

Bil. 2

**Selasa
8 Jun 2010**



MALAYSIA

**LAPORAN PROSIDING
MESYUARAT JAWATANKUASA
HAK DAN KEBEBASAN**

**PARLIMEN KEDUABELAS
PENGKAL KETIGA**

**MESYUARAT JAWATANKUASA HAK DAN KEBEBASAN
DI BILIK MESYUARAT JAWATANKUASA 1,
PARLIMEN MALAYSIA**

SELASA, 8 JUN 2010

AHLI-AHLI JAWATANKUASA

Hadir:

YB. Tan Sri Datuk Seri Panglima Pandikar Amin Haji Mulia
[Yang di-Pertua Dewan Rakyat] - *Pengerusi*
YB. Datuk Ronald Kiandee [Beluran]
YB. Dato' Razali bin Haji Ibrahim [Muar]
YB. Tan Sri Datuk Seri Dr. Fong Chan Onn [Alor Gajah]
YB. Puan Hajah Nancy Shukri [Batang Sadong]
YB. Tuan Karpal Singh [Bukit Gelugor]
YB. Tuan R. Sivarasa [Subang]
YBhg. Datuk Roosme binti Hamzah [Setiausaha Dewan Rakyat] - *Setiausaha*

URUS SETIA

Encik Ikmalrudin bin Ishak [Setiausaha Bahagian (Pengurusan Dewan)]
Encik Amisyahrizan bin Amir Khan [Ketua Penolong Setiausaha (Pengurusan Dewan)]
Encik Mohd. Ikram bin Seri @ Rahimi [Penolong Setiausaha Kanan
(Perundangan dan Prosiding)]
Encik Wan Kamarul Ariffin bin Wan Ibrahim [Penolong Setiausaha
(Perundangan dan Prosiding)]

SAKSI

YB. Dato' Seri Anwar Ibrahim [Permatang Pauh]

LAPORAN PROSIDING**MESYUARAT JAWATANKUASA HAK DAN KEBEBASAN
PARLIMEN KEDUA BELAS, PENGGAL KETIGA****Bilik Mesyuarat Jawatankuasa 1, Parlimen Malaysia, Kuala Lumpur****SELASA, 8 JUN 2010****Mesyuarat dimulakan pada pukul 11.41 pagi**

*[Yang Berhormat Tan Sri Datuk Seri Utama Pandikar Amin Haji Mulia
mempengerusikan Mesyuarat]*

Tuan Pengerusi: *I think everybody is here already. Can we start?*
Assalamualaikum dan selamat sejahtera. Terlebih dahulu saya ingin mengucapkan terima kasih atas kehadiran Yang Berhormat sekalian ke Mesyuarat Kedua Jawatankuasa Hak dan Kebebasan Parlimen Kedua Belas.

Yang Berhormat sekalian, Mesyuarat pada hari Isnin 17 Mei 2010 yang lalu, Jawatankuasa Hak dan Kebebasan telah mengenal pasti saksi-saksi yang akan dipanggil untuk memberikan keterangan. Saksi-saksi tersebut adalah Yang Berhormat Dato' Seri Anwar Ibrahim, Ahli Parlimen Permatang Pauh iaitu telah dipanggil pada hari ini, hari Selasa 8 Jun 2010. Yang Berhormat Dato' Seri Mohamed Nazri Abdul Aziz, Menteri di Jabatan Perdana Menteri pada hari Rabu, 9 Jun 2010 dan wakil daripada APCO Worldwide pada hari yang sama iaitu hari Rabu, 9 Jun 2010..., *can you hear me properly?*

Untuk makluman Ahli-ahli Yang Berhormat sekalian, setelah surat panggilan mesyuarat disampaikan kepada pihak APCO Worldwide Sendirian Berhad, syarikat tersebut telah menamakan Mr. Brad Staples, *Chief Executive Officer* APCO Worldwide Europe, *Middle East* dan *Africa Region* sebagai wakil kepada pihak APCO untuk hadir ke Mesyuarat Jawatankuasa bagi memberikan keterangan.

Ahli-ahli Jawatankuasa sekalian, saya telah juga menerima surat daripada Yang Berhormat Permatang Pauh bertarikh 7 Jun 2010, yang memohon beberapa perkara untuk ditimbang oleh Jawatankuasa. *I received a letter from him yesterday's afternoon, requesting a few things.* Beliau memohon untuk dibenarkan diwakili oleh peguam semasa mesyuarat pada hari ini.

Mengikut Peraturan Mesyuarat 83(7A), *"Kehadiran peguam adalah hanya dengan izin Jawatankuasa..."* Oleh yang demikian, saya mengemukakan perkara ini nanti kepada Ahli Yang Berhormat sekalian untuk membuat pertimbangan *because* Jawatankuasa *will decide..., this is a discretionary matter for us to decide.*

Sebelum kita membuat sebarang pertimbangan, Jawatankuasa ini perlu mendapatkan penjelasan terlebih dahulu ke atas alasan-alasan Yang Berhormat Permatang Pauh memerlukan peguam untuk hadir mewakilinya. Perkara ini dapat kita peroleh apabila Jawatankuasa menjemput beliau masuk sebentar lagi, *because we need this input why he needs lawyer to represent him*.

Ahli-ahli Yang Berhormat sekalian, daripada surat yang telah dikemukakan, Yang Berhormat Permatang Pauh juga memohon supaya Mesyuarat Jawatankuasa ini diadakan secara *public hearing*. *Meaning it's an open hearing where the public is allowed to come in, MPs are allowed to come in and so on*.

Untuk makluman, Jawatankuasa Hak dan Kebebasan ini adalah berbeza daripada Jawatankuasa Pilihan Khas lain yang mungkin memerlukan input daripada orang awam dalam melaksanakan tugas-tugas yang telah ditetapkan. Jawatankuasa Kira-kira Wang Negara (PAC), *Public Accounts Committee* umpamanya merupakan satu jawatankuasa berbentuk *inquiry* untuk mendapatkan keterangan dan ia dijalankan secara tertutup.

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Jawatankuasa Hak dan Kebebasan ini juga berperanan untuk mendapatkan keterangan daripada saksi-saksi, maka mesyuaratnya perlu dijalankan secara tertutup. *Because this is an inquiry and it is only concern on Ahli Yang Berhormat daripada Permatang Pauh, that we do not need any input from outsiders involved with the public. So I personally feel that it should not to be open to public or everybody*.

Mesyuarat Jawatankuasa juga tidak boleh dijalankan secara terbuka kerana ia akan melanggar Peraturan Mesyuarat 85 kerana keterangan-keterangan yang diberikan tidak boleh didedahkan sebelum Jawatankuasa membuat penyata kepada Majlis. Kalau kita rujuk kepada Peraturan Mesyuarat 85, peraturan mesyuarat itu tidak membenarkan setiap kita, Ahli untuk membuat kenyataan akhbar. Umpamanya berhubung dengan apa yang kita bincang sewaktu mesyuarat Jawatankuasa ini, sebelum mesyuarat ini menyelesaikan mesyuaratnya dan membuat penyata kepada Majlis.

Meaning, under Peraturan Mesyuarat 85, we are not allowed to discuss anything that we have discussed here, making public statements, dan sedemikiannya. That is what I understand - Peraturan Mesyuarat 85. So if we allow Members to open to the public or anybody that does not concern the hearing, we might divulge what we discussed here before even the Jawatankuasa submit the report to the Majlis.

Ahli-ahli Yang Berhormat sekalian, Yang Berhormat Permatang Pauh di dalam suratnya juga memohon supaya dibenarkan menyediakan senarai saksi untuk dicadangkan bagi dipanggil oleh Jawatankuasa. Mengikut Peraturan Mesyuarat 83(2), hanya Jawatankuasa Pilihan yang berkuasa untuk memanggil orang hadir ke mesyuarat. Sementara Peraturan Mesyuarat 83(9) pula menyatakan, hanya Ahli Majlis yang boleh memanggil saksi-saksi untuk hadir dan menyerahkan senarai nama tersebut kepada Setiausaha.

Bagi saya dalam soal ini, Yang Berhormat Permatang Pauh boleh menyampaikan kepada Jawatankuasa nama-nama saksi yang beliau fikir relevan untuk dipanggil tetapi, tertakluk kepada kebenaran Jawatankuasa ini sama ada Jawatankuasa ini mahu memanggil nama-nama yang disenaraikan tadi itu, untuk dipanggil sebagai saksi *because, at the end of the day, it is the Jawatankuasa juga untuk decides*. Bagi Ahli-ahli Jawatankuasa pula yang mempunyai pemikiran sekarang ini untuk memanggil individu atau perseorangan sebagai saksi, suka juga saya ingatkan bahawa mereka ini perlu melalui syarat lain iaitu mesti ada Notis, iaitu Peraturan Mesyuarat 83(9)...

Tuan R. Sivarasa [Subang]: *Understanding.*

Tuan Pengerusi: Ya, *so you must give Notice* dan sedemikiannya. Selain itu juga, Yang Berhormat Permatang Pauh turut memohon supaya Jawatankuasa menyerahkan satu salinan senarai saksi yang akan dipanggil oleh Jawatankuasa. Senarai saksi ini juga tidak boleh diserahkan kepada Yang Berhormat Permatang Pauh kerana ini melanggar Peraturan Mesyuarat 85.

Ahli-ahli Yang Berhormat sekalian, sebelum kita menyambung mesyuarat dengan agenda seterusnya iaitu dengan memanggil Yang Berhormat Permatang Pauh ke dalam mesyuarat, saya ingin mengingatkan kembali bahawa tugas Jawatankuasa ini adalah berdasarkan kepada dakwaan yang telah dibuat oleh Yang Berhormat Permatang Pauh semasa membahaskan Usul Menjunjung Kasih Titah Ucapan Seri Paduka Baginda Yang di-Pertuan Agong pada hari Rabu 17 Mac 2010, yang mendakwa bahawa, *"1999 1Israel. 2009 APCO menasihati Perdana Menteri Datuk Seri Mohd. Najib 1Malaysia."* Jadi Yang Berhormat sekalian tanpa melengahkan masa lagi kita teruskan mesyuarat...

Tuan R. Sivarasa: Tuan Pengerusi...

Tuan Pengerusi: Yes...

Tuan R. Sivarasa: ...Dengan izin, sebelum kita panggil Yang Berhormat Permatang Pauh untuk masuk, boleh saya sebut sedikit tentang isu yang dibangkit oleh Yang Berhormat Permatang Pauh dalam surat, khususnya permintaan untuk prosiding ini dijalankan secara *public*. Saya faham tadi pandangan yang diutarakan oleh Tuan Pengerusi, tetapi saya rasa ada dua kategori orang.

Pertama, adalah *public* yang memang ada masalah sedikit kalau kita nampak *the wording* dalam Peraturan Mesyuarat 85 tetapi, untuk Ahli Parlimen itu saya nampak ada pertimbangan yang berbeza, dan kalau kita teliti *Erskine May* adalah jelas bahawa Ahli Dewan berhak hadir untuk apa-apa prosiding, *of course* dengan syarat mereka tidak ganggu prosiding dan sebagainya. Mereka tidak dianggap serupa dengan kategori orang awam.

Jadi saya minta itu, jangan kita putuskan sekarang, dan itu kita kalau Tuan Pengerusi izinkan, kita boleh bincang selepas Yang Berhormat Permatang Pauh masuk, dan kita selesai isu kehadiran *counsel* ya. Akan tetapi itulah pandangan dan penelitian saya dalam *Erskine May* menunjukkan itulah pendirian berkaitan kehadiran Ahli Parlimen.

Kedua, dengan kehadiran orang awam, memang pendirian - di UK amalan ia adalah berbeza dari sini iaitu memang mereka pun anggap Jawatankuasa mereka tertutup. Akan tetapi mereka ada amalan yang tertera dalam *Erskine May*, jadi mereka buat usul. Pada hari pertama setiap Jawatankuasa, mereka usulkan dibuka kepada orang awam dan selepas itu prosiding itu dibuka dan mereka boleh halang *publication* juga. Mereka boleh keluarkan arahan kepada *press* yang hadir sebab kita ada Peraturan Mesyuarat 85 yang jelas, tidak boleh di *publish*. Arahan itu pun boleh dikeluarkan. Jadi kita memenuhi keperluan 85, tetapi kita boleh menjalankan prosiding ini secara terbuka. Ini *my initial views*. Jadi saya minta perkara kita boleh bagi masa untuk membincangkan hal ini lebih lanjut lagi sebelum kita buat keputusan yang muktamad.

Tuan Pengerusi: *Okay, any other opinion on that? You understand what Yang Berhormat Subang says?* Yang Berhormat Subang menyarankan supaya kita benarkan MP's untuk hadir masuk dan mereka duduk secara diam-diam, tidak mengganggu prosiding dan sedemikianya.

Tuan R. Sivarasa: Dengan izin Tuan Pengerusi, saya baca dalam muka 755 dalam *Erskine May which is, "Members of the House are formerly entitled to be present at the sittings of Committees whether the Committees are deliberating their issues or examining witnesses."* Ia hak sebagai Ahli Dewan. Kecuali ia ganggu prosiding, memang Jawatankuasa ada hak untuk keluarkan mereka daripada prosiding. *I will handout the copy later, yang I fotostat tadi.*

Tuan Pengerusi: *Okay, any input?*

Datuk Ronald Kiandee [Beluran]: Ya, ada tradisi kita tidak benarkan Ahli Parlimen untuk hadir. Kalau kita balik kepada Jawatankuasa ini, akhirnya nanti kita akan membentangkan kepada Dewan di mana Ahli Parlimen juga akan dapat melihat. Seperti yang sedia dilakukan, laporan ini dibuat dalam bentuk *transcript* dalam bentuk verbatim. Semua prosiding akan dibaca oleh Ahli Parlimen, dan mungkin Parlimen lain mempunyai pendekatan

lain dan cara yang lain tetapi, seperti jawatankuasa kita yang lain, Ahli Parlimen memang tidak masuk dalam mesyuarat jawatankuasa-jawatankuasa ini.

Tuan R. Sivarasa: Tuan Pengerusi, saya faham itu amalan kita. Memang saya tidak pertikai, itu amalan PAC saya pun diberitahu, amalan. Saya tidak tahu sama ada keputusan khusus untuk isu ini, sama ada isu ini dibangkit dalam prosiding dahulu. Akan tetapi itu amalan tetapi, biasanya ada disebut oleh Tuan Pengerusi juga, ada beberapa kali oleh kedua-dua oleh Timbalan Yang di-Pertua, amalan di Parlimen ini kita dipandu oleh amalan daripada United Kingdom. Kita selalu rujuk pada *Erskine May* dan nas-nas lain untuk membantu kita, dan ini jelas itulah amalan mereka. Bagi saya amalan yang baik juga.

Saya rasa tidak boleh dinafikan ini isu yang memang *public* prihatin, sangat prihatin dan apa salahnya ini dibuka kepada orang awam - itu satu kategori tetapi, saya tumpu sekarang kepada yang lain. *Erskine May is very clear, "Members of the House have the right to be present and observe..."*, walaupun memang mereka akan dapat Nota Prosiding dan mereka akan baca pada satu masa nanti, dan dibahas dalam Dewan nanti. Itu memang amalan mereka juga di UK.

We follow the same process, itu tidak ada beza but, they allow every Member of the House as a matter of right to sit in, and observe the proceeding without being allowed to participate. They cannot ask the question. They can only make observation; they would not participate but certainly allowed to sit in. That is very clear. So I am suggesting that we follow that practice.

Tuan Pengerusi: Okey, ya.

Tan Sri Datuk Seri Dr. Fong Chan Onn [Alor Gajah]: Tuan Pengerusi, saya memang - fikiran saya ialah sungguhpun tidak ada apa-apa halangan untuk Wakil Rakyat kita hadir di sini tetapi, saya bersetuju kita mesti ikut tradisi kita sendiri. *We have been here since 40 old years of Parliamentary system* di Malaysia. Kita mesti ingatkan kita sendiri apa keputusan yang kita buat di sini akan diikuti oleh jawatankuasa-jawatankuasa yang lain itu.

Could be that would change the whole tradition that we work? I mean we have to think very carefully. At the end of the day, all the Member of Parliament will get the report verbatim and we can then debate formally within the Parliament itself whether to accept the sub-committee's finding or not. So although my thinking is open but, I think the most importantly, we must be bound by the tradition that has been created over the last 40 to 50 years of our own practices.

Dato' Razali bin Haji Ibrahim [Muar]: Tuan Pengerusi, pertama kita ada *request* daripada mana-mana Ahli Parlimen atau Ahli-ahli Majlis yang hendak hadir atau tidak. Kalau

ada *request* daripada mana-mana Ahli Parlimen, saya rasa sudah tentu kita boleh pertimbangkan sebab tidak ada dalam ini.

Keduanya kalau kita sendiri yang bangkitkan dalam mesyuarat, kerana komposisi Ahli Jawatankuasa ini telah mengambil kira, pada saya representasi daripada pihak-pihak berkepentingan. Maka kalau itu yang kita hendak buat keputusan maka kita kena umum bahawa Jawatankuasa ini mempelawa semua bagi yang hendak hadir supaya berlaku adil. Kalau tidak ada *request*, kita hendak bagi masuk pun pada saya tidak perlu pun kita pertimbangkan.

Kalau Ahli Yang Berhormat Permatang Pauh boleh menulis surat kepada Tuan Pengerusi terhadap perkara-perkara yang hendak kita pertimbangkan sebelum kita memanggil beliau, kenapa tidak ada Ahli Majlis lain menghantar permohonan umpamanya ataupun yang kedua saya nyatakan tadi, kalau kita hendak bagi terbuka keseluruhan kita kena buat pengumuman kepada semua Ahli Majlis bahawa kita akan bermesyuarat pada sekian hari bulan. Mana-mana Ahli Majlis yang sememangnya kalau dalam peraturan ini tidak ada disebut langsung bukan makna boleh atau disekat tetapi, tidak ada disebut maka kita kena berlaku adil untuk memaklumkan kepada semua.

Dari segi publik, pada saya jelas apa yang diperkatakan oleh Tuan Pengerusi dalam peringkat ini tidak perlu sebab ia... Kenapa kita perlu cari masalah untuk memikirkan siapa yang akan membocorkan walaupun ada embargo. Dalam suasana politik hari ini Tuan Pengerusi banyak perkara. *So, rather than* kita mula berpandangan serong, siapa yang beritahu, baik kita *confine Committee* kepada ini sahaja tetapi, isu yang dibangkitkan oleh Yang Berhormat Subang adalah mengenai Ahli Majlis yang memang tidak ada secara hitam putih tetapi ada *precedents* di tempat lain, cuma kaedah prosedur itu perlu dibuat dengan cara yang betul. Kalau tidak saya rasa memadai. Ini kerana saya rasa kalau dari Majlis yang kematian, parti-parti yang berkaitan boleh menamakan pengganti.

Ataupun ada yang tidak hadir, saya rasa disebut juga di beberapa kes dan dalam peraturan boleh dinamakan Ahli yang lain. Ini kerana kita berada di sini bagi pihak keseluruhan Ahli Majlis untuk dibentangkan nanti - *findings* ataupun dapatan yang kita perolehi. Jadi itu pandangan saya.

Puan Hajah Nancy binti Shukri [Batang Sadong]: Tuan Pengerusi, *I have another - when you talk about bringing in members, our Members* dari Dewan Rakyat boleh datang ke sini *to observe. Now, I am going further into that because when we allow them to be here,* selepas itu *whatever that our hearing..., all the report will be tabled in Parliament* nanti *in the Dewan. So, what happen if, let say we allow them to come in, are we going to make another ruling for this people that they cannot quote or you know repeat or even mention in the masa*

mereka bincang isu yang sama *before we make our ruling in Parliament, in the Dewan. Whatever that happens within these four wall yang kita... Is suppose to be confined to the numbers of people in here sahaja. So, are we going to create another ruling lagi for them or not? If we really going to allow this to happen...*

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Tuan R. Karpal Singh [Bukit Gelugor]: *...Is one thing. We are no more in the 20th century. I think we should be part from a tradition which is not allowed for transparency. After all it's going to be Members of Parliament, not the public. I think as far as the public is concern perhaps they are not to be allowed in but for Members of Parliament, I think they should be given every opportunity to be here. As long as there is a request. In fact there is a request by Yang Berhormat Puchong.*

He was here this morning in fact. He wishes to be here and I am sure there others would also want to be here. I think, let be open about it. We have to trust our own Members of Parliament. I do not think they will go to extend of divulging what transpires in this room and the cause of the proceeding...

Tuan R. Sivarasa: *We can remind them if they divulge... [Bercakap tanpa menggunakan pembesar suara]*

Tuan R. Karpal Singh: *Yes, if identified, can be in fact, let out to them, they can be reminded not to divulge anything outside. That is what is done for example when we have the jury system, the jury also, in fact reminded by the judge at every judgment not to discuss it with everybody except themselves. So, there is checks and balances. I think we should look at that, more than tradition which is modern now.*

Dato' Razali bin Haji Ibrahim: *Saya setuju Yang Berhormat Bukit Gelugor. Cuma tindakan yang kita boleh ambil jika ada satu masalah dalam prosiding kita tidak sama dengan apa yang juri buat.*

Serupa juga contempt of court and contempt of the chair, this is different. Maknanya, kalau di mahkamah itu soal lain. Di sini, kalau kita tengok apa juga perkara yang berlaku – kebocoran dari segi maklumat dan dari segi perbincangan, kita yang ada ini dinamakan dan dibawa usul untuk menamakan satu-satu jawatankuasa.

Bagi yang hadir tidak dinamakan, tanggungjawab berbeza. Jadi, kita kena ada kebertanggungjawaban. Maknanya, dari segi ketelusan, I am not afraid about ketelusan sebab every single word that we use and mention will be tabled. They can refer to what we said, accountability ada sebab kita dinamakan. Akan tetapi bagi yang hadir, saya rasa dalam verbatim nanti nama yang hadir pun kita tidak tahu and it could be changes from one to

another. Maknanya, itu boleh jadi sama *complication*. Tuduh menuduh selepas satu-satu prosiding, pada saya kita cari masalah lain.

Jikalau betul ada *request, we name them and we make known that this people are bound or* sama juga tanggungjawabnya macam kita yang hadir. Kalau tidak, kita yang menyimpan rahsia, kita tidak bercakap dengan *press and how do you take action, something have been discussed in the internet leaked without knowing the source?* Saya rasa akan jadi masalah.

Jikalau hendak cakap fasal kehadiran orang awam, ini semua pun kita boleh tanya, kenapa mereka boleh ada di dalam? *But we know them. We know their names. They are bound with certain regulations somewhere*. Akan tetapi kalau kita hendak buat terbuka, *I think we must have the* garis panduan. Jikalau tidak, nanti *accountability* akan jadi masalah. *I am not denying that jury have some certain amount of* tanggungjawab tetapi kita ada atas nama Jawatankuasa Hak dan Kebebasan *consist of six Members*, ada namanya siapa. Daripada Yang Berhormat Batang Sadong, Yang Berhormat Bukit Gelugor, Yang Berhormat Subang, Timbalan Yang di-Pertua, Yang Berhormat Muar dan Yang Berhormat Alor Gajah, dia tahu *and these are the people* yang dia akan cari. *All what I said just now is in the transcript, every little thing. So, about transparency* tidak timbul. *There is nothing we want to hide anyway*.

Cuma yang saya sebut tadi, *is there a request for us to consider or if we want to allow other Members to come in, then we must make known to everybody, to be fair to the others because customary* memang tidak ada. So, kalau kita hendak lari daripada *customary* boleh, *make known and we make a ruling* bahawa siapa-siapa boleh hadir dan ada prosedur, bila dia hadir apa tanggungjawabnya. *Otherwise it is silent*. Nanti kita mula tuduh-menuduh. Susahlah...

Tuan Pengerusi: Okey. I...

Dato' Razali bin Haji Ibrahim: *For now, to me, I am not thinking of doing that because kita dalam mesyuarat pertama, kita hendak panggil saksi. Just brought up, just now and I assume there is no request from anybody to come.*

Tuan R. Karpal Singh: *There is a requests, Yang Berhormat Puchong wish to be here... [Bercakap tanpa menggunakan pembesar suara]*

Dato' Razali bin Haji Ibrahim: *How, through you?*

Tuan R. Karpal Singh: *He came.*

Dato' Razali bin Haji Ibrahim: *No, he came and it is just likes that, there is no procedure.*

Tuan R. Karpal Singh: *I can make a request... [Bercakap tanpa menggunakan pembesar suara]*

Dato' Razali bin Haji Ibrahim: Jikalau hendak buat usul pun bertulis, ada 24 jam dan ada waktu, *you know?...* [Disampuk] *I know, but it is not fair to the others.*

Tuan Pengerusi: *It is okay, okay...*

Dato' Razali bin Haji Ibrahim: *We might come across some other people yang berbahas sewaktu Usul dibentangkan pun hendak datang. Just because customary tidak pernah berlaku, does not mean we can allowed that, you know. We can not caught by surprise, you just come to me and ask and I will allow. It is not fair to others you know, if you want to talk about fairness.*

Tuan R. Karpal Singh: *...Fair to others. Make it public in the House now. If they wish to come, can come...* [Bercakap tanpa menggunakan pembesar suara]

Dato' Razali bin Haji Ibrahim: *No, it cannot be like that.*

Datuk Ronald Kiandee: Tuan Pengerusi, itu soal kedua. Soal utama ini kita buat keputusan dahulu, sama ada kita buka kepada Ahli Parlimen atau tidak. Itu soal pertama. Soal kedua barulah sampai kepada sama ada Ahli Parlimen ada yang memohon hendak masuk atau tidak. Itu soal pertama, sama ada kita mahu buka atau tidak ini kepada Ahli Parlimen yang lain.

Apa yang saya katakan ini daripada awal bahawa jawatankuasa-jawatankuasa kita yang lain tidak ada tradisi untuk membuka kepada Ahli Parlimen? Kita *stick* kepada itu. Soal isu besar ini adakah kita ada melakukan ketidakadilan kepada Yang Berhormat Permatang Pauh jika kita tidak mahu membuka kepada Ahli Parlimen yang lain? Saya rasa tidak berbangkit langsung dan tidak ada soal ketidakadilan akan berlaku. Banyak komplikasinya, seksyen 85 ada *complication* seperti Yang Berhormat Muar katakan tadi.

Saya rasa saya jelaskan di sini bahawa saya bersetuju jika kita kekalkan tradisi ini, tidak memanggil Ahli Parlimen.

Dato' Razali bin Haji Ibrahim: Saya pun tidak setuju... [Bercakap tanpa menggunakan pembesar suara]

Tuan Pengerusi: *Okey, I have heard all reasons. Both reasons are valid. Okay, I for once is the Pengerusi of Jawatankuasa Hak dan Kebebasan. I am not prepared to go away first from the Malaysian tradition for berapa puluh tahun. So, let's keep it this way, bahawa Jawatankuasa ini seperti juga Jawatankuasa PAC. Lets keep it closed doors because we would not know after we open this, then it is going to be a flood gate. Even this room juga is designed in a such way, ini bukan untuk public, you see.*

I appreciate all your opinion but if we do not open it to public ataupun Members of Parliament like what Yang Berhormat Subang have said, tidak ada juga tanda-tanda yang ia akan menjejaskan hak ataupun kepentingan Yang Berhormat Permatang Pauh in here. So,

that is the reason why Yang Berhormat Subang is here, you are here and even Ahli ini juga mencerminkan pelantikan daripada parti-parti yang berkepentingan, seperti apa Yang Berhormat Muar katakan tadi.

I think for the time being, I as a Pengerusi, I am not prepared to divulge from the Malaysian traditional Parliament to keep it close, since this is a matter of..., bagi saya maybe it is big in the eyes of few but to me, it is a simple thing, di mana seorang Ahli Parlimen, secara kebetulan Ketua Pembangkang membuat satu kenyataan yang difikirkan oleh kerajaan bahawa itu tidak patut. I mean it is simple as that. Okay, can we proceed? Kita panjang lagi ini.

Datuk Ronald Kiandee: Tuan Pengerusi, ada perkara lagi saya minta penjelasan untuk kita bincang bersama. Jikalau kita lihat *Houses of Parliament Privileges And Powers* Perkara 10, dikatakan bahawa, *"A Member shall not in or before the House or in any Committee, take part in the discussion of any matter in which he has a direct pecuniary interest without disclosing the extend of that interest and shall not in any circumstances vote upon any such matter."*

Jikalau kita lihat *Erskine May on this* perkara, page 422. *"Declaration of selected Committees"*, dia kata perkara 2 di sini, *"Declarations of relevant pecuniary interest shall be made and minute in Committees Minutes and proceeding, both when the Committee is deciding in any subject of inquiry or in the present of... When evident is taken during inquiry."*

Part tiga, *"A Members of a Committee particularly the chairman has a pecuniary interest is directly affected by particular inquiry of when he or she consider that personal interest may reflect upon the work or the Committee, or its subsequent Report, the Member should stand aside from the Committee..."*

Saya raise perkara ini adalah kerana saya melihat bahawa ada di kalangan Ahli kita ini yang menjadi peguam bela kepada yang dituduh, kepada Yang Berhormat Permatang Pauh. Maaf ya, tarik balik "yang 'dituduh", ...kepada Yang Berhormat Permatang Pauh. Sama ada *that fall into this description of the law*. Yang Berhormat Bukit Gelugor adalah merupakan *an active defend counsel of Yang Berhormat Permatang Pauh. Whether that falls into this section of the law...*

Tuan R. Karpal Singh: ...What do you mean?

Datuk Ronald Kiandee: Ya, I mean this is for open discussion for us, to decide and to discuss, yes.

Tuan R. Karpal Singh: *In this pecuniary interest, have we make it very clear, during the case of jurisdiction... That is the problem. As a colleague, I am bound to help him and I*

am helping him. There is no pecuniary interest or what so ever Tuan Pengerusi. I think that are not to be considerations to disqualify me from sitting here?

Tuan R. Sivarasa: *Okey, Tuan Pengerusi if I may, I think that Yang Berhormat Beluran has misunderstood the notion "pecuniary interest". He here talking about an interest in the issue, the issue that is before, there must be a conflict arising out of that the actual issue which we are investigating. That must arise. That is why in any... Lets say, if I raise this matter in the Dewan, or in any subcommittee where I have either a personal or pecuniary interest. Personal interest means, normally understood. The person involved is a close my wife, husband, direct relative, where I have a personal interest. So, I should disclose or I should not involve.*

Pecuniary interest means, I mean in the issue that I am rising whether, lets say some public matters about purchase of something, or some contract or something, I have a direct interest. That is where you must disclose. That is different. You must declare so, if I raise a case in Dewan and I am acting in that matter, as an example. I will stand up and say, first I will disclose and I am counsel for the party in the issue. I want to declare my interest first then I proceed...

Datuk Ronald Kiandee: *You... the process, you have to declare... [Bercakap tanpa menggunakan pembesar suara]*

Tuan R. Sivarasa: *There is no problem but I am saying that, it is must arise in connection with the issue, the issue that we investigating, here we investigate the statement in the Dewan.*

You are not investigating, what do you call it? The issue and the case outside, that are different. Let's say for example, there is a case file about this statement in court. Let's say the proceedings of this Committee are going to be... In court that would be different. Then, they might raise the position of conflict. Let's say tomorrow we file a case saying whatever, this Committee was wrong to exclude the public. Let's say for the argument, and then it's valid. Then we will say, I am acting for the counsel of Committee and Yang Berhormat Bukit Gelugor will be there and that situation might rise, but until that, there is no actual conflict either personal or pecuniary.

Tuan Pengerusi: *Any other input? Yang Berhormat Muar, Yang Berhormat Batang Sadong, any other input?*

Tan Sri Datuk Seri Dr. Fong Chan Onn: *Tuan Pengerusi, I think the Deputy Speaker is referring not so much as personal or... Referring to the case that Member, Yang Berhormat Bukit Gelugor is actually representing Yang Berhormat Permatang Pauh in some other law suits as in his professional capacity as a lawyer.*

Tuan R. Sivarasa: *So do I... [Bercakap tanpa menggunakan pembesar suara]*

Tan Sri Datuk Seri Dr. Fong Chan Onn: *No, the issue is, would that disqualify or affect his decision making because now Yang Berhormat Bukit Gelugor is sitting on the other side. On this side, making a decision..., not, lets say representing him on the other side. So, I think personally, I think the issues are different, I mean Yang Berhormat Bukit Gelugor is representing Yang Berhormat Permatang Pauh on the different issue, a separate forum. My believe is that, it would not affect his thinking, sitting on the other side, with respect to this issue. I am very open about that, but if Yang Berhormat Bukit Gelugor is representing Yang Berhormat Permatang Pauh on a similar issue in a civil court or something, then that might be different.*

Tuan Pengerusi: *It is a matter of curiosity. I am just asking definition of pecuniary interest. Does it necessary involved money?*

Tuan R. Sivarasa: *Involved money.*

Tuan Pengerusi: *Monetary. Strictly per say.*

Beberapa Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Seorang Ahli: *As lawyer, of course it is paid... [Bercakap tanpa menggunakan pembesar suara]*

Tuan Pengerusi: *Okey...*

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Dato' Razali bin Haji Ibrahim: *I think Chairman, the bigger picture about the interest is must related to financial consideration, either been paid or the matters discussed involving financial. In this case, I do not think we have some financial involve, which directly or indirectly we have interest, accept our party.*

What is the interest means, I think, the consideration must involve the financial implication. Like Yang Berhormat Subang, when he mention about contract or any other association related and whatnot, I think in this case of course, we have interest respective parties, but since there is no element of financial, I think there is no problem, if you ask, no.

Tuan Pengerusi: *Yang Berhormat Batang Sadong?*

Puan Hajah Nancy Shukri: *[Menggelengkan kepala]*

Tuan Pengerusi: *Okay, I have heard both sides of the arguments. I think kalau pun ada pecuniary interest that is too remote for you to be disqualified. The interest here is if I may say it bluntly parties - political parties, ideology.*

Tuan R. Karpal Singh [Bukit Gelugor]: *Of course.*

Tuan Pengerusi: *So, kalau pun ada pecuniary interest in terms of gaji sebagai Yang Berhormat, that is very remote for you to be disqualified. So, I think you stay.*

Okay, again saya ulang balik tanpa melengahkan masa lagi kita teruskan mesyuarat kita pada hari ini dengan Agenda Mesyuarat seterusnya iaitu memanggil Yang Berhormat Dato' Seri Anwar Ibrahim untuk masuk tetapi sebelum itu, ada perkara-perkara yang ingin saya jelaskan lagi *so that, we will be focus on this* penyiasatan.

Pertama, kenyataan yang mengelirukan. *This is what the Usul is all about. "1999, 1Israel. 2009 APCO menasihati Perdana Menteri Yang Amat Berhormat Dato' Sri Mohd Najib, 1Malaysia"*. Ekoran daripada kenyataan itu; nombor dua - Menteri di Jabatan Perdana Menteri membentangkan Usul untuk merujuk Yang Berhormat Permatang Pauh ke Jawatankuasa Hak dan Kebebasan kerana konon melanggar Peraturan Mesyuarat 36(12), *that is "mengelirukan"*. Maka Usul dibuat. Jadi kita tahulah apa Usul.

Jadi bagi Jawatankuasa ini, Jawatankuasa yang bermesyuarat pada 17 hari bulan itu kita menetapkan saksi-saksi. Jadi kuasa Jawatankuasa ialah di bawah Peraturan Mesyuarat 83(4), perbincangan Jawatankuasa Pilihan itu hendaklah dihadkan kepada perkara yang diserahkan oleh Majlis kepadanya dan juga kepada apa-apa yang berkenaan dengan perkara itu seperti yang ditambah atau dihadkan oleh Majlis.

Meaning our penyiasatan ini, *investigation deliberation or whatever, is only confined to that specific matter. That is* Yang Berhormat Permatang Pauh waktu ia membahaskan Usul Titah Diraja, ia melafazkan kata-kata iaitu, *"1999, 1Israel dan what, what, what..." That is the only thing that now we are concern*. Walaupun banyak yang diperkatakan daripada Ahli-ahli Yang Berhormat yang lain, walaupun banyak hujah yang telah diperkatakan oleh Yang Berhormat Permatang Pauh apabila beliau dipanggil untuk memberi penjelasan. *That does not concern us. What concern us is that sentence*. Kalau itu jelas, jelas.

Saya juga ingin peringatkan kembali iaitu untuk mensabitkan kesalahan kepada pihak yang dituduh ini. *If I can use that word*, ada tiga perkara perlu kita tahu iaitu:

- (i) waktu membuat kenyataan itu sewaktu berhujah, kenyataan itu adalah tidak betul;
- (ii) apabila menyedari bahawa kenyataan itu tidak betul, tidak ada *effort* daripada pihak yang berkenaan untuk memperbetulkan kenyataan; dan
- (iii) pihak yang berhujah itu memang mempunyai niat untuk mengelirukan.

So, these three must be at the back of our mind while we are posing question to Yang Berhormat Permatang Pauh. Saya juga ingin ingatkan bahawa *there is no specific procedure for us committee member to ask question. So in other words*, kita mesti tanya *question* yang cuma relevan kepada isu, itu satu.

Kedua, saya berfikiran bahawa harus kita hadkan masa kepada setiap Ahli Jawatankuasa yang bertanya, *say for instance Yang Berhormat Subang. If I were to give you 15 minutes or 20 minutes, than you utilize that time within that 20 minutes. Because saya perhatikan banyak seperti Senat di Amerika Syarikat is like that also. The Chairman will call somebody to ask then you ask. So everyone of us will have 20 minutes, myself also I will have 20 minutes. If I do not anything to say or to ask, then I will say I do not have any question to ask.*

This is because at the end of the day, whatever transpired base on our question and answer from the saksi, that will be recorded, that will be part of our submissions to the House. Whatever has been said also, that might influence us or whatever in making recommendations to the House or what the House should do. Is that clear? Okey, kalau tidak ada apa-apa input on that...

Tuan R. Sivarasa: Tuan Pengerusi, *the first issue we are dealing with is Yang Berhormat Permatang Pauh request for to be represented by the counsel?*

Tuan Pengerusi: *Yes, but we must, like I said also just now, kita panggil dia dahulu. Why does he want to...*

Tuan R. Sivarasa: *Of course.*

Tuan Pengerusi: *...Because you see, the way I see it - this is from the outset, he might be thinking like cross-examine. Dalam mesyuarat begini tidak adalah. Yang berhak untuk pose question is the examination chief of the cross-examine, which is us. Saksi - macam dia dipanggil, ia tidak berhak diwakili peguam untuk cross-examine antara saksi because that is not in Jawatankuasa. Jawatankuasa ini is not like that. We are the people that are entrusted with whatever question that you want to ask the saksi in any line of question but, must be relevant also. So we are also very polite. When you ask question, the question must be relevant to the issue. Itu sahaja.*

Tuan R. Sivarasa: *I mean...*

Tuan R. Karpal Singh: *[Bercakap tanpa menggunakan pembesar suara]*

Tuan R. Sivarasa: *Article 83 (7A) is there...*

Tuan R. Karpal Singh: *[Bercakap tanpa menggunakan pembesar suara]*

Tuan R. Sivarasa: *Especially Tuan Pengerusi, when the party whose conduct forms the subject matter of the investigation of the Committee and that is exactly the situation here. It is the conduct of Yang Berhormat Permatang Pauh. That is the subject matter of our inquiry.*

Tuan Pengerusi: *Yes...*

Tuan R. Sivarasa: *He stands accuse of something, fine. We are supposed to investigate and that is what the whole provision is all about. It is not for anybody else...*

Tuan Pengerusi: *Yes, yes...*

Tuan R. Sivarasa: *...Witness cannot walk-in and demand for a lawyer.*

Tuan Pengerusi: *...You see when you read that Article 83(7A), ia kata, boleh hadir sendiri ataupun diwakili peguam. Jadi kalau dia diwakili peguam bermakna peguam itu will be speaking on his behalf apabila ditanya which was given the authority. Akan tetapi, ini peraturan mesyuarat tidak juga beritahu kita bahawa dia boleh cross-examine, boleh apa sedemikiannya. He did not answer back, sewaktu kita tanya sedemikiannya.*

Tuan R. Sivarasa: *Tuan Pengerusi, sorry. I think there is a little bit, a slight misunderstanding. I think...*

Tuan Pengerusi: *You are talking about the hak peguam untuk come in?*

Tuan R. Sivarasa: *Yes, correct. I am on that issue. What is the role? Assuming we allow the peguam, what will the peguam do and what will Yang Berhormat Permatang Pauh do? First, Yang Berhormat Permatang Pauh is still duty-bound to answer the questions - the factual questions on the issue. Why did you say this, on what basis did you say, all that is there. The peguam... Because his conduct matter is the subject matter of inquiry because, it also involves penal consequences which we are well of - the power of the Committee. That is why he has the lawyer to assist him, to deal with certain issues. There might be legal matters, scope of privileges. These things are not within the purview of Yang Berhormat Permatang Pauh...*

Tuan Pengerusi: *Okey...*

Tuan R. Sivarasa: *...So that is the purpose. There must be - that person is given the right, not everybody. Saksi - a normal witness who comes in just to assist us with evidence...*

Tuan Pengerusi: *Yes, yes, yes.*

Tuan R. Sivarasa: *...That person of course, cannot demand the lawyer but the rest whose conduct forms the subject matter of the investigation or somebody whose rights and interests are directly affected. They must satisfy us. My rights and interests are going to be directly affected by what you are going to find, what you are going to investigate. I should therefore, have a lawyer and I think we must respect that. I mean, these are protections which we ourselves have conferred in our standing orders. This was meant for a purpose and surely we should consider that. So, we should hear him explain why he wants, and I think then...*

Tuan Pengerusi: *Are you talking about the lawyer now ataupun saksi-saksi yang dipanggil?*

Tuan R. Sivarasa: *No, the lawyer sahaja.*

Tuan Pengerusi: Okey.

Tuan R. Sivarasa: *I am talking about the...*

Tuan Pengerusi: *...I mean, it is a matter of discretion for us for the Committee to allow...*

Tuan R. Sivarasa: Yes...

Tuan Pengerusi: *...With that will you have but...*

Tuan R. Sivarasa: *I am...*

Tuan Pengerusi: *...There is an authority which I have read from Australian's Committee.*

Tuan R. Sivarasa: Yes...

Tuan Pengerusi: *Ia kata, "Counsel when permitted is restricted to an advisory role, it may not ask question or reply on the witness behalf."*

Tuan R. Sivarasa: *[Bercakap tanpa menggunakan pembesar suara]*

Tuan Pengerusi: Okey.

Tuan R. Sivarasa: *See, I should make myself clear. I am not suggesting that the moment we allow counsel, that means you have the right cross-examine. No, I am not suggesting that because this is an inquiry, this is not a court process. This is not like a party in court when you have automatic right examining a witness, cross-examine – I am not suggesting that but, the role of counsel. I mean like we have in inquiries, there may be legal issues. Then the counsel will ask the right to address us and give their opinion on behalf of Yang Berhormat Permatang Pauh, or bring issues to our attention, or advice Yang Berhormat Permatang Pauh on particular issue immediately because he needs that legal input.*

There are various roles I mean but, that certainly I think it is not going to be almost identical to a court process. Even let say, they want to ask questions and then there is a procedure where they put questions to the Committee. In other words, Yang Berhormat Permatang Pauh or the lawyer will said, "I would like to ask that witness, that question," and that is up to Tuan Pengerusi to decide.

Tuan Pengerusi: *Okay, opinion?*

Tuan R. Sivarasa: Ya.

Tuan Pengerusi: *Opinion.*

Dato' Razali bin Haji Ibrahim: *Opinion?*

Tuan Pengerusi: Yes.

Dato' Razali bin Haji Ibrahim: *[Ketawa] Saya...*

Tuan Pengerusi: *Opinion.*

Dato' Razali bin Haji Ibrahim: Ini *opinion* ya. *I am not sure this 7(A)*, bila ia kata “*Kuasa-kuasa kita dalam menjalankan ini.*” Saya rasa ia tidak sebut tentang mana-mana Jawatankuasa pilihan. *It could be many, one of many.* Mungkin Jawatankuasa kita ini tidak ada lagi melibatkan pihak luar tetapi, kita boleh panggil dalam satu-satu siasatan, kita ada kuasa untuk memanggil pihak luar.

Isu 7(A) ini saya tidak *sure* sama ada - katakan dalam prosedur kita, kita panggil Pos Malaysia. Sama ada itu yang dimaksudkan bila hak-hak ia terjejas, pihak itu boleh panggil peguam. Maksudnya *it is still under discretion* sebab kita *can issue notice to a witness.*

Kepada satu kes yang mana *witness* itu mungkin pihak-pihak atau organisasi besar, dan mungkin dalam kes ini APCO sendiri yang terpaksa datang atas apa juga *conduct or statement made by* Ahli Majlis, *they have to appear before this Committee and where their exposure is greater. Maybe they want or they are allowed.*

That one I think very clear but, whether at this moment Yang Berhormat Permatang Pauh berhak ataupun boleh, ataupun kita boleh pertimbangkan, saya rasa tidak jelas Tuan Pengerusi.

Ini pandangan sayalah, ia punya penjelasan kenapa diletakkan sebagai 7(A) *instead of '1', '2', '3', '4', '5', '6', '7, 7(A) it become '8'. I think that one* kita kena semak.

Tuan R. Sivarasa: Tuan Pengerusi, *just a quick response to* Yang Berhormat Muar. *You are right, I think APCO – since we already decided to summon APCO as a witness, they may bring themselves with them that second category whose rights and interests are directly affected. We have to hear from them. They have to explain to us how, because they are the subject matter oleh Yang Berhormat Permatang Pauh's statement in the Dewan. I need the facts from them. I think they would be entitled too but, it is up to them to come here and explain. I think we should be open to that. That is what the 7(A) is about; and we not should just lightly dismissed the protection that is given to...*

Tuan Pengerusi: *Okay, we will call him and after that we will decide he needs a counsel or not but, the two counsels was here already what? Why does he needs a counsel? Okay, any other...*

Tuan R. Sivarasa: *The two counsels have to decide...*

Tuan Pengerusi: *...Any other issues that you should raise before we call him?*

Puan Hajah Nancy Shukri: Tuan Pengerusi... *The matter was discussed just now, Mr. Chairman. I was thinking the person who knows best about the issue here, because the issue here is just that statement on “1999 Israel...”, and then the other part of the statement, that's the only thing that we want to know. The person who knows best is Yang Berhormat Permatang Pauh. Now, let's say when we talk about the legal counsels that he needed..., I*

was just going to say the same thing, we are here to represent our party and I believe our learned lawyers here will be able to assist as well. Again, this is just my opinion.

Tuan R. Sivarasa: *We cannot – we are Members of the Committee. We have a duty to discharge to the Parliament as Members of the Committee. We cannot act as assist counsel that is not proper. Assist counsel meaning, you know...*

Tuan Pengerusi: *She was just saying... Okay, can I call him? Panggil dia.*

Datuk Ronald Kiandee: *I read somewhere about Selcat, they does not allow counsel to be in also.*

Tuan R. Sivarasa: *That is because they pass the standing order, which is also wrong. I disagree with that actually.*

Tuan Pengerusi: *No, no, no. We call him first and after that kita tanya sama ada ia perlukan counsel atau tidak... Stay outside, yes stay outside. Panggil dia dahulu, dia seorang sahaja.*

[Ahli-ahli berbincang sesama sendiri]

[Saksi - YB Permatang Pauh dipanggil masuk ke dalam bilik Jawatankuasa]

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Tuan R. Sivarasa: *Yang Berhormat Puchong is asking what is the status? Can I inform him that the ruling is not allowed... Okay, I will inform him.*

Seseorang Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Tuan R. Sivarasa: *No problem, I just want to tell him. For just now it is not allowed.*

Seorang Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Tuan R. Sivarasa: *SMS cukuplah. He SMS me, I will SMS him back, that is why I ask... Permission to SMS him...*

Beberapa Ahli: *[Berbincang sesama sendiri]*

[Saksi – YB Permatang Pauh masuk ke dalam Bilik Jawatankuasa]

[Beberapa Ahli Yang Berhormat masuk ke Bilik Mesyuarat tanpa kebenaran Jawatankuasa]

[Bilik Jawatankuasa riuh]

12.31 tgh.

Tuan R. Karpal Singh: *Mr. Chairman, have we decided that the MPs can come in?... [Bercakap tanpa menggunakan pembesar suara]*

Seorang Ahli: *Kita sudah bincang.*

Tuan Pengerusi: Kita sudah bincang, Yang Berhormat Subang telah memberi pendapat, Yang Berhormat Bukit Gelugor sudah memberi pendapat dan semua Ahli-ahli Jawatankuasa telah memberi pendapat. Jadi kita berpendapat bahawa kita ikut tradisi Parlimen daripada sejarah sejak dahulu bahawa Mesyuarat Jawatankuasa seperti ini dan Mesyuarat PAC tidak kita buka kepada sesiapa yang tidak ada kaitan termasuk Ahli Parlimen-Ahli Parlimen. Walaupun sudah ada *authority* yang kena... Daripada Subang, daripada... dan sebagainya. *So, we decided it to be just close* untuk sekarang ini. *I am not prepared as a Chairman to run away from tradition of Malaysian Parliament.*

Tuan R. Sivarasa: *Can it be clear that* Yang Berhormat Bukit Gelugor *and* Yang Berhormat Subang *do not take this view. This is* Tuan Pengerusi...

Tuan Pengerusi: *Yes, I mean these are all the views, that thing.* Semua sudah *view* dan *view* saya pun begitu, *but like I said after I heard all the views,* itu kita telah buat keputusan sebagai Jawatankuasa. *It is nothing to do with...,* bahawa kita tidak kasi masuk MPs lain. Jadi kalau *you raise* peraturan mesyuarat di sini.

Dato' Seri Anwar Ibrahim [Permatang Pauh]: Yang Berhormat, ini keputusan?

Tuan Pengerusi: Jawatankuasa.

Dato' Seri Anwar Ibrahim: Majoriti Jawatankuasa?

Tuan Pengerusi: Yes.

Dato' Seri Anwar Ibrahim: Jawatankuasa sudah ambil vote tentang perkara ini walaupun *Erskine May*, peraturan semua ada?

Tuan Pengerusi: *If we want it to be like* Belah Bahagian, ada juga dia punya peraturan. *You see,* yang saya mohon janganlah apa yang berlaku di dalam sana, kita juga bawa di sini. *I can do that, boleh, no problem* Yang Berhormat Permatang Pauh.

Tuan Gobind Singh Deo [Puchong]: *[Bercakap sambil berdiri – tanpa menggunakan pembesar suara]* Tuan Pengerusi, *we just want to know whether we are allowed to come in later?*

Tuan Pengerusi: *You see for now, we confined first to* Yang Berhormat Permatang Pauh. *Decision what was taken just now was already taken. I take it that we have made a decision but* kalau juga ada benda-benda yang *like what you say,* ada undi, *I don't mind but I will ask you to go out again.*

Tuan R. Karpal Singh: *Mr. Chairman... [Bercakap tanpa menggunakan pembesar suara] ...By consensus. ... better put..., I think for the record.*

Tuan Pengerusi: *Okay, so in that case,* Yang Berhormat Permatang Pauh, *can you go out again and all the rest of the MPs, can you please go out again because apparently the issue is not settled. Please.*

Tuan Khalid Abd. Samad [Shah Alam]: *[Bercakap sambil berdiri – tanpa menggunakan pembesar suara] ...Kita ada peraturan.*

Tuan Pengerusi: Ahli-ahli Yang Berhormat, *this is a Committee, please.* Kalau peraturan mahu ditukar, kita tukar lain kali, janganlah ganggu Mesyuarat yang kita buat dengan baik. Tolonglah Ahli-ahli Yang Berhormat.

Beberapa Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Tuan Khalid Abd. Samad: Kita tidak mengganggu.

Tuan Pengerusi: Ini bukan mengganggu kah ini?

Tuan Khalid Abd. Samad: *[Bercakap sambil berdiri - tanpa menggunakan pembesar suara]* Saya kata mengikut peraturan mesyuarat...

Beberapa Ahli: *This is not right.* Ini tidak betul...

[Bilik Jawatankuasa riuh]

Tuan Pengerusi: Please.

Seorang Ahli: Kita pun baca.

Dato' Razali bin Haji Ibrahim: *This is not conclusive, you know. I said, we can be easy on this but the procedure was wrong because, what about the other Ahli Majlis? You just cannot take by surprise like this.*

Tuan R. Karpal Singh: *That is right, its does not say.*

Dato' Razali bin Haji Ibrahim: *That is all my view, you know.* Kalau kita hendak keluar dari customary, *this is not the way.*

Tuan R. Sivarasa: *Announcement to all...*

Dato' Razali bin Haji Ibrahim: *You must take note that...*

Puan Hajah Nancy Shukri: *We must give it time lah, give notice.*

Tuan R. Sivarasa: Tuan Pengerusi, *just for the record, maybe I just put the Usul so that can I move then that the proceedings of this Committee be open to all Members of Parliament. As provided in the Erskine May, we should be guided by that position, it is a good practice, and the proceedings are transparent. The issues we are talking about are matter of public interest, and can we do that, so can I move for that?*

Tuan Pengerusi: No, no, you sit down first. Duduk.

[Saksi dan beberapa Ahli Yang Berhormat keluar meninggalkan Bilik Jawatankuasa]

Beberapa Ahli: *[Berbincang sesama sendiri]*

Tuan Pengerusi: Okay, so now the procedure, procedure. Meaning Yang Berhormat Subang, you want it to put on record bahawa dia mahu perkara ini dibuka then the Jawatankuasa decide. Okay, that is one.

Puan Hajah Nancy Shukri: Tuan Pengerusi, *may I say my piece of mind here, if that is the situation, we might as well not have a Select Committee, we just bring, you know... Bring the Dewan and then...*

Tuan Pengerusi: *It has been decided to have this Select Committee...*

Puan Hajah Nancy Shukri: *No, I mean if that is going to be the procedure, next time we don't need a Select Committee because we will open it up to everybody to discuss in the Parliament. I mean for this one it is okay, we already decided that we are going to have it in the Select Committee but for the future cases, we may not need it at all because we will open up to everybody to discuss and to debate on it. So, we don't have to create another procedure or how many people have to come in and when we are going to hold it.*

Tuan R. Karpal Singh: *[Bercakap tanpa menggunakan pembesar suara]*

Datuk Ronald Kiandee: *Yes. It was clear, we have said what we want to say, I think from what we say just now, it is clear where we incline to. The only missing point is we did not go for the vote... [Disampuk]*

Tan Sri Datuk Seri Dr. Fong Chan Onn: Tuan Pengerusi...

Datuk Ronald Kiandee: Saya mahu mengatakan bahawa saya tidak bersetuju bahawa Ahli Parlimen dijemput masuk.

Tan Sri Datuk Seri Dr. Fong Chan Onn: Tuan Pengerusi, *I want to be clear that although I open to the fact that we all Members of Parliament equal but, I must stress that we must follow all the tradition if we want to make a decision that change the methods that we work or the mechanism that we work. Proper procedure must be followed so that there will be accountability, with respect to the... For example the leakage of the findings before it is tabled at the Parliament. So, for the moment, I will have to vote against it.*

Dato' Razali bin Haji Ibrahim: *I make my stand on my views earlier.* Buat masa ini, atas persetujuan Majlis untuk menubuhkan Jawatankuasa dan melantik saya sebagai salah seorang *Committee*, *I will* menjalankan tugas itu atas amanah yang diberi dan saya tidak perlukan Ahli Majlis lain untuk berada buat masa ini.

Puan Hajah Nancy Shukri: *Same here* Tuan Pengerusi.

Tuan Pengerusi: *[Bercakap tanpa menggunakan pembesar suara]*

Datuk Roosme binti Hamzah: Ahli Yang Berhormat, sekarang kita kemukakan masalah kepada Jawatankuasa bagi diputuskan, setiap Ahli hendaklah memberi undi sama ada bersetuju atau tidak berkenaan dengan...

Tuan Pengerusi: "Ya" atau "Dak" di bawah Peraturan Mesyuarat 84.

Datuk Roosme binti Hamzah: "Ya" atau "Dak" di bawah Peraturan Mesyuarat 84.

Tuan R. Sivarasa: *Which standing order please?*

Datuk Roosme binti Hamzah: Peraturan Mesyuarat 84, Belah Bahagian.

Tuan Pengerusi: Peraturan Mesyuarat 84(1), Belah Bahagian dan 84(4).

Tuan R. Sivarasa: *So, just called the name and we say...*

Tuan Pengerusi: Yes.

Seorang Ahli: Kita panggil balikkah.

Tuan R. Sivarasa: *Just called in alphabetical order.*

Puan Hajah Nancy Shukri: *Mr. Chairman, can you make it clear again, yes or no...,*
untuk apa?

Seorang Ahli: *Yes or no sahaja.*

Datuk Roosme binti Hamzah: Untuk memanggil Ahli-ahli Dewan untuk hadir dalam Jawatankuasa...

Puan Hajah Nancy Shukri: *So, when we said no means we are against it. Okay*
thank you. Takut nanti salah.

Tuan Pengerusi: Masalahnya sama ada kita setuju untuk membenarkan Ahli-ahli Dewan Rakyat masuk dalam Mesyuarat Jawatankuasa Pilihan seperti ini. So, kalau kita setuju kita cakap "ya", kalau kita tidak setuju kita cakap "dak", okey, sila.

[Pengundian dijalankan]

Tan Sri Datuk Seri Dr. Fong Chan Onn: Ya saya sudah sebut, buat masa sekarang ini tidak bersetuju.

Dato' Razali bin Haji Ibrahim: Tidak bersetuju.

Datuk Ronald Kiandee: Tidak bersetuju.

Puan Hajah Nancy Shukri: Tidak bersetuju.

Tuan R. Karpal Singh: Setuju.

Tuan R. Sivarasa: Setuju.

Datuk Roosme binti Hamzah: Keputusan Tuan Pengerusi. Empat (4) tidak bersetuju, dua (2) bersetuju.

Tuan Pengerusi: Okey, masalah tidak disetujukan.

[Perbincangan secara off record – microphone dimatikan]

Tuan Pengerusi: Okey, *that is settled.* Jadi sekarang ini kita panggil Dato' Seri Anwar Ibrahim untuk masuk. Dia seorang sahaja.

[Saksi – YB Permatang Pauh dipanggil masuk ke dalam bilik Jawatankuasa]

Tuan Pengerusi: Yang Berhormat Permatang Pauh, sabar dulu ya, *because I am still trying to locate the letter that you have written to me yesterday, letter.*

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Tuan Pengerusi: Okey, terima kasih Yang Berhormat Permatang Pauh. Yang Berhormat Permatang Pauh, terlebih dahulu sebelum saya memanggil setiap seorang Ahli-ahli Jawatankuasa ini untuk mungkin bertanya kepada Yang Berhormat, sukacita saya memberi penjelasan serba sedikit mengenai perkara yang kita bincang pada hari ini.

Perkara ini ialah mengenai dengan kenyataan yang dibuat oleh Yang Berhormat Permatang Pauh sewaktu membahaskan Usul Titah Diraja.

Jadi, dalam usul yang dibuat oleh Yang Berhormat Menteri di Jabatan Perdana Menteri, perkataan yang telah disebut ialah, *"1999, 1Israel. 2009 APCO menasihati Perdana Menteri Dato' Sri Mohd. Najib, 1Malaysia."* Jadi atas hujah itu, Yang Berhormat Menteri di Jabatan Perdana Menteri telah membentangkan usul untuk merujuk Yang Berhormat Permatang Pauh ke Jawatankuasa Hak dan Kebebasan di bawah Peraturan Mesyuarat 80(1). Atas kesalahan di bawah peraturan mesyuarat melanggar Peraturan Mesyuarat 36(12) iaitu mengelirukan Dewan.

Jadi, tanggungjawab ataupun tugas Jawatankuasa ini adalah spesifik iaitu, *the order of reference* ataupun terma rujukan ialah cuma kepada isu itu sahaja walaupun hujah terlampau panjang lebar daripada Ahli-ahli Yang Berhormat yang lain dan daripada Yang Berhormat Permatang Pauh sendiri sewaktu memberi penjelasan mengenai dengan kedudukan perkara yang sebenar.

Jadi Peraturan Mesyuarat 83(4), saya baca di sini iaitu, *"Perbincangan Jawatankuasa Pilihan itu hendaklah dihadkan kepada perkara yang diserahkan oleh Majlis kepadanya."* Jadi, perkara yang diserahkan oleh Majlis ini ialah sama ada kenyataan *"1999 1Israel..."*, dan yang lain itu adalah melanggar Peraturan Mesyuarat 36(12). Saya juga suka ingatkan bahawa, seperti saya ingatkan tadi kepada Ahli Jawatankuasa ialah untuk mensabitkan seseorang itu kepada kesalahan di bawah Peraturan Mesyuarat 36(12) ialah:

- (i) kenyataan yang hendak dibuat itu salah;
- (ii) apabila penghujah *realize* ataupun sedar bahawa kenyataan itu salah, ia tidak membuat *effort* untuk membetulkan kenyataan; dan
- (iii) ia mempunyai niat untuk mengelirukan.

So, these are the three elements of the offence so to speak.

Dato' Seri Anwar Ibrahim: Terima kasih Tuan Pengerusi dan Ahli-ahli Jawatankuasa. Semalam saya ada tulis sepucuk surat kepada Tuan Pengerusi membuat beberapa permohonan. Kes ini melibatkan soal kebebasan bersuara di Parlimen dan ada *penal sanction* dan keputusan disiplin yang terlibat dengannya. Oleh sebab itu saya hendak mula dengan meminta supaya saya diwakili peguam mengikut Peraturan Mesyuarat 83(7A).

Itu dahulu saya hendak penjelasan. Ada yang soal lain, *public hearing* nampaknya ditolak. Kemudian, apa dia prosedur hendak suruh saya jawab sebelum dijelaskan pertuduhan dengan alasan niat yang mengelirukan dan mengambil satu ayat, satu ucapan tanpa melihat kepada fakta-fakta yang lain tetapi, saya hanya hendak mulakan dengan perkara ini kes yang melibatkan soal peraturan, undang-undang - *will be a dangerous precedent to the House*.

Jadi, saya minta sekali lagi penjelasan tentang hak saya mendapatkan peguam untuk bersama-sama.

Tuan Pengerusi: Okey, mengenai dengan *request* itu iaitu di bawah Peraturan Mesyuarat 83(7A), kita mempersetujui supaya peguam ada di sisi Yang Berhormat. Akan tetapi, peranan peguam itu ialah cuma sebagai *advisory*, konsultasi kalau umpamanya ada perkara-perkara Yang Berhormat mahu tanya dia, suruh dia bisik kepada Yang Berhormat apa yang perlu *you* sebut. Itu kita persetujui. *Am I clear on that?*

Tuan R. Sivarasa: *He has the right to make submissions* Tuan Pengerusi? *To address us on behalf of* Yang Berhormat Permatang Pauh.

Dato' Seri Anwar Ibrahim: *Some specific legal points to* – untuk dikemukakan oleh peguam terutama dalam *submission*. Bukan untuk jawab fakta - itu saya jawab tetapi untuk *submission* patut peguam dibolehkan. Itu biasa, *standard procedure*.

Tuan Pengerusi: *Okay, continue. Continue* sebelum saya nanti beri peluang kepada Ahli-ahli Jawatankuasa untuk respons nanti.

Dato' Seri Anwar Ibrahim: Yang Berhormat Tuan Pengerusi, jadi kalau peguam boleh bersama, saya pohon sedikit notis untuk memanggil peguam masuk.

Tuan Pengerusi: *Can you elaborate further* sebab-sebab kenapa memerlukan peguam?

Dato' Seri Anwar Ibrahim: Tuan Pengerusi setuju sudah...

Tuan Pengerusi: Tidak. *You elaborate first, because I cannot decide on my own, the Committee must decide.*

Dato' Seri Anwar Ibrahim: *Alright, no...* Saya mungkin – akan tetapi yang saya dengar tadi Tuan Pengerusi kata untuk peguam masuk, boleh. Jadi saya...

Tuan Pengerusi: Ya tetapi, itu sebagai *advisory role but what has been said is further than that* iaitu Yang Berhormat Subang mengatakan bahawa ada juga kapasitinya untuk *advisory*, membuat *submission on the points of law...*

Dato' Seri Anwar Ibrahim: Baik.

Tuan Pengerusi: ...*You see?* Begitu, sedangkan pengertian saya daripada tadi sebelum dipanggil ialah cuma sebagai *advisory person on the points of law consultation*. Akan tetapi Yang Berhormat sendiri juga yang menyampaikan hujah, bukan dia.

Dato' Seri Anwar Ibrahim: Okey, terima kasih. Tuan Pengerusi, Ahli-ahli Jawatankuasa, saya mohon supaya diberikan kesempatan untuk diwakili oleh peguam. Walaupun saya setuju dalam format Jawatankuasa, saya akan menjawab persoalan-persoalan dibangkitkan secara fakta dan ulasan dan sebagainya dan keterangan atau bukti, itu tiada masalah.

Akan tetapi, *on points of law* tentang beberapa isu yang perlu *submit* umpamanya tentang bentuk kaedah perjalanannya sama ada bertentangan atau mengikut prosedur ataupun substantif dari segi *law*, dari sudut umpamanya melakar atau *crafting* pertuduhan. Hal-hal itu saya pohon supaya dibenarkan peguam memberi *submission*. Jikalau tidak, saya perlu minta cuti seminggu pula hendak kena *prepare* kes hendak buat *submission*. Akan tetapi, saya rasa tiada masalah, pada pendapat sayalah untuk sekadar memberi *submission on points of law. We - not on the facts on the substantive case per say*, kerana *on the points of law* yang *relate to the case*.

Tuan Pengerusi: *Opinion on this?*

Datuk Ronald Kiandee: Saya minta penjelasan Tuan Pengerusi. Saya rasa Jawatankuasa ini cuma membuat *inquiry*. Ada atau tidak *provision* dalam *Standing Order* ini yang *defend* - I mean Yang Berhormat Permatang Pauh akan membuat *submission towards the end of the case. I mean, is that the submission you were referring to?*

Tan Sri Datuk Seri Dr. Fong Chan Onn: Tuan Pengerusi, *I think the methods of working are clear. Kalau Ahli Yang Berhormat Permatang Pauh at the end, he wants to make a submission himself, reading the submission is no problem. Now, the issues we have to decide is some other person will be making a submission on his behalf, you know. If – he is at the end, he says he wants to bring up his submission; we have to hear it because it is from the Ahli Yang Berhormat Permatang Pauh. Now, the request is from somebody else that is a peguam, is reading the submission.*

Tuan R. Sivarasa: Tuan Pengerusi...

Dato' Seri Anwar Ibrahim: Terima kasih. Sorry. *Can I just clarify that small point, with due respect. Yes, of course I will make the submission myself on some other issues but on substantive points of law; of course she or he will consult me. I will then give an instruction whether the points raised or substantive points of law can be made by her or him, and I think we should allow that. It is because the law of ramifications in the whole crafting of this charge and the manner is going to be decided.* Saya tidak nampak apa masalahnya - *frankly*, apa masalahnya? Apa *dangerous precedent* untuk orang datang beri *submission* - peguam?

Dato' Razali bin Haji Ibrahim: Tuan Pengerusi...

Tuan R. Sivarasa: *Tuan Pengerusi, if I may just... That is exactly - what Yang Berhormat Permatang Pauh is now asking is exactly what is provided on the Article 83(7A). He appears before this Committee and he is a party whose conduct forms the subject matter of the investigation of this Committee. Not just the strongest category there, he conducts forms the subject matter of inquiry.*

There is a second category of persons who have the right to allowed counsel which is whose rights and interests are directly affected and I will imagine that APCO who is coming as the witness may as well argue with us, they also want to be represented. Now, I open to that, I think we should allow it. It is not a problem because that is the practice. That is what Article 83(7A) - which is our standing order was crafted for.

Yang Berhormat Permatang Pauh has got the strongest claim to the lawyer here because his own conduct is the subject matter. What we are going to look into is a very important area of the scope of privilege whether this sentence is an offence to the privilege – the privileges that accorded to Members of Parliament. Whether this sentence uttered in the Parliament and the implication of the freedom of speech of all in present, it is a very fundamental question. Some issues of the Parliamentary practice in other countries arise. What is the understanding of the freedom of speech of all the Members of Parliament, and how it is to be exercised? All that are legal issues.

That is the request you had. That is exactly what representation of counsel means and when we say, what is representation by counsel, Tuan Pengerusi? Earlier we were discussing the scope of what such counsel will do. We agreed this is not identical, I said identical to a court process. Meaning there is two adversarial processes parties with – it is not identical but, when we say represented by counsel order, what does that mean? What did Parliament mean in Standing Order? That means the counsel stands and says, “I am representing Yang Berhormat Permatang Pauh, I am asked by him to advise you or assist you on these points of law and this is my humble submission or my view,” and that is what the lawyer will do.

If certain questions have to be asked, the lawyer will advise Yang Berhormat Permatang Pauh or basically for Tuan Pengerusi, “We would also like to ask this question of this particular witness.” Let’s say Yang Berhormat Padang Rengas comes in and says certain things to us then Yang Berhormat Permatang Pauh has the right to also say, “I think I would like to ask this question.” His counsel will also say, “Can we put this question?” Of course with leave of the Committee, this is the role the lawyer will play and this is what Article 83(7A) was put in, to ensure that we administered justice to the parties who are brought before this Committee.

So, I think we should not take it lightly. This is the fundamental protection given here. Of course by leave, we understand that. Not everybody walks in, not every witness is entitled to a lawyer but Yang Berhormat Permatang Pauh himself is asking for the lawyer. So really I think Tuan Pengerusi, it is a bias submission at points of view that we should not...

Tuan Pengerusi: *I am not even sure whether we should be discussing that in front of the witness. Dia sudah submit apa keperluan dia. So, I think what we should do now is sekarang ini sudah pun jam 1 petang, so this Jawatankuasa pun kita schedule sampai jam 1 petang because usually they have lunch like Parliament's sitting. So I would like to call this meeting adjourned until such time that you will be call again and the committee will decide in the next meeting on your request and some other pertinent issues that the committee discuss. So for now Yang Berhormat Permatang Pauh, you are excused.*

Dato' Seri Anwar Ibrahim: Terima kasih Tuan Pengerusi.

Tuan Pengerusi: Terima kasih.

Dato' Seri Anwar Ibrahim: Saya minta maaf. Kalau tarikh baru, kalau Jawatankuasa tiada keberatan boleh *adjust* sedikit kalau ada, kalau ditetapkan – saya tahu Jawatankuasa ada kuasa untuk tetapkan tetapi kalau bolehlah saya minta pertimbangan supaya tarikh itu sesuai...

Tuan Pengerusi: Boleh.

Dato' Seri Anwar Ibrahim: Terima kasih banyak. *Very kind of you.*

[Saksi – YB Permatang Pauh keluar meninggalkan Bilik Jawatankuasa]

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Tuan Pengerusi: Terima kasih.

Tan Sri Datuk Seri Dr. Fong Chan Onn: Tuan Pengerusi, *what I want to say is..*

Tuan Pengerusi: Okey. Nanti sebentar. *All these procedures unfortunately for us are not laid out to us specifically. All those are discretionary matters. It's up to the Committee, how we question, sama ada kita allow atau tidak dan sedemikiannya.*

Now, I am thinking aloud, we just think about the practicality of the matter, is Jawatankuasa that suits our need as a Parliament of Malaysia. Kalau nanti kita buka perkara-perkara yang idealistik bagi kita seperti cara orang-orang Barat, at the end of the day we might find it is not good for us. So that is the reason why I am very reluctant to open the 'floodgate.' You see, as much as I agree to the opinion that has been said, I do not have... Personally, I do not have anything against it because always at the back of my head, I put it that Parliament has the right to conduct its own affairs.

Never mind you said about the privileges, dan sedemikiannya, kebebasan hak dan kebebasan itu. Bermakna how we conduct our investigation, Parliament proceeding that is

our own business. Itu tidak boleh dipersoalkan oleh mahkamah. That is the law. He is smiling; Yang Berhormat Bukit Gelugor is smiling. I think he agreed with me, that is the law, despite the recent case is concern, yang about kes Yang Berhormat Puchong. Itu fasal hal dia punya allowances. Not what was done by Parliament and procedure?

So, our procedure now di Jawatankuasa cuma setakat di bawah Peraturan Mesyuarat 83(7A), Peraturan Mesyuarat 85, that is all.

Then we are being told that we can allow counsel to come in but then there is no further explanation to that, whether that counsel can make a submission on point of law, because to me here, it is nothing to do with dia punya... You see, it happens that the government said you make this thing which is not right. The only thing is, was that thing right or not, was that is true or not.

So, sekarang ini ada lagi dua atau tiga orang saksi yang dipanggil berkenaan dengan itu. At least, to me, jangan kita terlampau panjang lebar pada soal seperti begitu although he might said differently. That is how I see it but believe me, what Jawatankuasa will do, I think like everybody wants to do is we are only concern on the specific matter. The rest... Itu pun kalau ada perasaan kita seperti begitu, at least confine to what are the discretion matter that we can allow, yang tidak sangat burden Jawatankuasa for next Jawatankuasa, bahawa itu sebagai precedent dan yang sedemikiannya. Itu saya kata, that is only my concern.

Tuan R. Sivarasa: *If I could just... I try to address the concern Tuan Pengerusi. You see, when I said earlier about the scope of freedom of speech it is something quite fundamental. Today, okey we are the opposition, we are the minority. You know, thing might change and we should look broadly at this, not look at it partisan. Let's look at the basic, go back to the basic question, what is the freedom of speech according to the Parliament? That's finally we are going to deal with them.*

Now, here your sentence is, we are saying this is a false statement, fine. We will look at the fact and decide whether there was a factual basis in the statement and all that. This is what we are going to investigate but ultimately we are going to be looking at how this works in the scope of privileges for Members of Parliament. Now, the only recorded instance we have in the UK Parliament is this, 1963 in the Erskine May. Profumo as the Secretary of Defense stand up in the House. In the House, when ask the question, he denied, knowing it is false, he denies having a relationship with Christine Keeler and then subsequently it has been exposed. It has admitted.

Tuan Pengerusi: *Okay, I will stop...*

Tuan R. Sivarasa: *So, this is an example.*

Tuan Pengerusi: *I will stop you there.*

Tuan R. Sivarasa: *Ya, sure.*

Tuan Pengerusi: *Can we adjourn the Meeting and we continue the Meeting, for the next Meeting that we will call.*

Tuan R. Sivarasa: *Of course.*

Tuan Pengerusi: *So that everybody can go back and...*

Seorang Ahli: *Kita semua?*

Tuan Pengerusi: *Seperti itu.*

Tuan R. Sivarasa: *When we...*

Seorang Ahli: *We have to cancel... [Bercakap tanpa menggunakan pembesar suara]*

Beberapa Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Tuan Pengerusi: *Tidak. Dia punya request is lain. Yang itu mungkin tidak ada request.*

Seorang Ahli: *We will go for APCO first.*

Tuan Pengerusi: *Yes.*

Seorang Ahli: *Next baru Yang Berhormat Permatang Pauh.*

Tuan R. Karpal Singh: *Mr. Chairman... Request being allowed to come here?*

Tan Sri Datuk Seri Dr. Fong Chan Onn: *I think...*

Tuan Pengerusi: *Yes. We allowed the counsel. We already allow the counsel to come in but on a advisory capacity. That is kalau Dato' Seri Anwar Ibrahim umpamanya want to ask something, about the issue, he can whisper to him, things that he must not alter. If I can use the word, incriminate ataupun prejudis dia punya kes. That he can whisper but not the counsel representing him, the counsel talk and the counsel make submissions. Kalau sudah begitu the Committee is like mahkamah... Will going to happen... [Bercakap tanpa menggunakan pembesar suara]*

Tan Sri Datuk Seri Dr. Fong Chan Onn: *Mr. Chairman, exactly there is a point I want to make. I agree that there should be somebody advising him but if we allowed the counsel to have the direct active participation, I mean we... [Disampuk]*

Tuan Pengerusi: *Then Parliament punya entiti juga, that we conduct our own affairs. I cannot infringe... [Bercakap tanpa menggunakan pembesar suara]*

Tan Sri Datuk Seri Dr. Fong Chan Onn: *I am not a judge. I cannot... So, we have to be adviced by the AG and all that. We change the whole scenario of working.*

Tuan R. Karpal Singh: *[Bercakap tanpa menggunakan pembesar suara] ...Advisory.*

Tan Sri Datuk Seri Dr. Fong Chan Onn: *Yes, exactly, so...*

Tuan R. Karpal Singh: *Of the representation...*

Tuan R. Sivarasa: *And at the end of the day Tuan Pengerusi, we will run our own affairs, I think that is fundamental. This Committee will make decision, at the end of the day...*

Datuk Ronald Kiandee: *Yang Berhormat Subang, if you just think for the moment...*

Tuan Pengerusi: *It does appear... [Bercakap tanpa menggunakan pembesar suara]*

Datuk Ronald Kiandee: *If you ask the counsel to represent him and do submission on his behalf...*

Tuan R. Sivarasa: *...On his behalf of course.*

Datuk Ronald Kiandee: *No. We are not represented by the AG here, you know...*

Tuan R. Sivarasa: *That is what our Standing Order provided for, represented by counsel.*

Datuk Ronald Kiandee: *But it did not say that he will do submission. That is what supposed to done...*

Tuan R. Sivarasa: *What is the point...?*

Dato' Razali bin Haji Ibrahim: *Wait, yang ini... Yang Berhormat Subang, I think you must read by leave of the Select Committee...*

Tuan R. Sivarasa: *Of course.*

Dato' Razali bin Haji Ibrahim: *Okey. So, we must give permission and if you ask me, I do not think he needs a lawyer at this moment.*

Tuan R. Sivarasa: *Okey. Let me explain why, ya, for example...*

Dato' Razali bin Haji Ibrahim: *No. I have not finished...*

Tuan R. Sivarasa: *Sure.*

Dato' Razali bin Haji Ibrahim: *The way you are saying and I do not want to go out and say that whoever entitle for a counsel. No, because (7A) "By leave of the Select Committee..." and we have not started. You see, there is intensity of each case, it could be multi-billion case that we have to look into because the provision adalah untuk semua Select Committee. It could be PAC. Use the same one. Ini hanya hendak... Saya baru hendak bertanya sahaja, kita pun tidak ada yang hendak mendakwa.*

Kita hanya diarahkan oleh *our fellow colleague in the Majlis* untuk tubuh ikut peraturan. Kita diberikan sehelai kertas usul. Belum apa-apa pun lagi. *So, I will give him a counsel. I will agree to that but not at this moment because saya... [Disampuk] No, its up to me man, up to me because it is in the provision, by leave of the Committee. We vote for that... [Disampuk] I would not give. I tell you that much because... Hear me out. Kita ini bukan pendakwa. You think I am a pendakwa raya? No!*

Seorang Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Dato' Razali bin Haji Ibrahim: Kita hanya represent. It could be me; it could be my other colleague sitting here. I bukan mendakwa dia, yang hendak memandang saya seperti hendak menghukum dia. I just want to hear him out. You know what is my first question going to be, why I said he do not need a lawyer?

I hendak bertanya Yang Berhormat ada membuat kenyataan atau tidak? Do you need a lawyer for my question? I do not think he is that stupid to answer, you know.

That is why I said, since we have by leave of the Committee, I would not allow the counsel at this moment because my questions have not been heard. I haven't hear him. Why we want to complicate matters when we know that, I agree with you. Come, we come out with a very structured, with the procedure. We have a bench for everybody to come in. We want AG to come in to charge him, boleh but, not at this moment.

Tuan Pengerusi: Okay, that is far.

Dato' Razali bin Haji Ibrahim: You know, it is not at this moment. Itu sahaja.

Tuan Pengerusi: Okey, that is far. The Committee has decided that we will allow him a counsel but on advisory role. That was agreed.

Seorang Ahli: Exactly.

Tuan Pengerusi: But, it was...

Tuan R. Karpal Singh: We have not decided the... [Bercakap tanpa menggunakan pembesar suara]

Tuan R. Sivarasa: We are saying counsel action...

Tuan R. Karpal Singh: What we are saying is to be given...

Dato' Razali bin Haji Ibrahim: I would like to say that we are not denying him a counsel but...

Tuan Pengerusi: Okey now...

Dato' Razali bin Haji Ibrahim: We are now allowing...

Tuan Pengerusi: Let's agree, because nanti Mesyuarat kita ini akan berpanjangan, berbulan-bulan. Okay, let's agree now. If we allow by counsel also on advisory like suggested masih lagi tiada. Then we go to belah bahagian again. After that, we go to belah bahagian again on whether we allow counsel without the Committee will be by leave, beri atau tidak. Do you want to be specific on that?

Tuan R. Karpal Singh: Can see the point for leave, there must be...

Tuan Pengerusi: Jawabnya, okay now... [Disampuk]

Datuk Ronald Kiandee: Ya, first question.

Tuan R. Karpal Singh: ...And if we do give leave, we are giving full representation.

Datuk Ronald Kiandee: Yes, okey.

Tuan Pengerusi: *Now.*

Datuk Ronald Kiandee: *First question, first.*

Tuan Pengerusi: Yes. Silakan,... *Leave, sama ada Jawatankuasa ini membenarkan Ahli Yang Berhormat Permatang Pauh untuk diwakili oleh seorang peguam.*

Kalau Jawatankuasa ini berpendapat tidak perlu bahawa Jawatankuasa akan beri *leave* daripada semua *representation* yang kita ada. Bermakna kalau Jawatankuasa ini tidak beri *leave*, bermakna *what ever capacity* tiadalah. Bermakna peguam tidak beri... *The question doesn't arise.*

Tuan R. Karpal Singh: *First question, first.*

Datuk Roosme binti Hamzah: Yang Berhormat, sekarang saya kemukakan kepada Jawatankuasa bagi diputuskan. Masalahnya ialah bahawa Ahli Yang Berhormat Permatang Pauh diberi kebenaran untuk diwakili peguam dan dikemukakan kepada Ahli-ahli. Mulakan dengan...

Tan Sri Datuk Seri Dr. Fong Chan Onn: *I need to ask.* Diwakili ertinya, dia wakil beri nasihat sahaja. Dia sendiri tidak boleh memberikan pandangannya, peguam itu.

Datuk Ronald Kiandee: *Second question.*

Tan Sri Datuk Seri Dr. Fong Chan Onn: Oh! Itu *second question*.

Datuk Ronald Kiandee: *That will be second question.*

Tan Sri Datuk Seri Dr. Fong Chan Onn: *Okay then, saya bersetuju diwakili oleh...*
[Disampuk]

Tuan Pengerusi: *You see, lets be very clear again. I thought, I took it for granted that we agree that the Committee agree, dia boleh bawa masuk seorang peguam on advisory role and I have read just now, an authority from Parlimen Australia. A counsel can come in but only on an advisory role. I thought that was taken already, apparently it is not, you see.*

Jadi sekarang ini, *if we want to go back again to the Committee punya procedure yang sebenar ialah, di bawah tadi Peraturan Mesyuarat 83(7A) yang mana with leave of the Select Committee, seseorang itu dibenarkan untuk diwakili oleh peguam tetapi, kalau Committee ini tidak membenarkan leave itu, the second question does not arise, already. There is no second question because you do not even allow the counsel to come with him because not necessary.*

Tuan R. Karpal Singh: *Mr. Chairman, does the opinion... [Bercakap tanpa menggunakan pembesar suara] ...Provision, right to representation by Counsel..*

Tuan Pengerusi: *Yes by leave.*

Tuan R. Karpal Singh: *It is exactly the same wording? It cannot be advisory. Right to representation must mean a full...*

Tuan Pengerusi: *Ya, that is what I am saying, you see, because another word with that kind of things, like I say, the procedure yang kena lay out sama kita, daripada peraturan mesyuarat ini, is not very clear. All are discretionary matters. I thought at that time, I was going in between, you see because discretionary. But if we were to go by the straight peraturan mesyuarat, then I also do not have any problem on that. Then we can go under 83(7A) iaitu sama ada kita membenarkan with leave, dia diwakili oleh peguam. That is discretionary for the Committee.*

So, if you want to go on a division ada juga peraturan mesyuarat kita, Peraturan Mesyuarat 84. That we go for division lagi. Boleh, I do not have any problem with that but the second question does not arise anymore.

Tuan R. Karpal Singh: *...We decide it can't be...*

Tuan Pengerusi: *Ya. That is what I am saying, so another words, itu yang saya punya cakap tadi bermakna irrelevant lah. Second question does not arise anymore. The second question of advisory role does not arise anymore if that is what the interpretation.*

Tuan R. Karpal Singh: *It can't be advisory... Be full representation, Mr. Chairman. That is what the standing order says, it doesn't say advisory. We cannot limit something which is beyond limitation.*

Puan Hajah Nancy binti Haji Shukri: *No, Tan Sri Chairman...*

Tuan Pengerusi: *Yes.*

Puan Hajah Nancy binti Haji Shukri: *Can, perhaps Yang Berhormat Bukit Gelugor can assist us, guide us here. If we allow the counsel in, what are the terms and condition, what is the scope of the counsel, suruh dia... [Disampuk]*

Tuan Pengerusi: *You see, that is the reason why I quoted the authority from Australia. They allowed the person concern to be accompanied by a lawyer on advisory role, but Yang Berhormat Bukit Gelugor punya interpretation, representation means, full representation.*

Tuan R. Karpal Singh: *It has to be all the way.*

Seorang Ahli: *Yang Berhormat Bukit Gelugor...*

Tuan Pengerusi: *You see? Now, if that is the case then we go straight to 83(7A) which say, "...with leave." Okay, now... So, another words only one question, sama ada Jawatankuasa ini membenarkan Yang Berhormat Permatang Pauh diwakili oleh peguam atau tidak kerana itu adalah hak Jawatankuasa ini di bawah Peraturan Mesyuarat 83(7A), understood?*

Seorang Ahli: *Setiausaha.*

Tuan R. Karpal Singh: ... *Can't denied that, just that we are limiting it in the second question.*

Seorang Ahli: *Deny what?*

Dato' Razali bin Haji Ibrahim: *Now we are voting whether we are... [Bercakap tanpa menggunakan pembesar suara]*

Tuan Pengerusi: *Allowing...*

Beberapa Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Dato' Razali bin Haji Ibrahim: *It doesn't matter, it is okey because it debatable just vote because I am going to give my answer, "no", not in this case.*

Tuan Pengerusi: *Okey... [Bercakap tanpa menggunakan pembesar suara]*

Dato' Razali bin Haji Ibrahim: *Not in this case. Sorry my friends.*

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Tuan R. Karpal Singh: *Mr. Chairman, I give you an analogy. The Federal Constitution says that in Article 5(3), if I am not mistaken - the right to counsel. If there is the right to counsel, then it must therefore right.*

Tuan Pengerusi: *Yes...*

Datuk Ronald Kiandee: *That is...*

Tuan Pengerusi: *Ahli-ahli Yang Berhormat, we are in Parliament. That is the reason why Parliament's procedure cannot be questioned by our side in court. It is because if that is the case, Parlimen tidak boleh bermesyuarat. So this is the procedure that we adapt and I think this is what we are going to do. Kita undi dan sedemikiannya.*

Tuan R. Karpal Singh: *Not fair.*

Tuan R. Sivarasa: *I do not dispute. At the end of the day, Parliament regulates its own affairs. I agreed with Datuk Ronald Kiandee, but when we make decisions about rights that we confer in our own standing orders, of course there is a context for these rights. So what Yang Berhormat Bukit Gelugor is informing us is, the Federal Constitution recognizes these rights. That is why these rights are also here; these rights do not came out of nothing. There is a contrast...*

Tan Sri Datuk Seri Dr. Fong Chan Onn: *No, no. That is condemning us.*

Datuk Ronald Kiandee: *Let me talk...*

Tuan R. Sivarasa: *...So, it is not about the Federal Constitution telling the Parliament what to do...*

Datuk Ronald Kiandee: *Ya...*

Tuan R. Sivarasa: *...But we understand this is what the purpose of these rights.*

Tan Sri Datuk Seri Dr. Fong Chan Onn: Yang Berhormat Subang, *but you must look from my own personal point of view. I fully agreed with your view that he must be advised by a person when he is worth it. So, to give him a cross-check...*

Tuan R. Karpal Singh: *But he is not advise...*

Tan Sri Datuk Seri Dr. Fong Chan Onn: *...No, no. Yang Berhormat Bukit Gelugor, you must look at my background. I am not a judge sitting here in my capacity as a colleague. I have to, in my inform opinion to make a decision based on what I know and based on what he knows and what said he says. If he has the rights to his counsel, make some complicated or convoluted legal representation; imagine the dilemma I am place in to make a decision. I do not have the AG to advise me; I do not have the full years of legal background.*

On that basis, I agree with the Tuan Pengerusi. We will go half-way in which whatever representation that he wants to make himself - he makes himself because he is a MP, so he can say it in a fashion that I hopefully can understand better. That is all that puts me now in the dilemma because I am not a judge. I do not have a legal background, I cannot see in between the convolute argument represented by a senior counsel. I am not in that capacity, so it would be not fair for me. That is all.

Datuk Ronald Kiande: *Counsel is not his - I mean, it did not specifically rights. It says in the Article 83(7A) - by leave of the Committee. That is why we are discussing now.*

Tuan R. Karpal Singh: *[Bercakap tanpa menggunakan pembesar suara] What if the second question arises?*

Datuk Ronald Kiandee: *No, no...*

Tuan R. Karpal Singh: *[Bercakap tanpa menggunakan pembesar suara]*

Datuk Ronald Kiandee: *...You do not agree that it is the Committee that will decide the term, condition - the term that is legal advisory role?*

Tuan Pengerusi: *Okay, let's decide whether we are giving him leave to have a counsel. Okay that is the point...* Sama ada Jawatankuasa ini membenarkan kepada Yang Berhormat Permatang Pauh untuk diwakili oleh seorang peguam.

Datuk Roosme Hamzah: *Okey. Ahli-ahli Yang Berhormat, masalahnya ialah sama ada Ahli Yang Berhormat Permatang Pauh permohonannya untuk diwakili oleh peguam dikemukakan kepada Ahli-ahli.*

Tan Sri Datuk Seri Dr. Fong Chan Onn: *Yes. As I have explained just now, for the moment I cannot support the motion.*

Datuk Roosme Hamzah: *Tidak bersetuju?*

Tan Sri Datuk Seri Dr. Fong Chan Onn: *Tidak bersetuju.*

Datuk Roosme Hamzah: *Yang Berhormat Alor Gajah – tidak bersetuju.*

Tuan R. Sivarasa: *[Bercakap tanpa menggunakan pembesar suara]*

Datuk Ronald Kiandee: *It does not arise anymore because the way Yang Berhormat Bukit Gelugor puts it...*

Datuk Roosme Hamzah: Yang Berhormat Alor Gajah tidak bersetuju.

Tuan R. Sivarasa: *...But if you want to go all the way which is...*

Tan Sri Datuk Seri Dr. Fong Chan Onn: *We can be in a dilemma...*

Tuan R. Sivarasa: *We can say yes to the first part and then...*

Datuk Roosme Hamzah: Yang Berhormat Muar?

Dato' Razali bin Haji Ibrahim: Tidak.

Datuk Roosme Hamzah: Tidak bersetuju.

Tuan R. Sivarasa: *...Like what Yang Berhormat Beluran just explained, you then rule on the scope.*

Datuk Ronald Kiandee: *But Yang Berhormat Bukit Gelugor does not seems to agree to that.*

Tuan R. Karpal Singh: *...No, one with the leave is better.*

Datuk Ronald Kiandee: *No, you were talking about the word represented is inclusive at all.*

Tuan R. Karpal Singh: *No, that does not include, I would not suggest it inclusive...*

Tuan R. Sivarasa: *...On the second question we can discuss...*

Tuan R. Sivarasa: *[Bercakap tanpa menggunakan pembesar suara]*

Puan Hajah Nancy binti Shukri: *In that case Mr. Chairman, maybe we need to specify here. Leave on condition that it is only on advisory rule, then we can say yes or no.*

Tuan R. Sivarasa: Yes, yes.

Puan Hajah Nancy binti Shukri: *...Because if we have to answer part one first - leave. Then second part...*

Tuan Pengerusi: *See, I cannot decide on that because even on the interpretation of the representation we differs. So that is where the dilemma lies. Jadi itu makanya saya kata, dalam mesyuarat seperti begini we must have an open mind in the sense that apa pun yang kita buat sebagai Parliamentarian - not more than that.*

The dilemma I have is this. Saya tadi - I go in the middle ground. Okay, I will allow him a representation but on the advisory role. I thought we are consistent on that, but the idea from Yang Berhormat Subang and Yang Berhormat Bukit Gelugor, if you allow representation it must be a full representation.

If I were to take that argument, then I will bring it back again to you to the specific point of order - Peraturan Mesyuarat 83(7A) di mana kalau beri representation either advisory

or full representation must be with leave of Jawatankuasa. If there is no leave, meaning there is no counsel sitting next to him. Bermakna tiada sudah - full stop.

Tuan R. Sivarasa: *So, can I propose a way out Tuan Pengerusi? We answered the questions as you originally started by separating the questions, which is quite easy. First, whether you will allow him a counsel? Second, this committee defines the scope of that representation. We have our own view, except that Yang Berhormat Bukit Gelugor might have our view. You also have - my other colleagues also have their own view. We just proposed...*

Tuan Pengerusi: *So, the problem would be like what Yang Berhormat Alor Gajah said...*

Tuan R. Sivarasa: *...Yes, I know but they can propose...*

Tuan Pengerusi: *...Kalau ia kata defined it again, to him ia tidak sampai di situ. He does the difference between all...*

Tuan R. Sivarasa: *...He has already defined it.*

Tuan Pengerusi: *...Permohonan ia for representation...*

Tuan R. Sivarasa: *Of course. So, after... Let's say we are giving him leave for counsel, then if Yang Berhormat Alor Gajah wants to propose on somebody's side - but now second, I am going to propose a limited advisory, then it is up to you.*

Tan Sri Datuk Seri Dr. Fong Chan Onn: *Tuan Pengerusi, right from the beginning if the hearing at that time gives leave, there will be a full representation by the lawyer's submission. I am really... At Parliament level; I will have to disqualify myself from being a Member of this Committee.*

This is because I have no capacity to digest the whole system, to digest the convoluted arguments. Unless I am represented by the AG where there is a counter evidence, that kind of thing...

Tuan R. Karpal Singh: *[Bercakap tanpa menggunakan pembesar suara]*

Tan Sri Datuk Seri Dr. Fong Chan Onn: *...Or some legal advise...*

Tuan Pengerusi: *No... Okay, never mind. This is a problem that we face now and we will later deal with it. So, okay back again... Everybody understood already what the thing is, so I think... Because the thing is, I got to retreat what I have said.*

So stick to Article 83(7A), sama ada this Committee is giving him - membenarkan Ahli Yang Berhormat Permatang Pauh diwakili oleh peguam. Leave - sama ada kita membenarkan atau tidak dalam hal ini. So it is very clear.

Tuan R. Sivarasa: *...Tuan Pengerusi, can we follow Article 84(2) because it says according to standing orders, just call the vote in alphabetical order.*

Tuan Pengerusi: *Okay. Alphabetical order* siapa yang dahulu?

Tuan R. Sivarasa: Yang Berhormat Alor Gajah.

Datuk Roosme Hamzah: Yang Berhormat Alor Gajah tidak bersetuju.

Tuan Pengerusi: Tidak setuju? Okey, tidak.

Datuk Roosme Hamzah: *Then 'B-A'* Yang Berhormat Batang Sadong.

Puan Hajah Nancy binti Shukri: *If that is the case*, saya tidak bersetuju.

Datuk Roosme Hamzah: 'B-E'...

Datuk Ronald Kiandee: Saya ingat ini jawatankuasa kedua saya. Jawatankuasa dahulu adalah jawatankuasa yang melibatkan beberapa ahli daripada Ahli UMNO, kes Yang Berhormat Bukit Gelugor. Mereka juga mempunyai *request* untuk minta *lawyer* dan kita tidak setuju. *So I will stick to that* - saya tidak setuju.

Datuk Roosme Hamzah: Tidak setuju. Yang Berhormat Bukit Gelugor?

Tuan R. Karpal Singh: Setuju.

Datuk Roosme Hamzah: Setuju. Yang Berhormat Subang?

Puan Hajah Nancy binti Shukri: 'M'...

Datuk Roosme Hamzah: 'M', *sorry*. Yang Berhormat Muar.

Dato' Razali bin Haji Ibrahim: Tidak setuju.

Datuk Roosme Hamzah: Yang Berhormat Muar tidak setuju. Yang Berhormat Subang?

Tuan R. Sivarasa: Setuju.

Datuk Roosme Hamzah: Empat tidak setuju dan dua setuju.

Tuan Pengerusi: *Okay, with that* bahawa keputusan mesyuarat Jawatankuasa ini tidak membenarkan kepada Yang Berhormat Permatang Pauh untuk diwakili peguam. Dengan itu kita...

Tan Sri Datuk Seri Dr. Fong Chan Onn: Tuan Pengerusi, *but my advice is... Not restraining our decision, my advise is we still stick to your recommendation. If he needs somebody to advise him...*

Tuan Pengerusi: *[Ketawa]* *There is no such way, we have already decided.* Dengan keputusan tadi itu saya tangguhkan mesyuarat ini sehingga ke suatu hari nanti...

Datuk Ronald Kiandee: Tuan Pengerusi, sebelum tangguh ada satu perkara Tuan Pengerusi.

Tuan Pengerusi: Okey.

Datuk Ronald Kiandee: Kita setiap kali apabila keluar daripada Jawatankuasa ini diminta pendapat, berita oleh *reporter*. Saya selalu *avoid*, kerana saya *stick* kepada

Peraturan Mesyuarat - Perkara 85. Akan tetapi ada Ahli-ahli Jawatankuasa kita barangkali yang *revealed* apa yang berlaku. Saya rasa kita kena *imposed Article 85* ini.

Tuan Pengerusi: *Okay, please.*

Tuan R. Sivarasa: *Can I just respond to that Tuan Pengerusi?*

Tuan Pengerusi: *Yes.*

Tuan R. Sivarasa: *Article 85 is very clear. It talks about evidence and it talks about documents and I think that is the scope of it. Whereas, when a witness comes here and tells us a,b,c happened on this day, that is what it means. These members are not supposed to go and disclosed. Anybody - not just us, but also the ladies and gentlemen observing this are not allowed to go and talk to the press or anybody and published the fact that the witness case said.*

Neither of us is suppose to disclose any document that was given to us. This is the ruling, we cannot be restricted and I personally would not be restricted from explaining to the press. For example, the ruling that the Committee made is the decision of the Committee. It is not a secret that the Committee refuses access to counsel...

Datuk Ronald Kiandee: *[Bercakap tanpa menggunakan pembesar suara]*

Tuan R. Sivarasa: *...This is not a secret at all. Nothing to do with the evidence - the evidence taken, that must be... We are not giving evidence; we are deliberating in making decision. Evidence taken before this Committee and documents presented to such Committee. That is what the purpose of this rule is, so that people do not go and publish what they told us or divulge what the conned document was given, before we deliberate and write our report to the House. So, Tuan Pengerusi...*

Tuan Pengerusi: *So in your opinion, this does not cover statements stating what transpired in the meeting?*

Tuan R. Sivarasa: *As in our decision, we have a ruling. Somebody says, what was the ruling? Of course the ruling of this Committee was to say that Members of Parliament cannot enter.*

Datuk Ronald Kiandee: *I think what you were trying to say about transpire and everything, it is the same as a...*

Tuan R. Karpal Singh: *Not evidence?*

Datuk Ronald Kiandee: *...No. I mean, to me whatever transpires here means you are publishing in whatever transpired...*

Tuan R. Sivarasa: *...But it is not evidence. I am publishing our decision, what is wrong with that?*

Tuan Pengerusi: *Again, this is interpretation. This is where my dilemma lies.*
[Ketawa]

Tuan R. Sivarasa: *This is not... [Ketawa]*

Tan Sri Datuk Seri Dr. Fong Chan Onn: *No Tuan Pengerusi, that is why I am being very frank about it. Yang Berhormat Subang, he wants to politicise the whole situation - let's prepared for that. That is why I say, with respect to our second decision I would still agree with your decision Tuan Pengerusi - the first one. It is because we must convey the image that we are not restricting the rights of our Members to seek advice when representing. So I...*

Tuan Pengerusi: *Now, are we again putting it to Jawatankuasa sama ada we want to censor everything what transpired or what?*

Dato' Razali bin Haji Ibrahim: *Tuan Pengerusi, saya rasakan begini. Kalau katakan sesiapa hendak ceritakan di luar, ceritalah. Akan tetapi kita kena ambil tindakan kalau kenyataan yang dibuat atas keputusan tidak menepati apa yang kita capai because we must understand, ada keputusan unanimous dan ada keputusan majoriti... [Disampuk] No difference, I know. Okey, katakan you keluar kata kita buat keputusan tidak membenarkan Yang Berhormat Permatang Pauh membawa counsel. You must explain everything, what we said...*

Tuan R. Sivarasa: *...No, he would not explained...*

Dato' Razali bin Haji Ibrahim: *Okay. If not, then we are going to quarrel because we vote - because after giving views... Yang Berhormat Subang, sebelum Yang Berhormat Bukit Gelugor bagi terlalu detail, Tuan Pengerusi bercakap untuk membenarkan dan hampir membenarkan...*

Datuk Ronald Kiandee: *Ya, bersetuju bawa...*

Dato' Razali bin Haji Ibrahim: *...Kita pun setuju. Akan tetapi apabila hendak terlalu detail... [Disampuk] No, no... Let me finish, you cut off macam itu susahlah. Kita pun panas juga. Banyak masa kita duduk sini hendak selesai. I tidak setuju very simple - you cakap di luar. I tidak perlu cakap kenapa saya tidak setuju. Yang Berhormat Muar tidak setuju sebab this case is very simple and nobody entitled for a counsel at this moment and I do not want to look stupid to allow in this case, orang bawa peguam.*

Tuan R. Karpal Singh: *What is your problem then if we say it outside?*

Dato' Razali bin Haji Ibrahim: *Cakaplah!*

Tuan R. Karpal Singh: *...It is a verdict...*

Dato' Razali bin Haji Ibrahim: *I have no problem.*

Tuan R. Karpal Singh: *So, what is your problem?*

Dato' Razali bin Haji Ibrahim: *No, I am not giving the problem, but give the whole...*

Tuan R. Karpal Singh: *Cannot we say it was the majority...*

Tuan R. Sivarasa: *We will says that...*

Dato' Razali bin Haji Ibrahim: *No, it is a majority...*

Tuan R. Sivarasa: *...It must be that...*

Dato' Razali bin Haji Ibrahim: *That is what I said... No, I am not talking about majority and unanimous.*

Tuan R. Sivarasa: *Ya...*

Dato' Razali bin Haji Ibrahim: *Relax. I cakap apabila hendak beritahu, beritahu apa yang Yang Berhormat Batang Sadong cakap, apa yang Yang Berhormat Beluran cakap, apa yang Yang Berhormat Alor Gajah cakap.*

Tuan R. Karpal Singh: *It is a verdict...*

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Dato' Razali bin Haji Ibrahim: *Oleh sebab itu, tidak perlu, you know? Tidak perlu. If you want to politicize, carry on and we can go hard on this.*

Tuan R. Karpal Singh: *Go ahead.*

Dato' Razali bin Haji Ibrahim: *No, we are going hard anyway but kita daripada awal. I want to make a point...*

Tuan R. Sivarasa: *You are welcome to do whatever you want to do... [Bercakap tanpa menggunakan pembesar suara]*

Dato' Razali bin Haji Ibrahim: *Its okay.*

Tuan Pengerusi: *[Bercakap tanpa menggunakan pembesar suara]*

Tuan R. Sivarasa: *I am sorry Tuan Pengerusi... [Bercakap tanpa menggunakan pembesar suara] You must control...*

Dato' Razali bin Haji Ibrahim: *Sebab itu I hendak cakap...*

Dato' Razali bin Haji Ibrahim: *We know you anyway and please record all this. Orang yang hendak tahu bacalah Hansard.*

Tuan R. Sivarasa: *See, we are sitting here and we do not have to take that kind of language also. So, we will also giving it back.*

Dato' Razali bin Haji Ibrahim: *Okey, please do that. I will... [Bercakap tanpa menggunakan pembesar suara]*

Tuan R. Sivarasa: *So, if he wants to talk like that, I am not going to sit here, keep quiet and listen to it. So, Tuan Pengerusi should play the balancing role.*

Dato' Razali bin Haji Ibrahim: *Kita datang dengan cara baik. You want to go hard it is okay, pergi minum dekat sebelah... [Bercakap tanpa menggunakan pembesar suara]*

Tuan Pengerusi: *Okay...*

Tuan R. Sivarasa: *So, if you...*

Tuan Pengerusi: *Okey, now, ini...*

Tuan R. Sivarasa: *So, do not give that kind of talk to us.*

Dato' Razali bin Haji Ibrahim: *It is okay..., why? Up to me...*

Tuan R. Sivarasa: *No, let us be gentlemen, we are Members of Parliament.*

Tuan Pengerusi: *Sudah...*

Tuan R. Sivarasa: *Cool down.*

Tuan Pengerusi: *[Bercakap tanpa menggunakan pembesar suara]*

Dato' Razali bin Haji Ibrahim: *If you want to go hard, we go hard.*

Tuan Pengerusi: *Let's go back again. Okay let's...*

Tuan R. Sivarasa: *No, if you want to talk like that...*

Dato' Razali bin Haji Ibrahim: *There is certain point, I will not change lah.*

[Beberapa Ahli menyampuk]

Tuan Pengerusi: *Okay, let us go back to original question by Yang Berhormat Beluran. Okey, keterangan yang diambil di hadapan sesebuah Jawatankuasa Pilihan dan apa-apa surat yang dikeluarkan kepadanya. Bermakna keterangan for your interpretation Yang Berhormat Subang and Yang Berhormat Bukit Gelugor ialah evidences that has been elicited waktu hearing. Now, does that covered in your interpretation the hujah-hujah pendapat Jawatankuasa?*

Datuk Ronald Kiandee: *'Keterangan...' [Bercakap tanpa menggunakan pembesar suara]*

Tuan R. Karpal Singh: *How can that be elicited... Tuan Pengerusi?*

Tuan Pengerusi: *No, 'keterangan' is...*

Datuk Ronald Kiandee: *Dalam bahasa Malaysia*

Tuan Pengerusi: *You know dalam bahasa is lain tahu? Dalam English is lain. You see? That is the reason you know dalam peraturan mesyuarat ini.*

Tuan R. Karpal Singh: *'Keterangan,' you said in English... That one is in bahasa Malaysia...*

Tuan Pengerusi: *Yes, but we... Know peraturan mesyuarat.*

Tuan R. Karpal Singh: *Dalam bahasa 'keterangan...' [Bercakap tanpa menggunakan pembesar suara]*

Tuan R. Sivarasa: *...Does it by most situation, any regulation that are votes been... Any evidence to this Committee. We are Members of this Committee, that person sit there... [Disampuk] Or whatever, that is evidence, it presents document to us. That is the stuff that is classified. Just think about it... [Bercakap tanpa menggunakan pembesar suara]*

Tuan Pengerusi: *Okay, so now what? You already know what the score is. Apa itu 'keterangan' dan what has been explained there. So, again sama ada selepas daripada ini, memang itu press sudah ada di luar sana dan mereka berbaris... [Ketawa] So, they will be asking questions. For me, I will avoid and I will never answer questions.*

Datuk Ronald Kiandee: *'Keterangan.'... [Bercakap tanpa menggunakan pembesar suara]*

Tuan Pengerusi: *I have already, my standing is like that. Daripada dulu pun kalau boleh saya tidak.*

Tan Sri Datuk Seri Dr. Fong Chan Onn: *But I think Tuan Pengerusi, my feeling is that you as Chairman of the Committee should make a statement on behalf of the Committee and lets the others keep quiet. You should make an official statement and lets the others keep quiet and if everybody every one of us can abide for that, I will abide that. We do not have to play politics on this issue. I meant, that is my appeal because I want to give Yang Berhormat Permatang Pauh the fullest scope to hear what he has to say. Really, I want to hear him and even in my mind... If I convinced that what he says is true, I will go along with it, you know? In my mind if it's not true I will go against.*

Tuan R. Karpal Singh: *We asks for two questions, one whether it should be allow and second whether it should be restricted. What is the problem with all of you?*

Dato' Razali bin Haji Ibrahim: *We voted already.*

Tuan R. Karpal Singh: *I know, you are throwing tantrum for nothing.*

Dato' Razali bin Haji Ibrahim: *No, sekarang ini bab 'keterangan', nanti, yang itu sudah lepaslah.*

Bab 'keterangan' Tuan Pengerusi. *No wait, bab 'keterangan' saya setuju kalau katakan evidences... Itu dokumen memang betul dan saya setuju dengan itu. Jika kita membuat keputusan memanggil saksi, saya tidak rasa salah untuk kita beritahu siapa yang kita hendak panggil ataupun kalau kita hendak beritahu... Tuan Pengerusi hendak beritahu selepas Mesyuarat bahawa kita terpaksa tangguhkan kerana perkara yang berbangkit sebab perkara itu tidak perlu dibentangkan di dalam Majlis.*

Kita hendak buat apakah rumusan kita kemudian, yang itu kita tidak bentang. Cumanya, jangan kita, 'okeylah hendak buat, buatlah'..., tetapi saya setuju. Kita boleh buat keputusan *because this is not evidences of the whole inquiry* tetapi...

Tuan Pengerusi: *Okay, I will... Okey apa yang kita buat keputusan itu tadi tidak mengapalah. Kita sudah buat keputusan. So, now on the Peraturan Mesyuarat 85, I appreciate Yang Berhormat Alor Gajah punya opinion but I always on the side of daripada dulu lagi. Saya berpegang kepada pendirian saya bahawa apa pun yang dibincangkan di*

dalam Jawatankuasa yang mesti harus mempunyai *privileges to hear it in the first is the* Majlis. So, *I give the Majlis, the honor or whatever to hear first.* Pada Ahli-ahli Yang Berhormat lain yang buat *press statement* itu terpulanglah, see? *But I am not going to make any press statement.*

You should know which one is the end... Which one is the parameter that you can divulge. I am easy on that and I do not have any problem with that. Okay? That is our decision. Bagi saya tidak. *I always avoid fasal perkara-perkara sebegini.*

Tuan R. Sivarasa: *Can we discuss for... Do you want to revisit the second question, just asking again?*

Tan Sri Datuk Seri Dr. Fong Chan Onn: *No, Tuan Pengerusi, the fact is my recommendation is still that, on the basis of respect or our colleague. I will still agree that Yang Berhormat Permatang Pauh should be advice by person but no submission by the lawyer...*

Tuan Pengerusi: *Can we adjourn this meeting?*

Tan Sri Datuk Seri Dr. Fong Chan Onn: *...But whatever submission he will make himself.*

Tuan Pengerusi: *Ya. We adjourn this meeting to a future date that we agree di mana Yang Berhormat Permatang Pauh pun convenient to attend the meeting then the rest of the matter, we just relax first. Put in your head. There is nothing had fast role here. We can discuss again whatever important issues that we think, we will raise again...*

Tan Sri Datuk Seri Dr. Fong Chan Onn: *So, what are saying Tuan Pengerusi, because we already taking a decision on the representation and I personally feel uncomfortable the fact that we have we have make a full denier of our own colleague. But I would like to go halfway. So, if there is way in which we can do it halfway, I will be very happy you know? Because...*

Tuan Pengerusi: *Okey. Can we decide the next meeting but meanwhile, on that issue can you not touch on that, if I can have your cooperation?*

Tuan R. Karpal Singh: *No, can we make a decision now Tuan Pengerusi?*

Tuan Pengerusi: *[Ketawa]*

Tuan R. Karpal Singh: *Yes or no? It can be... [Bercakap tanpa menggunakan pembesar suara]*

Datuk Ronald Kiandee: *The question is, the word 'representation'.*

Tuan R. Karpal Singh: *Yes.*

Datuk Ronald Kiandee: *I meant your definition is different, my definitions different.*

Seorang Ahli: *No, I advise representation in the form of advisor.*

Tuan R. Karpal Singh: *You can takes a vote from me and then no problem.*
[Bercakap tanpa menggunakan pembesar suara]

Datuk Ronald Kiandee: *I have to be frank you know, I wanted to be side, to have his counsel sitting there as an advising role. But when you define the word 'representation' which is inclusive of all because you are talking about penal court that you read it with penal court and things, role like that.* *[Beberapa Ahli menyampuk]*

Tuan R. Sivarasa: *Tuan Pengerusi, second question..*

Tan Sri Datuk Seri Dr. Fong Chan Onn: *Okey, why don't you propose a motion, the first part and the second part. Let's hear it and then let's vote on it.*

Tuan R. Karpal Singh: *That is what I want...* *[Bercakap tanpa menggunakan pembesar suara]*

Tan Sri Datuk Seri Dr. Fong Chan Onn: *...The first part representation and the second part is the representation is defined to be advisory, you now. At least then, I can be happy with that.*

Tuan R. Karpal Singh: *That is what we wanted...* *[Bercakap tanpa menggunakan pembesar suara]*

Seorang Ahli: *Just now you say is different* *[Bercakap tanpa menggunakan pembesar suara]*

Tuan R. Karpal Singh: *That is what I said...* *[Bercakap tanpa menggunakan pembesar suara]*

Tuan Pengerusi: *It is okay. We already decided. So, the Meeting is adjourn to the next date that we will determine that suits everybody punya time. Thank you very much. Thank you.*

Mesyuarat ditangguhkan pada pukul 1.37 petang.