord President, sacked in 1988 by the previous administration, speaks to the media for the first time. Tun Salleh Abas is disillusioned with the judiciary and wants a review of provisions of the Constitution relating to the judiciary so that its powers are not 'shackled'. **MINDERJEET KAUR** reports.

simply because the Government does not want to be tested as to the rights and wrongs of the Government's doing."

He proposed the laws be amended to allow greater judicial independence.

"For example, if people want to hold a meeting, a rally or a speech, they need to apply for a permit but if the permit is not given by the local police chief, you can appeal to the chief police officer. But his decision is final and cannot be questioned in court."

After the 1988 crisis, Salleh said he became disillusioned with the law.

"So much so that I never encouraged my children and grandchildren to take up law. I took my comfort and solace in becoming a simple gardener."

Asked how the 1988 crisis took place, he said it started when two *Asian Wall Street Journal* reporters made certain comments for which their visas were withdrawn. The matter went to court.

"Justice Datuk Harun Hashim then made a very strong comment on the power of the Government to withdraw the visa. The Government started to see the judiciary as interfering with the Executive. A lot of

statements were made by the previous Prime Minister against the judiciary. I don't want to go further than that."

(In September 1986, the Government suspended the publication of the *Asian Wall Street Journal* and served a 48-hour expulsion order on two of its reporters — John Berthelsen and Rapheal Pura. The *Journal* challenged the order in court. The Supreme Court ruled on Nov 3 that the suspension of the *Journal* and the expulsion order on the journalists were wrong. The paper resumed publication and the expulsion order was quashed.)

Salleh said: "Political parties should not be a law unto themselves whereby disputes within the parties are not the subject of judicial review. Thus the parties become judges in their own cause, a clear violation of the principle of natural justice.

"More than this, the appointment and promotion of judges must be transparent if unhealthy frustration within the judiciary is to be avoided."

Bar Council president Yeo Yang Poh had said recently that a major mistake which had damaged democracy and the rule of law in the country was the "shameful

episode in 1988 when the institution of the judiciary was attacked by the executive, resulting in the unfair and unceremonious dismissal of three top judges, and injuring many more."

Salleh said the council's proposal to review the matter was for the country's benefit, "which we want to see being governed democratically and in accordance with the rule of law, so that the system will endure for many generations to come".

He added the Bar Council's proposal should not be taken lightly as it involved a serious attempt to restore the judiciary to its "former golden era".

On Minister in the Prime Minister's Department Datuk Seri Nazri Abdul Aziz's statement dismissing the proposal, Salleh said: "Reading (Nazri's) statement, I can only conclude it was made impromptu, off the cuff, without much study... I thought it was made in haste."

Salleh said he had no personal interest in the investigation, adding any such decision would be "a political decision... It would be up to the Government".

However, if called upon to give evidence, he said: "I would definitely like it."