

SPEECH BY THE ATTORNEY GENERAL OF MALAYSIA
AT THE REFERENCE PROCEEDING IN MEMORY AND
HONOUR OF ALLAHYARHAM TUN MOHAMED DZAIDDIN BIN
ABDULLAH

Bismillahirrahmanirrahim.

Assalamualaikum warahmatullahi wabarakatuh, Salam Sejahtera dan Salam Malaysia Madani.

Yang Amat Arif, Yang Arif, ladies and gentlemen,

1. Our reflections now turn to Allahyarham Tun Mohamed Dzaiddin bin Abdullah, in remembrance of a distinguished jurist whose life, service and contribution to the law have left a lasting legacy within the Malaysian Judiciary.

The Making of a Jurist

2. Tun Mohamed Dzaiddin was born in Arau, Perlis, on 16 September 1937. He came from a modest background as the son of teachers. His early education was in a Malay school

in Arau, before continuing at Kolej Sultan Abdul Hamid in Alor Setar, Kedah.

3. His professional journey took an interesting and rather unconventional path. He began working in 1956 as a journalist with *The Malay Mail*, before joining the Royal Malayan Police as an Inspector.
4. During his time in the police force that he was encouraged by Tun Mohamed Suffian Mohamed Hashim to pursue a career in law. Tun Mohamed Dzaiddin would later remember Tun Suffian with affection and credit him for setting him on that path.
5. Having qualified as a lawyer, Tun Mohamed Dzaiddin returned to Malaysia and commenced his career in private legal practice. He distinguished himself as a lawyer and held leadership positions in the Malaysian Bar and at the ASEAN level. He also served as a director of Sistem Penerbangan Malaysia from 1973 to 1982.

6. His transition from advocacy to the Bench came in 1979, when he was appointed as a part-time Judicial Commissioner, sitting in the Kuala Lumpur and Penang High Courts. He continued to practice law until his appointment as a High Court Judge on 1 October 1982.
7. He first served in the Kuala Lumpur High Court before moving to the Penang High Court in January 1984. He was subsequently elevated to the Supreme Court on 1 January 1993. On 20 December 2000, he reached the highest judicial office in the country when he was appointed Chief Justice of Malaysia.

Justice, Liberty and the Rule of Law

Yang Amat Arif, Yang Arif, ladies and gentlemen,

8. Tun Mohamed Dzaiddin's contribution is reflected in significant decisions of Malaysian law.

9. One significant example is ***Mohamad Ezam Mohd Noor & Others v Ketua Polis Negara***¹ concerning the detention of several individuals under the Internal Security Act 1960 [Act 82], the decision affirmed the Judiciary's role in scrutinising the exercise of public power and ensuring that such power remains subject to the law.
10. His firmness continues to remind AGC of a fundamental principle of our criminal justice system: **no public power is absolute**. Every criminal investigation and detention must be undertaken *bona fide* (in good faith) and in strict accordance with the law.
11. In ***Alcontara a/l Ambross Anthony v Public Prosecutor***², Tun Mohamed Dzaiddin contributed to the landmark decision establishing the “Alcontara notice” principle, promoting fairness in criminal trials by ensuring that the opposing party has a proper opportunity to address evidence or a defence raised at a late stage of proceedings. The principle remains an important part of criminal trial practice.

¹ [2002] 4 MLJ 449

² [1996] 1 CLJ 705

12. His judicial legacy also extended to constitutional and jurisdictional importance. Sitting together with Tun Mohamed Eusoff Chin and Tan Sri Lamin Mohd Yunus in the Federal Court, Tun Mohamed Dzaiddin was part of the majority in ***Soon Singh a/l Bikar Singh v Pertubuhan Kebajikan Islam Malaysia (PERKIM) Kedah & Anor***³, concerning the jurisdiction of the Syariah Court in matters relating to the determination of religious status or conversion to Islam, in the context of Article 121(1A) of the Federal Constitution.

Service Beyond the Bench

Yang Amat Arif, Yang Arif, ladies and gentlemen,

13. Tun Mohamed Dzaiddin retired as Chief Justice on 15 March 2003, but his public and professional contribution did not end. He subsequently assumed significant leadership roles in the corporate sector, including serving as Chairman of Bursa Malaysia and Chairman of Deutsche Bank from 2004 to 2015

³ [1999] 1 MLJ 489

14. On 4 February 2004, Tun Mohamed Dzaiddin was appointed Chairman of the Royal Commission to Enhance the Operation and Management of the Royal Malaysia Police. His earlier experience in the police force gave him a distinctive perspective in undertaking this responsibility. The Commission submitted its report to the Government in April 2005 and made 125 recommendations, including the establishment of the Independent Police Complaints and Misconduct Commission (“IPCMC”).⁴
15. Tun Mohamed Dzaiddin was also forthright in his views on police accountability. He considered the powers proposed for the Enforcement Agencies Integrity Commission (“EAIC”), which was established instead of the IPCMC, to be insufficient and severely limited. He called for a zero-tolerance approach towards the abuse of police powers and deaths in police custody.

⁴ Royal Commission to Enhance the Operation and Management of the Royal Malaysia Police, *Report of the Royal Commission to Enhance the Operation and Management of the Royal Malaysia Police* (Kuala Lumpur: Royal Malaysia Police, 2005), 3, 375.

Remembering a Life of Principle

Yang Amat Arif, Yang Arif, ladies and gentlemen,

16. Tun Mohamed Dzaiddin passed away on 11 July 2024.

Today, we remember a jurist who devoted his life to the law, a Chief Justice who strengthened the foundations of public confidence, and a public servant whose commitment to justice and the Constitution continues to resonate.

17. His legacy lives on in the standards he upheld, the confidence he helped nurture, the institutional relationships he strengthened, and the vision he offered for the future of our courts.

18. On behalf of AGC, I extend our deepest condolences to the family of Allahyarham Tun Mohamed Dzaiddin bin Abdullah. May his distinguished service to the law, the Judiciary and the nation be remembered with respect and gratitude, and may his example continue to inspire all who are entrusted with the administration of justice.

19. May Allah SWT shower His Mercy and Forgiveness upon Allahyarham Tun Mohamed Dzaidin bin Abdullah and Grant him a place among the righteous. May Allah SWT grant strength, patience and solace to his family in this time of bereavement. ***Al-Fatihah.***

20. Allow me to conclude by humbly praying, in the hallowed tradition of the Bar, that this Reference Proceeding, held in honour and memory of Allahyarham Tun Mohamed Dzaidin bin Abdullah, be entered into and preserved in the Court archives. May a copy thereof also be extended to his family.

Thank you.

Wabillahi taufiq walhidayah, wassalamualaikum warahmatullahi wabarakatuh.

THE ATTORNEY GENERAL OF MALAYSIA

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