

**SPEECH BY  
YAB DATO' SERI ABDULLAH BIN HAJI AHMAD BADAWI  
AT THE MALAYSIAN BAR COUNCIL DINNER  
AT JW MARRIOTT HOTEL, KUALA LUMPUR  
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"DELIVERING JUSTICE, RENEWING TRUST"

Esteemed friends and colleagues

Ladies and gentlemen

A very good evening to all of you

It is an honour and a pleasure for me to be here tonight. I would like to thank the Bar Council for giving me the privilege of addressing this illustrious gathering. This is my first opportunity to speak directly to the legal community and related members of civil society since the recent General Election. As such, it is an important occasion and I thank you for taking time out from your busy schedules to be here tonight.

This occasion is particularly meaningful to all of us because of the presence of a few special guests. It is heartening to see in this gathering Tun Salleh Abas, Tan Sri Azmi Kamaruddin and Dato' George Seah. Tan Sri Wan Hamzah had wanted to join us tonight but was not able to.

Sadly, Tan Sri Eusoffe Abdolcadeer and Tan Sri Wan Suleiman are no longer with us. But they are represented by their respective families: representing Tan Sri Wan Suleiman are Puan Sri Siti Nurhayati and his son Wan Noor Azli; representing Tan Sri Eusoffe are his granddaughter Brenda Lim and her husband.

For me and for many other Malaysians, these towering judicial personalities represent a very different era for the nation's judiciary. Many felt that the judiciary then was a venerable institution which could be trusted to deliver justice. Some even hailed Malaysia's judiciary as a model for other countries –independent and credible.

This level of trust and respect for the judiciary, we must all admit, is simply not as strong as it was before. Although efforts are being made now by the present Chief Judge, still there are concerns related to capacity and efficiency, stemming from long case backlogs, delays and the outdated manner of court administration. There are concerns which are less tangible but are nonetheless prevalent such as perceived corruption and perceived decline in quality. The business community, in particular, have voiced concerns about the fairness and capacity of Malaysia's judiciary in settling disputes. This has directly affected perceptions of our country's economic competitiveness.

No nation can call itself fair and just without an efficient and trusted judiciary. By "trusted", I mean a judiciary that delivers justice and is seen to deliver justice. In Malaysia's case, debates and arguments on the state of our judiciary have been heated and protracted. Some of the Malay Rulers have openly voiced their disquiet on what they see as a decline, requiring nothing short of a judicial renaissance. Some retired judges have related troubling tales of impropriety. Politicians on both sides of the aisle have called for reform of this most august institution. Even the Bar Council, true to form, has marched en masse outside my office.

To a large extent, the events of 1988 have fuelled much of the disagreement on how to move on. When I took office in 2003, I promised a credible, effective and independent judiciary. I recommended judicial appointments in consultation with the senior judges before bringing the names to DYMM Seri Paduka Baginda Yang Di Pertuan Agong as required by the Federal Constitution. I pledged material and fiscal support for the judicial service in order to reduce the backlog of cases. I even took a political leap of faith by appointing an outspoken maverick as my new de facto Law Minister. I can say with a clear conscience that I abided and will continue to abide by the principle of separation of powers, leaving the matter of justice to the judiciary. And yet the legacy of 1988 haunts us until today.

Ladies and gentlemen, let us move on. The judiciary must be revitalised to enable it to serve the people in pursuit of justice. The judiciary must be fortified to be an institution that serves the democratic principle of separation of powers. The judiciary must be the guardian of the Constitution and the sentinel of the people's rights.

This government gives its commitment to the Malaysian public that it will begin a process of judicial reform. We recognise that this process must be undertaken with the spirit and belief that no one, not even those entrusted to govern or to make laws, must assume to be above the law. This government continues to guard against abuse of its power, and is now proposing measures to further solidify and entrench the doctrines of good governance and the rule of law.

Ladies and Gentlemen,

As a result of many events, which culminated in the inquiry undertaken by the Royal Commission into the so-called "V.K. Lingam Tape", I am aware that the public considers the present way of appointing and promoting judges as inadequate. The absence of a system in nominating candidates has led some to believe that the process is characterised by abuse, even where there is none. As is often the case, perception can lead reality.

On the other hand, some may argue that the present system does not require improvement if people in the system are inherently honest and fair. The same system has produced its share of outstanding judges after all.

I do not dispute this, but the fact is, we can no longer leave such an important institution to hope and chance. The system must have built-in safeguards to prevent potential abuse and it must have a process that will convincingly identify the best legal minds in the country to join the judiciary. This is a necessary part of ensuring that our nation's judiciary is robust and trusted by the people.

Moreover, the demands on the judiciary today are greater than ever before. An increasing number of cases are being brought before the courts. There is a growing body of law particularly in relation to specialised areas such as Corporate Law, Information Technology, Maritime Law and Islamic Finance. With these pressures comes the need for expert and speedy decision-making.

Therefore, the Government proposes a change to make the process of nominating, appointing and promoting judges more transparent and representative.

I am pleased to announce to you tonight that the Government is proposing the setting up of a Judicial Appointments Commission to identify and recommend

candidates for the judiciary to the Prime Minister. While the constitutional prerogative of the Prime Minister to put forward names to DYMM Seri Paduka Baginda Yang Di Pertuan Agong will remain, the Commission will help to evaluate and vet candidates in a systematic and credible manner for the Prime Minister, based on clearly defined criteria.

The process to bring about this change will begin now and I assure all of you here today, that consultation on the workings and the structure of the Commission will involve primary stakeholders. All will have a chance to provide their input to the Government.

In addition, the Government will initiate a review of the judiciary's terms of service and remuneration. There is a pressing need to set salaries and compensation to the right levels to ensure that the bench can attract and retain the very best of the nation's talent. This, and other measures which will be announced in due course, will form a comprehensive package of reform to strengthen the capacity and credibility of the judiciary.

Ladies and Gentlemen,

For many, the events of 1988 were an upheaval of the nation's judicial system. Rightly or wrongly, many disputed both the legality and morality of the related proceedings. For me, personally, I feel it was a time of crisis from which the nation never fully recovered.

Again, ladies and gentlemen, let us move on. I do not think it wise or helpful to revisit past decisions as it would only serve to prolong the sense of crisis – something our nation can do without. The rakyat wants movement and progress, not continuing strife.

Therefore, the Government would like to recognise the contributions of these six judges to the nation, their commitment towards upholding justice and to acknowledge the pain and loss they have endured. For Tan Sri Eusoffe and Tan Sri Wan Suleiman and their families, I know this sentiment is made too late. For Tun Salleh Abas, Tan Sri Azmi Kamaruddin, Tan Sri Wan Hamzah and Dato' George Seah, although this acknowledgement is 20 years too late, it is made with much hope that a measure of the pain and loss may yet be healed.

In recognition of the contributions of the six outstanding judges, the Government has decided to make goodwill *ex gratia* payments to them. Gentlemen, I do not presume to equate your contributions, pain and loss with mere currency, but I hope that you could accept this as a heartfelt and sincere gesture to mend what has been.

Ladies and gentlemen,

There is still much to do to renew the public's trust in the nation's judiciary and to ensure that justice is consistently delivered. What I have announced here tonight is a beginning of a longer process towards reform. I humbly seek your support for these measures because the need for reform may not be entirely clear to all.

The government has set the ball rolling. We have put forward initial, but vital, steps. Now it is for all parties concerned – the judiciary, the Bar, civil society and the public at large – to also play their respective roles in facilitating these reforms. Whatever

our differences, we share the same idealism for our nation's judiciary. Let us work through our differences.

With this, it is my sincere hope that we may begin a new chapter for the Malaysian judiciary. It is my hope that this becomes part of a bigger process to further strengthen our democratic institutions, step-by-step resolving intractable problems that have stood in the way of genuine nation-building. Let us write this proud and new chapter together.

Thank you.