



**OFFICE OF THE CHIEF JUSTICE
FEDERAL COURT OF MALAYSIA
ISTANA KEHAKIMAN
PUTRAJAYA**

PRESS RELEASE

**ALLEGATIONS ON JUDICIAL INTERFERENCE BY A TOP JUDGE IN INDIRA
GHANDI AND KARPAL SINGH CASES**

1. At the International Malaysia Law Conference held in August 2018 in Kuala Lumpur, Justice Datuk Dr. Hamid Sultan bin Abu Backer, Judge of the Court of Appeal, delivered a paper entitled 'The Judiciary as the Principal Guardians of the Rule of Law'. During his session, Justice Hamid disclosed that the panel of judges of which he was the Chairman, in the hearing of the Indira Gandhi case by the Court of Appeal in January 2016, was "severely reprimanded by a top Judge alleging inter alia of judicial activism." Justice Hamid also disclosed that "the senior Judge threw tantrums at me in an uncivilised manner."
2. The Malaysian Judiciary views these allegations of judicial interference by any judge as serious transgressions of the law and ethics. An internal investigation into the allegations was carried out by the Malaysian Judiciary and all relevant parties were requested to give their views on the alleged incident. After due consideration, it was found that there were varying accounts given, hence the Malaysian Judiciary is not in a position to make a definitive finding on the allegations by Justice Hamid.
3. In any event, as the top Judge concerned has since retired and is no longer a member of the Judiciary, an official investigation cannot be conducted under the provisions of the Judges' Ethics Committee Act 2010 and the Judges' Code of Ethics 2009 by the Chief Justice of the Federal Court into the alleged misconduct of the retired Judge.

4. Further, a police report had been made by a member of the Bar that there was also judicial interference by a top judge in the appeal case of Karpal Singh. As the allegation concerned a judge who has since retired, the Malaysian Judiciary similarly cannot carry out an investigation under the Judges' Ethics Committee Act 2010 and the Judges' Code of Ethics 2009 into the alleged misconduct of the retired judge.
5. However, in view of the serious allegation made, the Malaysian Judiciary conducted an internal investigation, which has since been suspended due to police investigations into the case and that the appeal in the case to the Federal Court is still pending. This is to ensure that there is no prejudice caused to the ongoing police investigations as well as the pending appeal to the Federal Court.
6. The Malaysian Judiciary however wishes to reiterate that it is not acceptable for any judge to be subject to any reprimand by any of his or her "seniors" for the views expressed in any decision. The decision-making process of any judge is left entirely within his or her domain and cannot be subject to any influence by anyone within or outside the Judiciary. Any such reprimand runs contrary to the notion of independence enjoyed by every judge in the Judiciary. The Malaysian Judiciary will not countenance any judicial interference of whatsoever nature by anyone, especially by judges in the disposal of cases before the court.

Dated 26 November 2018

**ISTANA KEHAKIMAN
PUTRAJAYA**