

**OPENING SPEECH BY TAN SRI ABU TALIB OTHMAN  
CHAIRMAN OF SUHAKAM**

**AT THE HUMAN RIGHTS COLLOQUIUM FOR THE JUDICIARY  
24 OCTOBER 2009  
SHERATON IMPERIAL HOTEL KUALA LUMPUR**

Mengadap Duli Yang Teramat Mulia  
Raja Muda Perak Darul Ridzuan  
Raja Nazrin Shah Ibni Sultan Azlan Muhibbuddin Shah

Ampun Tuanku beribu ampun, sembah patik mohon diampun.

Patik mohon perkenan Tuanku untuk berucap kepada hadirin sekalian.

YAA Tun Dato' Seri Zaki bin Tun Azmi  
Chief Justice of Malaysia

YAA Tan Sri Ariffin bin Zakaria  
Chief Judge of High Court of Malaya

YAA Tan Sri Datuk Seri Panglima Richard Malanjun  
Chief Judge of the High Court in Sabah and Sarawak

Honourable Judges

The Hon. Mr Hodayoun Alizadeh  
Regional Representative of United Nations High Commissioner  
for Human Rights

Distinguished Members of the Panel

Distinguished Guests

Ladies and Gentlemen,

Assalamualaikum and a very good morning to all of you.

We are extremely delighted that Duli Yang Teramat Mulia Raja Nazrin Shah, The Raja Muda of Perak has accepted our invitation to be present at this gathering and to deliver the keynote address. Your

presence this morning, Tuanku, is an indication of the interest you show in the judiciary and in the promotion and protection of human rights. On behalf of SUHAKAM it is with great pleasure that I welcome and thank you for being with us this morning. I wish also to thank YAA Tun Zaki, the Chief Justice of Malaysia for encouraging and supporting this Colloquium, an important milestone in our efforts in advancing the role of judiciary in the promotion and protection of human rights.

Ampun Tuanku, Ladies and Gentlemen,

The Nairobi Declaration as adopted by the 9th International Conference of National Human Rights Institutions held in Nairobi in October 2008, encourages National Human Rights Institutions to engage with the judiciary towards the strengthening of the administration of justice, respect for the rule of law and observing human rights. It is in the spirit of this Declaration that we are organising this Colloquium.

The aim of this Colloquium is to reinforce the independence of the judiciary and increase its capacity to adjudicate cases fairly and competently, increase equal access to fair justice and to ensure that judges, lawyers, prosecutors and other judicial authorities are familiar in human rights laws and human rights obligations and have adequate resources to effectively enforce the rule of law. Independent and impartial judiciary is the cornerstone of democracy and human rights. Its independence and impartiality are sacred, indispensable and not negotiable.

Human rights, in essence are the peoples' rights. Human rights are inalienable, foreign to no culture and natives to all nations. Respect for and enjoyment of rights depend upon the proper administration of justice. Selective handing out of justice is totally unacceptable to the people because it destroys human dignity and honourable living,

contrary to human rights principles. It must not be that the people are prohibited by law to seek justice in the court of law, the guilty go unpunished, the dishonest rewarded and lawlessness becomes the law. A judge must strive to always determine what is right rather than who is right. Beware of hard constructions and strained inferences, for there is no worse torture than the torture of the law. Rigid justice is the greatest injustice.

One could recall moments in the history of our judiciary not so long after the era of the late Tun Suffian and DYMM Sultan Azlan Shah as Lord President when public confidence in the judiciary declined. We sincerely hope that at this point of time when we strive to meet international human rights standard and beyond the Honourable Chief Justice will do what is necessary to ensure that the judiciary is a respected institution to administer justice fairly and competently. We look forward to the ending of the days of delayed trials, unwritten judgements, delayed appeals and maladministration of justice. Justice should not only be done but also perceived as having been done. A judiciary which has a poor image of its ability to administer justice fairly and competently and seem to neglect fundamental human rights is not likely to be able to gain the trust and confidence of the people and foreign countries which otherwise may want to have a more fruitful relationship with the country. In the long run, it is the people and the nation itself which must bear the negative consequences.

Are judges to blame? Are they overworked? Are they informed persons, informed in the field of law they are dealing with? Are the lawyers, prosecutors and investigating agencies to blame? Or are there archaic laws and laws, rules and procedures which are human rights unfriendly or inadequate staffing?

At this gathering hopefully problems and issues of principles or otherwise can be identified and modalities for resolving them be

discussed and taken note of. We look forward to the outcome of your discussion.

Ladies and Gentlemen,

Allow me now to formally introduce to you our guest of honour and keynote speaker Duli Yang Teramat Mulia Raja Muda Perak Darul Ridzuan, Raja Nazrin Shah Ibni Sultan Azlan Muhibbuddin Shah. Tuanku is well known to most of us and needs no introduction. However, I feel it would be appropriate that I should highlight the many credits that Tuanku has earned not so much as the Crown Prince of Perak but more so through his own personal achievements. Duli Yang Teramat Mulia Tuanku holds a B.A.(Hons) degree in Philosophy, Politics and Economy from Oxford University, a Master in Public Administration from the Kennedy School of Government, Harvard University and a Ph.D in Political Economy and Government from Harvard University. His research interests are in the area of economic and political development in Southeast and Northeast Asia, historical national income accounting and economic growth in developing countries. He has written articles and spoken on a wide range of issues. Despite his busy schedule as Raja Muda of Perak he finds time to travel to participate in national and international discourse. He does not hesitate to offer to share his acknowledge and his rich experience with those who seek his advice. He is here this morning to share with us his views on the subject of administration of justice and human rights.

Ladies and Gentlemen,

Please join me to invite Duli Yang Teramat Mulia Raja Muda Perak Darul Ridzuan, Raja Nazrin Shah Ibni Sultan Azlan Muhibbuddin Shah to deliver his special address.