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MALAYSIA

**LAPORAN PROSIDING
MESYUARAT JAWATANKUASA
HAK DAN KEBEBASAN**

**PARLIMEN KEDUABELAS
PENGKAL KETIGA**

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

ISNIN, 17 MEI 2010

AHLI-AHLI JAWATANKUASA

Hadir:

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

Tidak Hadir [*Dengan Maaf*]:

YB. Tuan Sivarasa A/L K. Rasiah [Subang]

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
(Perundangan dan Prosiding)]
Encik Wan Kamarul Ariffin bin Wan Ibrahim [Penolong Setiausaha
(Perundangan dan Prosiding)]

LAPORAN PROSIDING**MESYUARAT JAWATANKUASA HAK DAN KEBEBASAN
PARLIMEN KEDUA BELAS, PENGGAL KETIGA****Bilik Mesyuarat Jawatankuasa 1, Parlimen Malaysia, Kuala Lumpur****ISNIN, 17 Mei 2010****Mesyuarat dimulakan pada pukul 10.12 pagi**

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

Tuan Pengerusi: *Okay, good morning. I think we can start. Assalamualaikum* dan selamat sejahtera. Terlebih dahulu saya mengalu-alukan kehadiran Yang Berhormat sekalian ke mesyuarat pertama Jawatankuasa ini.

Untuk makluman Yang Berhormat sekalian, Ahli-ahli Jawatankuasa Hak dan Kebebasan, Parlimen Kedua Belas adalah terdiri daripada saya sendiri selaku Tuan Yang di-Pertua sebagai Pengerusi. Seterusnya Ahli-ahli Jawatankuasa ini adalah seperti berikut:

- (i) Yang Berhormat Datuk Ronald Kiandee, Timbalan Yang di-Pertua Dewan Rakyat;
- (ii) Yang Berhormat Dato' Razali bin Haji Ibrahim, Ahli Parlimen Kawasan Muar;
- (iii) Yang Berhormat Datuk Seri Dr. Fong Chan Onn, Ahli Parlimen Kawasan Alor Gajah;
- (iv) Yang Berhormat Puan Hajah Nancy binti Haji Shukri, Ahli Parlimen Kawasan Batang Sadong;
- (v) Yang Berhormat Tuan Sivarasa a/l K. Rasiah, Ahli Parlimen Kawasan Subang; dan...
- (vi) Yang Berhormat Tuan Karpal Singh A/L Ram Singh, Ahli Parlimen Kawasan Bukit Gelugor.

Yang Berhormat sekalian, Jawatankuasa Hak dan Kebebasan telah dipertanggungjawabkan untuk melaksanakan keputusan Majlis atas Peraturan Mesyuarat 27(3) yang dibawa oleh Menteri di Jabatan Perdana Menteri, Yang Berhormat Dato' Seri Mohamed Nazri Abdul Aziz pada hari Khamis, 22 April 2010 lalu.

Tugas Jawatankuasa ini adalah berdasarkan kepada dakwaan yang 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 Berhormat Permatang Pauh dalam ucapannya telah mendakwa bahawa, *"1999 1Israel. 2009 APCO menasihati Perdana Menteri Dato' Sri Mohd Najib 1Malaysia."* Selaras dengan ketetapan Majlis pada hari Khamis, 22 April 2010, Jawatankuasa dirujuk untuk memutuskan sama ada Yang Berhormat Permatang Pauh menyalahi hak dan keistimewaan sebagai Ahli Parlimen.

Sehubungan dengan itu, mesyuarat yang pertama pada hari ini adalah bertujuan – bertujuan ya. Tiada lain dan tidak bukan bagi membincangkan persediaan bagi menjalankan tanggungjawab Jawatankuasa ini selaras dengan Peraturan Mesyuarat 80(3) iaitu Jawatankuasa ini berkuasa memanggil orang hadir di hadapannya dan meminta dikeluarkan surat-surat dan boleh mengeluarkan penyata – *means* laporan kepada Majlis dari satu masa ke satu masa.

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Jawatankuasa ini boleh menetapkan pihak atau individu mana yang akan dipanggil sebagai saksi-saksi dalam prosiding yang akan dijalankan. Pandangan daripada Yang Berhormat sekalian dialu-alukan bagi membantu melicinkan urusan jawatankuasa ini, seterusnya dapat mengemukakan syor dalam laporan jawatankuasa ini untuk diputuskan oleh Majlis. Jadi untuk tidak membuang masa, saya menjemput Ahli-ahli Yang Berhormat untuk melihat agenda kita pada hari ini. Kita mempunyai lima agenda iaitu perutusan tadi yang saya sudah buat.

Kedua, iaitu melaksanakan tugas kita sepertimana yang dikehendaki oleh Majlis pada hari Khamis, 22 April 2010. Pada hari ini seperti yang disebutkan sebentar tadi iaitu untuk menetapkan saksi-saksi dan apa yang kita buat sebagai persediaan untuk Jawatankuasa ini. Selepas itu hal-hal lain, dan selepas itu berakhirlah mesyuarat. Okey, sila. Saya jemput siapa yang mahu..., *would you like to contribute first?*

Tuan R. Karpal Singh [Bukit Gelugor]: Usul yang diluluskan pada 22 April, masa itu saya tidak ada dalam Dewan. Nampaknya usul yang ada diluluskan khasnya di perenggan ketiga - *the third paragraph of the Motion*, *"Maka inilah dipersetujui bahawa Ahli Yang Berhormat Permatang Pauh hendaklah dirujuk kepada Jawatankuasa Hak dan Kebebasan. Jawatankuasa ini hendaklah membuat syor jenis hukuman yang setimpal, yang patut Dewan kenakan ke atas Ahli Yang Berhormat Permatang Pauh."*

Membuat syor jenis hukuman. Dengan izin, *I just want to know, is it just for the purpose – for the purpose of constraint the penalty to be involved and not for the purpose of giving Yang Berhormat dari Permatang Pauh an opportunity and try to come here defend himself, call witnesses before. In fact, they even decided him as a guilty because from what I see, the Motion of precipitous guilt and the references made to this Committee for the purpose of deciding on the penalty to be recommended to the Dewan, I think this is ridiculous. I just want to make a clarification - is to whether Yang Berhormat dari Permatang Pauh will be given an opportunity to present here for one, call witnesses and so forth. Can I have your clarification, Mr. Chairman?*

Tuan Pengerusi: *Thank you. I think there are two things to clarify here from the beginning of this mesyuarat. Yang Berhormat Permatang Pauh came to see me even before the Sitting, in my Chamber because I believe that part of the function of the Speaker also is not necessarily during Sitting. In other words, Ahli-ahli Yang Berhormat boleh berjumpa dengan Speaker for the purpose of discussing Parliament's affairs in counseling if it need be.*

So he was questioning the wording of the Usul to me. Dia kata, "Maybe we want to raise this matter waktu persidangan." I gave him my sincerest opinion. I said, "Yang Berhormat Permatang Pauh, tidak payahlah because saya sendiri yang luluskan itu Usul dalam format seperti yang demikian." I said, "In this case, it is up to the Majlis sama ada apabila nanti usul itu dibentangkan oleh Menteri yang berkenaan. Apabila dibahas, Majlis juga yang akan menentukan melalui undi sama ada merujuk hal ini kepada mesyuarat atau tidak." That is first.

Secondly, apabila kes ini dirujuk kepada Jawatankuasa, sememangnya Jawatankuasa juga – because of the same paragraph tiga. Jawatankuasa juga akan membuat penyelidikan, memanggil saksi, memanggil dokumen-dokumen yang perlu seperti yang dikehendaki oleh Peraturan Mesyuarat 80(3). I told him that. Jelas. I thought at that time, after I explained to him my position and that matter will not be raised again sehingga menimbulkan kekecohan. You are not there I think at that time.

So a few Ahli-ahli Yang Berhormat berdiri and one of them is Yang Berhormat Ipoh Timur. I explained to him, then he sat down and accepted. Unfortunately there are numbers of Ahli-ahli Yang Berhormat yang tidak puas hati, they are questioning as if we were in court of law, which we are not. So I made my stand. So untuk clarify pertanyaan Yang Berhormat Bukit Gelugor tadi, we are here to call witnesses yang kita fikir perlu untuk kita panggil. Pada masa yang sama, Jawatankuasa ini juga tidaklah seperti memanggil yang kita tidak anggap sebagai relevan seperti mahkamah dan sedemikiannya. It would not come to that.

So that is the reason why everybody must be given opportunity. Siapa yang kita rasa perlu untuk dipanggil, and I read the Hansard because I did not sit most of the time pada ketika itu. I only read relevant matters. Now your question of standing order sama ada pada ketika itu Peraturan Mesyuarat 37(1) relevant or not, dikaitkan dengan Peraturan Mesyuarat 36(12), because the matter was not happen at that time. I read everything.

Now, my mind is this. Datuk Ronald Kiandee on that time when he was sitting, dia dengar apa yang disebut oleh Yang Berhormat Kota Belud. If you read the Hansard, dia dengar, dia raise tetapi Yang Berhormat Ipoh Timur sudah object. Dia kata dia tidak boleh berdiri begitu, point of order terus cakap but if he ruled out immediately before not listening, how does he know whether it is a valid point of order or not because everybody boleh stand up and say, "Tuan Speaker, point of order." Then of course you say under what point of order. So you say the facts sedikit-sedikit whether it is relevant or not.

But while you are arguing on the relevancy of the matter, Menteri di Jabatan Perdana Menteri interjected. Dia kata, there is a discrepancy in there; I think kerajaan akan buat Usul. So he gives Yang Berhormat Permatang Pauh one week. From that moment onwards, I think bagi saya - interpretation saya ialah, apabila sudah wakil kerajaan bercakap begitu, meaning ada sudah pendirian yang dibuat when Datuk Ronald Kiandee made that decision, he was already disregarding what Yang Berhormat Kota Belud was saying, although at that time, saya lihat Hansard, Yang Berhormat Ipoh Timur was saying that, ini ada pakat.

So I do not want to know that. I do not know what transpired, sama ada, ada berpakat atau tidak, that was the..., pendirian Mesyuarat harus given Yang Berhormat Permatang Pauh one week to think. So our focus here is very clear iaitu, that wording just now bahawa, "1999 1Israel..." Selepas itu dia kata, "...2009 APCO menasihati Perdana Menteri Dato' Sri Mohd Najib 1Malaysia." That is what the crux of the matter is. Dalam Peraturan Mesyuarat 36(12) yang kita siasat ini, is the facts right? Kerajaan denied, APCO cakap, we did not advised. So in other words, from there – from the outset of course, the facts was wrong.

Secondly, when Dato' Seri Anwar Ibrahim - Yang Berhormat Permatang Pauh was given the chance for one week to clarify the matter, that is the second limb I think of that Peraturan Mesyuarat 36(12). See, after he was told that the government said no, that it was not advised - in his explanation, he still stood by that meaning. Dia tidak retract balik although ada bukti. So there was an intentional to menyelewengkan Dewan walaupun pada ketika itu dia diberi peluang.

Ketiga, *stand* dia itu masih itu atau tidak? So, masih itu.

So I think now Jawatankuasa fokus kepada itu sahaja – “1999 1Israel. 2009 APCO menasihati Perdana Menteri Dato’ Sri Mohd Najib 1Malaysia”. Now, from the outset bagi saya yang cuma relevan dipanggil daripada apa di situ, mungkin beberapa orang. *See*, yang dipanggil, yang disebut nama *of course* termasuk Yang Berhormat Permatang Pauh dan sedemikianya.

I do not know the rest of the Jawatankuasa, what do you have in mind? Akan tetapi janganlah kita terlampau panggil yang itu, nanti susah. Cuma yang relevan, yang kita rasa boleh membantu kita. *Then after that, we will* buat *recommendation* *what actually that we do. Like when we had our meeting, pertaining to admonishment. Remember when you said admonishment is not right, that is the only the best thing when they* serang you. *That is the best I can fine, that is RM1,000. If it is RM10,000, I will imposed RM10,000.*

At the same time, I said it must be admonishment because if you refused to serve by Jawatankuasa, meaning you do not recognize Parliament, you do not recognize the Office of the Speaker. I am very glad to have you come around today, to also give what is inside in this dan sedemikianya because we want to create an integrated Parliament yang boleh dihormati. So these are the thing, these are our job.

Jadi sebelum saya cakap siapa saya rasa relevan, *I think I leave it to you. From the Hansard which you have read, what is our forecast for this morning, who will be the relevant atau dokumen yang kita panggil?*

Dato’ Razali bin Haji Ibrahim [Muar]: Tuan Pengerusi.

Tuan Pengerusi: Okey, sila.

Dato’ Razali bin Haji Ibrahim: Pertamanya Tuan Pengerusi, saya berterima kasih atas pelantikan, dapat berada bersama dalam Jawatankuasa Hak dan Kebebasan. Saya rasa Yang Berhormat Bukit Gelugor bertanyakan tentang soal Usul yang dibawa oleh kerajaan yang meletakkan perkataan “hukuman”. Saya rasa Jawatankuasa ini merupakan Jawatankuasa yang tertinggi, walaupun bukan yang terakhir dari segi hendak buat rayuan dan sebagainya tetapi, beberapa insiden telah berjalan sebelum kita duduk bermesyuarat. Selepas Ahli Parlimen Permatang Pauh membuat kenyataan, ada sedikit perdebatan. Ada Usul yang dibawa oleh Yang Berhormat Kota Belud, yang diberi saranan oleh kerajaan dan akhirnya dibawa oleh kerajaan sendiri selepas Yang Berhormat Permatang Pauh membuat penjelasan.

Saya dapati juga APCO sendiri ada membuat kenyataan di dalam *website* ataupun telah dimasukkan dalam surat khabar. Itu pun boleh kita pertimbangkan tetapi, insiden yang berlaku ini akan menjadi fakta dalam pertimbangan kita.

Akan tetapi yang dibangkitkan oleh Yang Berhormat Bukit Gelugor, seolah-olah hukuman yang diletakkan dalam Usul untuk merujuk Ahli Parlimen Permatang Pauh ke Jawatankuasa ini dilihat sebagai satu keputusan. Saya tidak nampak itu sebagai keputusan kerana kita mungkin memanggil siapa yang kita rasa sesuai, dan akhirnya kita rasa tidak bersalah ataupun memberi amaran keras ataupun sehingga kuasa yang diberi menggantung seseorang Ahli Parlimen.

Jadi pada saya, tidak ada masalah kerana apabila berlaku pertikaian, sudah tentu pihak yang membawa Usul merasakan yang dituduh itu bersalah tetapi, bukan kuasa yang membawa Usul menyatakan seseorang itu salah atau tidak. Jadi saya rasa integriti Jawatankuasa ini adalah untuk mendengar dan membuat keputusan. Tidak ada orang yang dituduh di mahkamah yang menuduh kata dia tidak salah. Yang kata tidak salah itu hakim. Akan tetapi kalau seseorang dituduh di bawah satu *Penal Code* umpamanya, ada hukuman dan pada yang menuduh itu salahlah. *You are wrong, that is why we charged you. You commit a crime, and then we charged you under the provision but that does not mean that they are going to be committed.*

Kita akan bebaskan sesiapa yang kita rasa tidak perlu dihukum tetapi, kalau itu menjadi persoalan kepada Jawatankuasa ini untuk putuskan, saya rasa tidak berapa relevan. Itu diputuskan oleh Dewan. Saya ada di situ. Ahli-ahli Dewan mengundi untuk merujuk di bawah Usul yang dianggap sebagai bersalah tetapi bukan keputusan lagi. Keputusannya di sini.

Saya menghormati pandangan itu kerana bagi yang tertuduh sudah tentu dia rasa dia tidak bersalah tetapi, saya rasa perjalanan prosedur Jawatankuasa Hak dan Kebebasan yang dipengerusikan oleh Tuan Yang di-Pertua, dan kita sebagai ahli-ahli, perlu meletakkan integriti Parlimen di bawah peraturan mesyuarat yang ada supaya tidak ada pihak yang mengambil kesempatan untuk mempertikaikan.

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Akhirnya saya rasa Tuan Pengerusi, kita akan bawa saranan kita, bukan hukuman. Saranan dan keputusan kita kembali kepada Majlis untuk dipersetujui. Jadi saya rasa kuasa yang diberi kepada kita itu sangat besar dan sangat mustahak untuk kita menjalankan prosiding di bawah Jawatankuasa Hak dan Kebebasan dengan semaksimum mungkin supaya tidak ada lagi persoalan. Ini kerana, inilah peringkat yang tertinggi untuk kita membuat keputusan sama ada Usul itu perlu diperakui, hukuman diberi ataupun tidak. Terima kasih Tuan Pengerusi.

Puan Hajah Nancy binti Shukri [Batang Sadong]: Tuan Pengerusi.

Tuan Pengerusi: Ya.

Datuk Ronald Kiandee [Beluran]: Terima kasih Tuan Pengerusi. Isu di hadapan kita adalah hubung kait 1Malaysia dengan "1Israel", itu sahaja isunya. So akhirnya nanti, kita akan membuat keputusan, sama ada keputusan untuk menghukum atau melepaskan. Saya rasa itu yang dipertanggungjawabkan kepada kita, dan untuk masuk kepada isu ini, saya rasa kita perlu panggil orang daripada APCO, kemudian seorang daripada kerajaan. Kemudian kita minta penjelasan daripada Yang Berhormat Permatang Pauh. Saya rasa itu memadai untuk kita meneliti isu di hadapan kita, sama ada 1Malaysia itu diilhamkan daripada konsep "1Israel", itu sahaja.

Puan Hajah Nancy binti Shukri: Tuan Pengerusi, saya menilai ini... Pertama sekali saya ingin mengucapkan terima kasih. Saya menilai Usul ini daripada sudut keseluruhannya, kelengkapan Usul ini. Kalau kita lihat yang dinyatakan di sini ialah, "*Maka inilah dipersetujui bahawa Ahli Yang Berhormat Permatang Pauh hendaklah dirujuk kepada Jawatankuasa Hak dan Kebebasan.*" Untuk melengkapkan lagi usul ini ialah, "*Jawatankuasa ini hendaklah membuat syor jenis hukuman yang setimpal.*"

Saya rasa ini, *is a complementing statement* untuk membenarkan kita - memang kita mempunyai kuasa tetapi, itu hanyalah sebagai salah satu *complementing statement* untuk Jawatankuasa ini sekiranya Yang Berhormat Permatang Pauh didapati melanggar apa yang hendak kita bincangkan nanti. Saya lihat juga apa yang Yang Berhormat Bukit Gelugor tadi, apa yang dinyatakan, memang juga sudah dinyatakan di Parlimen, dan kita lihat melalui *Hansard*, kita nampak Yang Berhormat Ipoh Timur pun juga ada bercakap..., dari mana lagi?

Yang Berhormat Tuan R. Sivarasa, kalau saya tidak silap dari Subang pun ada juga meminta penjelasan seperti mana yang telah kita bincang hari ini. Seperti mana yang disuarakan oleh Yang Berhormat Bukit Gelugor. Jadi proses ini telah dilalui di Parlimen. Jadi kita rasa cuma hari ini kita hendak bincang juga mengenai *relevant witnesses* yang telah melibatkan diri dalam Parlimen, yang telah berbahas mengenai perkara ini.

So therefore, saya rasa mereka yang terlibat ini kita perlu bawa bersama-sama. As *we called them as witnesses, of course* yang *main witness* juga yang perlu kita bawa bersama untuk kita dengar ialah Yang Berhormat Permatang Pauh, selain daripada APCO sendiri. Terima kasih Tuan Pengerusi.

Tuan Pengerusi: Okey, Yang Berhormat 'Batu' Gajah...

Datuk Seri Dr. Fong Chan Onn [Alor Gajah]: Ya.

Tuan Pengerusi: *I want your...* Yang Berhormat Alor Gajah, *I want your opinion.* Selepas itu saya respons, kemudian baru kita tetapkan. Kita semua sudah baca *Hansard and who will we call, let it be specific, who will we call?* Selepas saya respons, sila.

Datuk Seri Dr. Fong Chan Onn: Terima kasih Tuan Pengerusi. Saya juga bersetuju dengan Yang Berhormat Muar bahawa adalah tertakluk kepada Jawatankuasa ini untuk membuat keputusan dan semua Usul pun ada mengenai tentang hukuman tetapi, terpulanglah kepada Jawatankuasa ini untuk memanggil saksi-saksi dan untuk membuat keputusan. Kalau tidak, kita tidak anggap tidak ada apa, kita tidak kena. Kalau kita anggap ada - ada cost ini, *then* kita buat keputusan. Jadi ini terpulang kepada Jawatankuasa.

Tuan Pengerusi: *Okay. Before I call for specific* siapa yang harus dipanggil, *I did a little bit of research. I read New Zealand's procedure - this one data book I always refer. Our power* di bawah Peraturan Mesyuarat 80(3) - iaitu kalau saya boleh baca di sini. "*Peraturan Mesyuarat 80(3) - Jawatankuasa ini berkuasa boleh memanggil orang hadir di hadapannya dan meminta dikeluarkan surat-surat dan boleh mengeluarkan penyata.*" *Meaning recommendation* kita kepada Majlis dari satu masa ke satu masa, *that is our* peraturan mesyuarat.

Now this is from what the research that I have made. It has the inherent power referring to the Rights and Privileges Committee to send for persons, papers and records. The Committee is often concerned with the allegation made against Members in other person that they have breached privilege or committed contempt. Scope of inquiry - because we are not told what is our scope of inquiry? Setakat cuma memanggil begitu sahaja tetapi, *New Zealand's procedure* ini ia mengatakan, "*Once a matter of privilege has been referred to it, it is for the Privileges Committee to decide how deeply to investigate the matter.*" *That is what I said, how deeply?* Kalau kita panggil semua nanti, *APCO's Executive Committee* daripada Amerika di sini - *I mean that is beyond. Think how deep.*

Then, findings. In making findings is to whether a breach of privilege or contempt is occurred, the Committee is bound by the same rules of natural justice - meaning we have to call Yang Berhormat Permatang Pauh again. The standard of proof is the civil law standard of proof on the balance of probabilities. In making our finding of breach of privilege or contempt, the Committee must consider the totality of the evidence and then asked itself if it is satisfied on the basis of compelling evidence that a breach of privilege or contempt is occurred, only if it should in need such a finding.

Now report. The Committee present report on the question of privilege referred to it, although it is the House that finally decides if our breach of privilege or contempt has been committed and if so, whether any punishment should be inflicted. The most important determinant of the final outcome of complaint of breach of privilege, or contempt, is the finding of the Privileges Committee. For this reason, the Committee becomes actively involved in working out the ultimate solution to the complaint in recommendation of punishment to the House.

So in other words, it is up to us kerana ini Ketua Pembangkang yang didakwa, yang mendakwa kerajaan. It is not an easy task. When we sit here although dua daripada pembangkang - Yang Berhormat Tuan R. Sivarasa hari ini tidak ada because he wrote to me, he said he just had an eye operation and he cannot attend and he wants this thing to be postponed. Of course I said, kita ada kuorum. The reason why I want this Committee to sit now because nanti next sitting kita during Parliament session, so not everybody will be around you see? So hopefully we can make recommendation before July sebab July 13, meeting kita habis.

Now I want to emphasize here, this time around our duty is to Parliament. Parliament! As a Speaker bersama pegawai-pegawai saya, in this particular point of time we are the servant of Parliament. We decide on Members, because the Members for today in the opposition could be the Members for tomorrow in the government. I want to make it clear Yang Berhormat Bukit Gelugor. So whatever we do here is not a question of numbers anymore, bahawa oleh kerana majoriti BN which just use numbers. No.

Kalau juga perlu bagi pihak pembangkang umpamanya Yang Berhormat Dato' Seri Anwar Ibrahim bahawa *if it is* seperti di bawah Peraturan Mesyuarat 36(12) ini sama ada fakta itu betul atau tidak. Apabila dia dapat tahu bahawa fakta itu tidak betul, dia tidak perbetulkan. Selepas itu dia *insists, you see. In other words*, kerajaan sudah *take it seriously* bahawa *I was not advised by Israel, and then you insist that you were being advised. Now what are we to do?*

In a matter like this, no matter how serious, Ketua-ketua Pembangkang yang lain kalau di negara lain, they can just apologize. Okay I am sorry, you see. Sometimes trivial matters when you bahas off the cuff, never mind you see, because dakwa off the cuff. So maybe the Speaker can just brush aside that thing as he did not have any intention, but once you were given one week notice that what you said is not true, and you stick to it, then of course you know the consequence.

These are not my concerns you see but the cue is well, I am sorry. I know when I read the Hansard, of course he was just answering. The answer is, you accuse me of being a supporter of this - I am the friend of the World Bank's Chairman but, you also associate yourself with that. I mean, I can understand the perbahasan, tetapi here is already pinpointing. Ehud Barak was advised by APCO on One Israel, here our Prime Minister has also been advised by Israel - 1Malaysia, the facts which were disputed by the government. So these are the things that I think, if I am in the Committee now, we must take it that this is a... Bagi saya first time Ketua Pembangkang kena hadap begini..., I mean did this ever happened before?

So it is not an easy task. Our recommendation also apabila kita ambil kira semua, it is not necessarily to be followed by the Majlis. Majlis can change their mind. For that matter the Majlis in that time can just buat usul and then ia boleh buat – I think because di bawah Peraturan Mesyuarat 80A boleh juga ia buat, tetapi it has been referred here. Ya?

Tuan R. Karpal Singh: *[Bercakap tanpa menggunakan pembesar suara] ... Dato' Seri Anwar Ibrahim is undergoing a trial..., a very serious one...*

Tuan Pengerusi: *Hemm...*

Tuan R. Karpal Singh: *...And that is fixed right up until August. Can't this Committee in fact counter this position after that? Two, is this Committee going to go to the truth of the matter? Truth of the allegations made by Dato' Seri Anwar Ibrahim, and if it is the truth, I think we have to call all the witnesses necessarily...*

Datuk Seri Dr. Fong Chan Onn: *That is up to this Committee, I think.*

Tuan R. Karpal Singh: *Yes, but to get to the truth, I think Dato' Seri Anwar Ibrahim ought to be allowed to call any witnesses he likes. I don't think we can imposed on him certain witnesses that he ought to call. He has got the right. An accused person has the right to call any witnesses he likes. No doubt this is not in the nature of a trial, judicial proceedings, but the trappings of a natural justice must be there.*

So, if it is the truth, I think then, whatever Dato' Seri Anwar Ibrahim says is to be reported. Only then, we go on the balance of probabilities as to the total of the allegations made. I think that is the scope it is ought to be. It is not for us to decide who the witnesses were material. I think it is for the person who is in fact before us. Yes, that opportunity ought.

Tuan Pengerusi: *Yes, I appreciate that. I appreciate the comment, the opinion. Again as I suggest just now, it is up to the Committee..., how deep we want to go, you see. I have already stated that, I already stated also the little research that I did, simplify it. Since this Committee is being entrusted with the job, we got to carry on the job. You see, when we call the meeting, of course itu nanti kita decide with our meeting but I would like it dalam waktu Parlimen bersidang, because I am sure the Majlis also anticipate when our report would be, you see. Kalau report kita belum selesai, bagaimana pula kita boleh lapor? Like I said but, now we got to decide first, setidak-tidaknya we got to start, siapa? Siapa, we sebut nama - siapa dahulu yang ada dalam Hansard for instance, who others think?*

I cannot say who I have thought. You say first sesiapa, then we decide what are the relevance of why dan sedemikiannya.

So we, you know..., we think like for instance, if I were to ask Yang Berhormat Bukit Gelugor, I said, who do you think from the Hansard, from your experience whatever - who do you think that we would like to call siapa-siapa nama. Then from there, we..., you know - kita tengok bagaimana.

Dato' Razali bin Haji Ibrahim: Tuan Pengerusi, saya rasa saya hendak respons. Saya faham maksud Tuan Pengerusi yang cuba *confine* kepada Usul. Saya setuju sangat sebenarnya perkara ini tidaklah panjang walaupun bahan yang diberi kita banyak. Saya rasa kita tidak perlu baca semua, kita tidak perlu panggil semua pun. Ini kerana isunya kalau kita baca *Hansard* yang diletakkan dalam Usul, "*Ehud Barak Perdana Menteri Israel 1999 mengambil APCO, dan APCO menasihati Ehud Barak supaya memulakan slogan baru untuk Israel. 1999 1Israel. 2009 APCO menasihati Perdana Menteri Dato' Seri Mohd Najib 1Malaysia.*" Itu sahaja.

■1045

Ini bukan soal Malaysia menggunakan APCO atau tidak. Ini bukan soal perunding itu datang dari mana. Isunya mengaitkan "1Israel" dengan "1Malaysia" seperti dalam Usul. Kita tidak perlu fikir ataupun membincangkan perkara lebih daripada itu, pada saya. Ini kerana kerajaan tidak merujuk Yang Berhormat Permatang Pauh dalam Usul untuk membincangkan integriti dakwaan yang macam-macam. Kalau tidak nanti kita akan *repeat* semula perkara yang telah disebutkan oleh Ahli-ahli Parlimen semasa membahaskan. Terlalu banyak. Jawapan kerajaan pun terlalu luas. Kita boleh ulang semula.

Saya tidak baca ini pun saya boleh ulang semula perkara yang disebutkan oleh rakan-rakan di pembangkang ataupun jawapan daripada kerajaan ataupun daripada *Backbencher* yang pada saya bukan tugas mesyuarat ini. Mesyuarat ini diminta untuk menimbang sama ada Yang Berhormat Permatang Pauh berniat mengaitkan "1Israel" dengan 1Malaysia. Saya tidak nampak dalam usul itu ada perkara-perkara lain. Kalau tidak kita tidak habis ini. Atau pun betul seperti Yang Berhormat Bukit Gelugor, kita perlu panggil semua.

Saya tidak berminat hendak mengambil tahu sama ada betul kerajaan menggunakan APCO bagi penasihat ataupun kerajaan terpaksa mengambil penasihat ini untuk membersihkan nama kerajaan yang telah - ini semua *political. I am not really interested. In this Committee, I was asked and I will spend my time to see whether* Yang Berhormat Permatang Pauh ada niat untuk mengaitkan. Ini kerana di hujung itu... [*Merujuk lampiran*] Disebut selainnya tafsiran sendiri, mempersendakan, menuduh, mengaitkan adalah pertimbangan kita.

Sama ada ia benar-benar mengatakan tahun 1999 itu adalah penasihat kepada 1Malaysia - 1Israel adalah pertimbangan saya. Kalau tidak, saya bersetuju kita perlu panggil semua nanti. Banyak dakwaan dalam ini kalau kita baca sepanjang persidangan. Akan tetapi saya ingin merujuk kepada tugas. Usul yang dibuat oleh kerajaan memberikan kuasa kepada kita sehingga kita terpaksa bersidang iaitu, adakah 1Malaysia itu dikaitkan dengan "1Israel" kerana ia datang daripada penasihat yang sama? Pada saya cukup mudah dan *straight forward*. Kita boleh panggil Yang Berhormat Permatang Pauh untuk bertanya, apakah niatnya ketika bercakap. Sanggup meminta maaf ataupun sanggup mengaku salah ataupun beliau mengatakan dirinya betul dan memang itulah. Jadi kita buat keputusan atas itu. Ini disebabkan APCO pun ada membuat kenyataan.

Saya rasa Yang Berhormat Bukit Gelugor, apabila mengatakan terpaksa panggil semua. Saya hanya perlu melihat, apakah APCO sebagai badan rasmi membuat kenyataan, dua kali selepas pertelingkahan ini yang sepatutnya dibekalkan kepada kita dalam dokumen ini. Kenyataan yang sama ada dibuat dalam surat khabar. Kita memetik kenyataan mereka ataupun kenyataan yang kita ambil terus daripada agensi berkenaan untuk kita jadikan pertimbangan. Ini disebabkan tuduhan itu spesifik, dan jawapan kita pada saya boleh terus spesifik pada Usul yang dibangkitkan.

Tuan R. Karpal Singh: *[Bercakap tanpa menggunakan pembesar suara]* Yang Berhormat Dato' Seri Anwar Ibrahim *has been charged for something which will even cost his political career. I think the truth of the matter is what we ought to go into, not assume the truth of it. To go into the truth of it, I think every opportunity should be given to, or witnesses to be called and for the government to rebut whatever those witnesses said. It cannot be one-sided. This is not an inquisition, this is not an inquiry. So nothing ought to be presumed. Whatever happened in the debate in Parliament, those who are irrelevant for the purpose of the inquiry which this Committee is authorize to handle.*

Dato' Razali bin Haji Ibrahim: *No. What I am saying is, for all you know we might call the Prime Minister himself and tell us where he gets this 1Malaysia idea. Is it from his over coffee discussion? Is it from brainstorming discussion between his Deputy Prime Minister's Office? This is because he already mentioned about 1Malaysia even before he become a Prime Minister or somewhere else? We might not know.*

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

Dato' Razali bin Haji Ibrahim: *Yes, that is why... No, what I am saying is we do not have to go further because the issue is 1Malaysia associated with "1Israel". We call them. That is why we are here to fulfill the agenda, who should we call. I just want to confine our job scope to the Usul.*

That is what I think what the Tuan Pengerusi asks us to do. That is why I cakap, I tidak interested hendak tahu dari segi lantikan itu sah atau berapa banyak ia bayar. It is none of our concern. It is none of my concern. I do not know about the rest of the Members...

Tuan Pengerusi: *That would be a relevant evidence...*

Dato' Razali bin Haji Ibrahim: *So to me, it is very straight forward. Is it true that you said that 1Malaysia was asked by APCO? Maybe the 1Malaysia came from Prime Minister himself or a group of people yang terlibat yang kita tidak tahu. Cumanya I hendak reaffirm tugas kita hanya untuk lihat Usul yang diberikan dan bukan untuk melihat semua. Oleh sebab itu, dokumen-dokumen berkaitan tentang kenyataan yang dibuat oleh APCO sendiri perlu dimasukkan sebagai bahan. Tidak perlu pergi jumpa APCO buat masa ini, mungkin.*

Saya faham Tuan Pengerusi, kalau kita sudah memanggil dan menetapkan saksi dan kita rasa perlu ada pertambahan, kita ada ruang dan kuasa untuk memanggil nama-nama yang kemudiannya nanti disebut oleh saksi-saksi awal kita. Ini kerana kita bukan dua pihak yang mesti ada mendakwa dan membela. *Whatever facts given by the list of witness yang kita akan identify, memerlukan kita panggil tambahan saksi, kita akan panggil. I think there is no wrong to that, but lets confine to the Usul.*

Tuan Pengerusi: Okey, saya *emphasis* semula. Ini di bawah Peraturan Mesyuarat 36(12). Yang Berhormat Permatang Pauh dirujuk kepada Jawatankuasa Hak dan Kebebasan di bawah Peraturan Mesyuarat 36(12) iaitu menyelewengkan.

Dalam apa yang semua kita tahu bahawa... *[Merujuk lampiran]* *"There are three elements to be established when it is alleged that a Member is in contempt by reason of a statement that the Member has made:*

- (i) *the statement must, in fact have been, misleading;*
- (ii) *it must be established that the Member making the statement knew at the time the statement was made that it was incorrect; and*
- (iii) *in making it, the Member must have intended to mislead the House.*

Recklessness in the use of words in debate, though reprehensible in itself, falls short of the standard required to hold a Member responsible for deliberately misleading the House. The misleading of the House must not be concerned with trivial matters to warrant the House to deal with it." Now that was as far as we are concerned, was it a triviality? My answer to that is none, because Yang Berhormat Permatang Pauh was given a chance.

When he made a statement that 1Malaysia and "Israel" is the same - at that time when he was making the statement, did he know that the fact was wrong? Maybe he thought that it was right, but when it was denied by APCO, he had the time to say, "Well I made a mistake, I am sorry" but he did not. In other words, it was already an opinion you see.

So our concern here is what? When you make a statement in the Dewan, when you were told that it was wrong, do you still stick to that because you want to bring some other political matters? This is what they were trying to indicate which this Committee must not be interested in. See, I think it is Parliamentary also. We must be gentleman enough because bagi saya, I do not want to name first who I have in mind to call. Bagi saya there are only a few people. Yang Berhormat Permatang Pauh said this information also maybe from the website, but maybe like what insinuation from ataupun seolah-olah ada indication. Maybe Yang Berhormat Permatang Pauh will be calling people from US dan sedemikiannya. Do we have to do that, do we have to go deep into that?

Cuma kalau pun misal kata, kita bilang perlu untuk panggil Prime Minister, my question to him is, "Sir, were you advised by APCO pertaining to 1Malaysia?" He said, "No." So, just say okay. Cukup. See, like your style of cross-examination. I understand that when you do cross-examination, it is really short - just to the point. After that you can think easy, so I will do the same thing. So he said, "No, I was not advised." Now, that is not a presumption.

So when we call nanti Yang Berhormat Permatang Pauh, "Where is your evidence?" He will say like this, "Then we call yang daripada APCO" but APCO people will come and will said, "We did not advise." So when those things happen before they have been asked, there are already two things that they do not have to make any recommendation. Apa lagi mahu di cakap? Bagi saya very simple - to me.

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

Tuan Pengerusi: *No, that is what I am saying. Now we are here. We are now calling witnesses first. Siapa? Kalau tidak, bagaimana? Who are the people from Hansard? Maybe Menteri di Jabatan Perdana Menteri, Dato' Seri Mohamed Nazri bin Abdul Aziz must be call sebab dia yang bentang Usul. So, I cannot... You see, these are the things because we are not given dalam Peraturan Mesyuarat 80(1), Peraturan Mesyuarat 80(2) dan Peraturan Mesyuarat 80(3) who to call. That is why we have empowers. I do not think we want to spend our time here for one year calling, what is it that we have not heard dalam Majlis that I want to hear inside here. I think it is more interesting outside there - dalam Majlis daripada di sini because all these, when they come here it is all for Parliament. So now for instance, if you are saying that we cannot presume then bagaimana lagi? Who is the first witness we should call?*

Dato' Razali bin Haji Ibrahim: *We should name the...*

Datuk Seri Dr. Fong Chan Onn: *Yes, I think...*

Tuan Pengerusi: *Bagi saya the first one to be call if I were to lead is Dato' Seri Anwar Ibrahim himself. Then only we can determine - because here, the role of a Speaker while dalam Dewan saya tahu, sama ada I should let it go atau tidak? When you call me dictator, sama ada I take that as a contempt or not? Until now you did not even face contempt because that one I can decide myself, will I let it go or not. This one the kerajaan said, they stood by that I was not advised so they take it seriously. It is the government. It should no longer a Speaker's discretion this time.*

Datuk Seri Dr. Fong Chan Onn: *Tuan Pengerusi, saya ingat saya bersetuju. I think selepas mendengar Yang Berhormat Bukit Gelugor, pandangan saya ialah sungguhpun ini siasatan Jawatankuasa tetapi kita siasat kes tidak seperti murder trial or something. Here we are investigating an incident that happened in Parliament. We can go after the facts of the matter that is we can ask Yang Berhormat Permatang Pauh. We can ask the Prime Minister to come here. If the Prime Minister says, "No, I thought this on my own." - we have to accept that. We cannot go further, go to his office and find out whether he secretly and have some doubt. We have to accept the fact that the Prime Minister told us, "No, I thought about it myself. I have some inspirations; I discussed it with my colleague."*

Similarly, Yang Berhormat Permatang Pauh - if he alleged that 1Malaysia and "1Israel" is related, he provide us proof. Then we will asked whoever that the person, that he linked up with. Ask him whether it is true or not and if he says yes, then we have to accept it. If he says true or not true, then we have to accept it. I think this Committee does not have the resources or time to go further than that, to go to Washington to investigate whether there is any documentation. To me, that is rather irrelevant. We have to accept the official statement from the company as the truth of the matter.

Tuan R. Karpal Singh: *[Bercakap tanpa menggunakan pembesar suara] ...I think just to - expediency as we say, to assume certain things. I do not think that is correct. If the evidence says it has to be call, let it be call. Can we deny the right to call witnesses to prove what he said was in fact right? Are we not going to go into the truth of it to presume? I think you are presuming a lot.*

If the Prime Minister comes and says, "Alright, this is what happen..." and we assumed what he is saying is the truth, that is not right. On whom is the honour of the proof now? On whom is the honour? Is it on Dato' Seri Anwar Ibrahim? If it is so, then what about the rebuttal evidence? Is it all the right to in fact show what he said was right, in point of truth?

Are we not supposed to go into those questions? I think we must go deeper into it, not some casual hearing here and make a finding. We have to make a finding of guilt. I think that is what...

Datuk Seri Dr. Fong Chan Onn: *No, we...*

Tuan R. Karpal Singh: *...Finding of guilt that what he said was in fact not true.*

Datuk Seri Dr. Fong Chan Onn: *Tuan Pengerusi, saya rasa dalam kes ini we have to establish the basic point...*

Tuan Pengerusi: *Ya, ya...*

Datuk Seri Dr. Fong Chan Onn: *...Whether there is a linkage between 1Malaysia and '1Israel'...*

Tuan Pengerusi: *This is very clear. Caj Usul kita sudah tahu di bawah Peraturan Mesyuarat 36(12) - menyelewengkan fakta. What we are concern for today is who shall be the witnesses that we will call because Jawatankuasa ini bukan seperti prosecution dalam mahkamah, bahawa we named the person's prosecutor - I know who are my witnesses to talk on my behalf, therefore you have your witnesses, therefore you can cross-examined. What Yang Berhormat Bukit Gelugor is saying, Jawatankuasa ini dibuat sebagai mahkamah [Disampuk] Which...*

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

■1100

Tuan Pengerusi: *Yes, something like that because... [Disampuk] Yes, so now what we are saying is, siapa sekarang yang harus kita panggil? So now, jangan kita bertengkar mengenai law book begini, lets move from there.*

Yang Berhormat Bukit Gelugor, who do you think the relevant witness for the time that we should call? Then we will decide after that. Kalau misal kata kita panggil Dato' Seri Anwar Ibrahim dahulu. Kalau misal kata dia tengok nanti, dia datang di sini masih lagi bergaduh, then let see apa yang dia mahu diturut. Begitu juga, what is next?

Kalau Jawatankuasa ini fikirkan, perlukan kita berbuat begitu, then we go and make a stand. Even judges also when the time comes, ada decision yang ia kata unanimous, ada juga the same thing dan sedemikian. If it comes to that, okay we do that. Begitu juga even after we make a recommendation, it is up to the Majlis to agree with us or not. We can say here that we said Dato' Seri Anwar Ibrahim is not guilty after our findings, but the voice is still there you see, begitu. So what we are doing is, we are just now in enchanted water where a new Speaker maybe has different opinion from the previous one. Openness ada, you see.

I know sometimes what you say is not really what is in your head, if you are really a parliamentarian like when you call me as a dictator. I knew that, but when you smile I smile back to you. I know you have an agenda but I do not have. So these are the things.

When we talk here, be practical also Yang Berhormat Bukit Gelugor. Janganlah kita duduk sini sampai dua tahun menyiasat Dato' Seri Anwar Ibrahim. I know he is the Ketua Pembangkang. As a Ketua Pembangkang, he must be responsible also but it happens in one issue that the government is trying to portray.

Tuan R. Karpal Singh: *Excuse me Mr. Chairman, you are assuming that he is guilty.*

Tuan Pengerusi: *I am not assuming he is guilty.*

Tuan R. Karpal Singh: *I think that is a tone of it...*

Tuan Pengerusi: *No, that is not the tone of it. Now I am asking you, who are the witnesses?*

Tuan R. Karpal Singh: *I think it is quite wrong when you too, have made that statement.*

Tuan Pengerusi: *No, I am not... Do not...*

Tuan R. Karpal Singh: *You cannot presume, if you presume so you cannot...*

Tuan Pengerusi: *Okay, I do not presume. So, now what? I invite you..., who are the saksi that we call first?*

Tuan R. Karpal Singh: *We will ask him.*

Tuan Pengerusi: *Ask who?*

Tuan R. Karpal Singh: *Ask Dato' Seri Anwar Ibrahim.*

Tuan Pengerusi: *Okay, Dato' Seri Anwar Ibrahim. Put it, Dato' Seri Anwar Ibrahim.*

Tuan R. Karpal Singh: *When we call him may I ask him, who are your witnesses?*

Tuan Pengerusi: *Okay, second... Who are you? No, no, no...*

Tuan R. Karpal Singh: *I am not a defense counsel in this case.*

Tuan Pengerusi: *That is why I am asking you people here who are the next witness we should call.*

Dato' Razali bin Haji Ibrahim: *Saya perlu sebut sesuatu perkara. Ini perlu sebut sebab kita, perjalanan ini dirakam ya. Bila kita sebut tadi, bukan kita percaya atas percakapan. Itu tidak betul. Kita akan berasaskan kepada dokumen.*

Katakan tadi disebut bila saya tidak berapa setuju iaitu siapa yang kita patut percaya. Ini bukan soal bila Perdana Menteri kata, "Oh, ini idea saya." Kita percaya bulat-bulat, tidak! Ini sebab orang yang menuduh perlu beritahu dalam *Hansard* ini memadai. Dato' Seri Anwar Ibrahim pun kata, dia tidak ada bahan. Dia tidak ada, tidak perlu kita hendak tanya, hendak panggil siapa. Dalam ini dia sudah sebut.

Tuan Pengerusi: Ya, dia sudah sebut.

Dato' Razali bin Haji Ibrahim: Dalam *Hansard* dia kata... Saya boleh baca, sebab itu saya kata perkara ini mudah. Pertama perlu tahu niat, apabila dibaca sini, "...sama ada surat detail memang saya tidak ada," Ini Dato' Seri Anwar Ibrahim cakap. *How can if we call* dia ada detail? Tidak mungkin nanti - saya tidak mahu kita pula bangkitkan dari segi kebenaran surat, betul atau tidak surat ini dikeluarkan pada tahun 1999 atau tahun 2007? Tidak mungkin kita hendak kena siasat, kita mana ada kemampuan itu. Oleh sebab itu, *whatever the produce that is our consideration, whatever been said will be recorded that is our consideration. That of course must be based on the supporting documents or allegation.* Kita tidak boleh assume, *but before calling all these...*

Tuan Pengerusi: *We should start somewhere...*

Dato' Razali bin Haji Ibrahim: ...*I am sure* kita tidak boleh buat apa-apa, tetapi kalau...

Tuan Pengerusi: Okey, Dato' Seri Anwar Ibrahim. Siapa lagi, *who else?*

Datuk Ronald Kiandee [Beluran]: Saya ingin... Apa yang saya faham ini, yang kita duduk ini ialah Jawatankuasa dan bukan mahkamah. Maknanya ada perkara-perkara yang dilakukan di mahkamah kita tidak buat di sini, umpamanya *allowing* Dato' Seri Anwar Ibrahim untuk memanggil saksi-saksinya. Saya rasa kita panggil Dato' Seri Anwar Ibrahim, kita perhatikan daripada *statement* dia, sama ada kita perlu panggil orang-orang yang disebut di dalam sana. Bukan *for him* untuk memanggil, tetapi untuk Jawatankuasa ini meneliti siapa yang mahu dipanggil...

Tuan Pengerusi: *Excuse me for interrupting. Now like I said,* dalam mahkamah pun Yang Berhormat Bukit Gelugor tahu, apabila buat *decision* nanti, kalau misal kata panel hakim lima orang - ada juga tiga orang kata begini *decision* saya, ada kata *same thing to when it comes to that, then only if it is necessary for us also to take vote, we will take vote.* Sama ada perkara itu kita panjangkan atau kita *make it deep* dan sedemikianya, *we will come to that. What I am saying today this morning is enough to know that he is being brought here under Article 36(12) - the elements of that* kalau misal kata kita mahu bersabit itu juga.

So now who are the witnesses, itu sahaja yang saya mahu tahu. Yang Berhormat Bukit Gelugor sudah cakap satu iaitu Dato' Seri Anwar Ibrahim. Ini ada dalam panel ini - siapa lagi saksi relevan *from the Hansard? That is the reason why you are here.* Kalau saya duduk dalam Majlis, *I know what to do.* Siapa mahu beri keluar, siapa yang tidak. Siapa mahu panggil, siapa tidak *but this is a Jawatankuasa already.* Okay now Yang Berhormat Alor Gajah, siapa lagi *we want from the Hansard,* siapa saksi yang harus dipanggil?

Datuk Seri Dr. Fong Chan Onn: JPM - seorang daripada Jabatan Perdana Menteri.

Tuan Pengerusi: *Who is he, name?* Supaya nanti *next meeting* kita boleh panggil. Daripada begitu kita boleh panggil sesiapa lagi.

Tuan R. Karpal Singh: *[Bercakap tanpa menggunakan pembesar suara]* ...Ask Yang Berhormat Dato' Seri Anwar Ibrahim *whom he wishes to call...*

Tuan Pengerusi: Itu nanti kalau kita sudah panggil dia.

Tuan R. Karpal Singh: *...Not even before he comes here, so that we know at least whom he wants to call and decides whether those witnesses are relevant.*

Tuan Pengerusi: *Yes, but we still want to know the rest - yang lain-lain. So kenapa mentioned Dato' Seri Anwar Ibrahim? Okey, nanti kita panggil dia dan dia bagi, then let us decide who he wants to call whether we will accept apa yang dia panggil atau tidak.*

Dato' Razali bin Haji Ibrahim: *What is the form of procedure* hendak suruh dia kemukakan saksi dia? *Unless* dia ada di depan ini.

Tuan Pengerusi: *We do not have this in the* Peraturan Mesyuarat. Tiada!

Dato' Razali bin Haji Ibrahim: ...Tidak mungkin kita hendak keluar surat. *This is not the procedure of mahkamah; we do not have a complete procedure. Once we call him, he might say, "Okay, to support my argument I want you to ask this, this and this..."*

Datuk Seri Dr. Fong Chan Onn: *Then we do that...*

Dato' Razali bin Haji Ibrahim: *We do that but, not at this moment...*

Datuk Seri Dr. Fong Chan Onn: *At this moment...*

Dato' Razali bin Haji Ibrahim: *...You can go back and... No, we can tell him. He can start thinking who he wants to call to support his argument later. Not now, because I do not think Mr. Chairman can issue a letter by saying that, "Yang Berhormat Dato' Seri Anwar Ibrahim, sila kemukakan saksi." Dia bukannya orang salah - as you said.*

We want to hear from him. If we do that, we assumed that he is guilty - we are not. We call him first, let him say thousands of people - does not matter. We will decide out of thousand, maybe we call ten of them. I do not know, but we are not conducting a complete trial here. We just want to hear from him.

Tuan Pengerusi: Okey, Dato' Seri Anwar Ibrahim *is very clear*, siapa lagi?

Datuk Ronald Kiandee: Saya rasa Menteri di Jabatan Perdana Menteri.

Datuk Seri Dr. Fong Chan Onn: *Yes and also - since APCO was involved, we have to call somebody from APCO.*

Datuk Ronald Kiandee: *That is all, there are three witnesses.*

Tuan Pengerusi: Okey, Menteri di Jabatan Perdana Menteri bermakna Dato' Seri Mohamed Nazri bin Abdul Aziz? *Okay, we will call* sebab dia bentang Usul.

Datuk Ronald Kiandee: *Then one from APCO.*

Tuan Pengerusi: *Then APCO, yang denied. Okay, who do you think - siapa lagi?*

Datuk Seri Dr. Fong Chan Onn: *Those are the basic. I mean from the...*

Tuan R. Karpal Singh: *Mr. Chairman, I want to know this. Are we going to establish the truth of what to said or the fact that it was said? There is a different here. Establish the truth...*

Tuan Pengerusi: *Okay, you see. What is your understanding of Peraturan Mesyuarat 36(12)?*

Tuan R. Karpal Singh: *Misleading. I think Mr. Chairman, the set of the New Zealand's Constitution...*

Tuan Pengerusi: *Exactly, yes.*

Tuan R. Karpal Singh: *...And the elements required there.*

Tuan Pengerusi: *Okay, so in other words...*

Tuan R. Karpal Singh: *You go one by one Mr. Chairman. The elements just now that have been brought up.*

Tuan Pengerusi: *So now in other words, that is why we are going to call relevant people who we think are relevant. This is because kalau umpamanya prosedur di mahkamah, issues are fully aware. Orang yang buat caj, dia sudah tahu siapa saksinya. In our case here, kita tidak ada guidance. You see, bukanlah pembentang usul itu seperti Dato' Seri Mohamed Nazri bin Abdul Aziz, terpaksa panggil saksi-saksi dia. Enough for us to find, to raise the answer because the answer is actually the ultimate - what is it he must said is there.*

Now, apa yang sudah berlaku di sana cuma dibawa di sini. Bagi saya, it is like what Dato' Razali was talking about. Yang Berhormat Permatang Pauh sendiri when he said... Because Yang Berhormat Rembau already pinned him down. You see, dalam Hansard saya baca Yang Berhormat Rembau pinned him down. He said, "Where is your evidence?" So he said, "I do not have any of the details."

Tuan R. Karpal Singh: *Mr. Chairman, that is irrelevant what happened in the House. This is a proceeding I think...*

Tuan Pengerusi: *Okay. So now, since we do not have any guidance on who to call as witnesses... You have already mentioned Dato' Seri Anwar Ibrahim.*

Tuan R. Karpal Singh: *If you want to go on the Hansard, might as well we convict him now straightaway, based on the Hansard.*

Datuk Seri Dr. Fong Chan Onn: *No, I think that is not fair. That is not fair. It is up to this Committee to decide. I think that is not fair.*

Tuan R. Karpal Singh: *That is... Then what happened in my case, when I said you must put up your right hand when taking the oath of office?*

Dato' Razali bin Haji Ibrahim: *No, that was different...*

Tuan R. Karpal Singh: *Only the Hansard was rely upon and I was not even called here. That is what happen?*

Dato' Razali bin Haji Ibrahim: *No, no. That is wrong. This is because we refer to some of the Evidence Act; we refer up to that extent. I think the court when we debate about that, it is not because only that yellow paper or what you said. We go further than that. In fact, I still remember Yang Berhormat Johor Bharu asked you to apologize in a very simple way.*

Tuan R. Karpal Singh: *Just because I did not apologize... [Disampuk]*

Dato' Razali bin Haji Ibrahim: *...It is irrelevant, it is different...*

Tuan Pengerusi: *Lets not talk about it...*

Dato' Razali bin Haji Ibrahim: *...But to refer...*

Tuan R. Karpal Singh: *I was not called. Was I ever called?*

Tuan Pengerusi: Yang Berhormat Bukit Gelugor, tahan dahulu. Ini Jawatankuasa. Let's think openly. Each one of us, we have our pendirian. Each one of us will head us; each one of us will read. Okay, maybe unfortunately for me I am new but I read. Let me give you an example – this is by the way.

Now when I sit there as a Speaker, there was a precedent that you knew before and you are punished for it. Angkat tangan itu tidak perlulah - that was the previous one. Yet, when I was the Speaker, you will raise the same issue when you know that it was already a precedent, why did you do that? You should be advising me that it was a precedent already. Why are you testing me that time?

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

Tuan Pengerusi: You see, ada suatu ketika dahulu there was already a dispute. You raised a point of order whereby, tidak sah angkat sumpah kalau tidak ada angkat tangan. It was already decided by the previous Speaker that was Tun Zahir dan tidak mengapa, kalau tidak angkat tangan, masih juga sah. I think you were the one that raised that. When I became the Speaker, the first point of order that came about is from you and you raised the same point of order bahawa angkat tangan kalau tidak, tidak sah.

Tuan R. Karpal Singh: *...Because what the Speaker decided early was wrong.*

Datuk Seri Dr. Fong Chan Onn: *Cannot like that. That is.....*

Tuan R. Karpal Singh: *It was wrong.*

Datuk Seri Dr. Fong Chan Onn: *...But that was...*

Tuan Pengerusi: You see Yang Berhormat Bukit Gelugor...

Tuan R. Karpal Singh: *...Because the earlier Speaker said that you do not have to put up your right hand.*

Tuan Pengerusi: *You see Yang Berhormat Bukit Gelugor...*

Tuan R. Karpal Singh: *...I said you have to put your right hand.*

Tuan Pengerusi: *Exactly. So, he had made that ruling already, so you know pretty well that I will be bound by the precedent.*

Tuan R. Karpal Singh: *No, not bound. You are not bound.*

Tuan Pengerusi: *You see, recently when you called me a dictator, I remembered it perfectly. We go back to the Hansard; you said, "Mr. Speaker, you have already created a precedent baru-baru ini, so you have been bound by that." One time kamu kata "bound", one time "persuasive". I mean, come on Yang Berhormat Bukit Gelugor, janganlah buat begitu bagi confuse saya. These are the things...*

Tuan R. Karpal Singh: *You are obsess by the time...*

Tuan Pengerusi: *I am not obsess. You are! You see, you should be advising me. You should not even raised the point of order on that point because you knew it. So, when next time kamu kena I will say, "Yang Berhormat Bukit Gelugor, you are a habitual offender. You always test the Chair."*

Tuan R. Karpal Singh: *[Senyum]*

Tuan Pengerusi: *Jangan buat begitu, but your smile sometimes disarm me. We saw that smile.*

Datuk Seri Dr. Fong Chan Onn: *Just getting this...*

Tuan Pengerusi: *...By the point. That is what I said - by the point. Lets keep an open mind about this. Okey, Yang Berhormat Bukit Gelugor sudah cakap Dato' Seri Anwar Ibrahim. Okay, when Yang Berhormat Permatang Pauh comes, it is up to him siapa hendak panggil. Now we named Dato' Seri Mohamed Nazri bin Abdul Aziz. Okay, now you already named APCO.*

Dato' Razali bin Haji Ibrahim: *Ya, ya.*

Tuan Pengerusi: *Okey sudah tiga, siapa lagi?*

Datuk Seri Dr. Fong Chan Onn: *I think we start from there first, and then from there we might expand... [Disampuk]*

Tuan Pengerusi: *You see, from there we might expand. Boleh. I am open, really openness. Ini belum ada apa-apa kamu sudah kata saya dictator. Kalau itu brand saya, biarlah saya dictator di sini.*

Tuan R. Karpal Singh: *[Senyum]*

Tuan Pengerusi: *No, I am not that. You see that smile again... [Ketawa] You see, if you pull that label, you put against me as a dictator, I might be open, you see. Even if I am not a dictator, also you already brand me as a dictator. You were not even punished for that. You*

knew you cannot do that, because by doing that you are not demeaning me, you are demeaning the Chair.

Datuk Ronald Kiandee: *Sekarang ini bukankah Yang Berhormat Bukit Gelugor sudah tahu siapa witnesses yang mahu dipanggil. I mean...*

Tuan Pengerusi: *We do not know. It is not in...*

Datuk Ronald Kiandee: *...I mean, kita tidak boleh berjalan macam mahkamah that he has to submit a list of witnesses. This is different. So let Dato' Seri Anwar Ibrahim present his case. Probably he will mention a few guys there and the Committee will decide, shall we call this guy or shall we call that guy.*

Tuan Pengerusi: *You will have the opportunity also to ask with us. We will have the opportunity if we were to call the Prime Minister, to ask the Prime Minister. No problem...*

Datuk Ronald Kiandee: *It is different from the court. We decide on the three first.*

Datuk Seri Dr. Fong Chan Onn: *Mr. Chairman, I think you should not get so worked up. We just append a...*

[Perbincangan secara off record]

Tuan Pengerusi: *...Jadi bermakna ini, tidak mengapa. Kita bercerita ini pada openness. Ini pertama kali ada dibuat Ketua Pembangkang so, what he is saying, itu yang saya kata. I mean apabila di mesyuarat ini jangan ada prejudis sebegitu. Macam open - good to be open, keep this as open. Jangan juga kamu presume bahawa just because we have the numbers than we do that, no! That is the reason why you are here. So, that is why I am open all the time to you. I said, "Can you give me an advise?" A few times I asked you dalam Majlis, what is your advise, but when you try to catch me a few times, I got to be guarded. I got to read also, otherwise...*

■1115

Tuan R. Karpal Singh: *I do not test the Speaker. Maybe weaknesses once in a while...*

Tuan Pengerusi: *Yes, I know...*

Tuan R. Karpal Singh: *...And today you are not telling the truth.*

Datuk Seri Dr. Fong Chan Onn: *I think we have decided that at least we start with three witnesses.*

Tuan Pengerusi: *Okey, siapa lagi, ada lagi?*

Tuan R. Karpal Singh: *One Mr. Chairman. I think I must put off cautious in this Committee that whatever we decide could be taken to court. We must be very careful.*

Tuan Pengerusi: *Whatever we have decide, what?*

Tuan R. Karpal Singh: *Yes, whatever is decided by this Committee, could be taken to court.*

Tuan Pengerusi: *So, we do not have any...*

Tuan R. Karpal Singh: *No, no, no...*

Tuan Pengerusi: *...We do not have any immunity already?... [Ketawa]*

Tuan R. Karpal Singh: *No, it is different altogether now. There are many authorities in the Commonwealth.*

Datuk Seri Dr. Fong Chan Onn: *I think that is irrelevant because...*

Tuan R. Karpal Singh: *No, no. I am just cautious...*

Datuk Seri Dr. Fong Chan Onn: *Yes. I mean, we do our duty. We are responsible to the Parliament and what is the other side consequences is not... it is beyond us.*

Tuan R. Karpal Singh: *Parliament cannot be challenged, Parliament is supreme in this country. No doubt...*

Datuk Seri Dr. Fong Chan Onn: *Yes...*

Tuan R. Karpal Singh: *...But it is must work within certain constraints.*

Datuk Seri Dr. Fong Chan Onn: *Yes.*

Tuan R. Karpal Singh: *Gobind's case is very obvious...*

Dato' Razali bin Haji Ibrahim: *Still pending.*

Tuan R. Karpal Singh: *Always under... Yes, of course it is still pending but for the moment the decision stands, followed them.*

Tuan Pengerusi: *And yet, there are still accusations that the court is not fair.*

Tuan R. Karpal Singh: *Mr. Chairman, you were taken to court.*

Tuan Pengerusi: *I know that. You even challenged me to go to Sibul. You love me to... So that you want to put me in a witness stand.*

Tuan R. Karpal Singh: *Have you go through Mr. Chairman, on what is relevant? You could be lost. Can I assume...*

Tuan Pengerusi: *I will think about it.*

Tuan R. Karpal Singh: *[Ketawa]*

Tuan Pengerusi: *I will think about it. I will give you a pleasure of cross-examine me. I will think about it first... [Ketawa] Okey, siapa lagi tiga?*

Datuk Seri Dr. Fong Chan Onn: *Tiga cukup. I think we start from there...*

Tuan Pengerusi: *Okey.*

Datuk Seri Dr. Fong Chan Onn: *...We start from there, then after that...*

Tuan Pengerusi: *We agreed, yes. We start on three first –Dato' Seri Anwar Ibrahim, Dato' Seri Mohamed Nazri bin Abdul Aziz yang buat Usul dan juga orang-orang APCO. Then*

after that, we go from there. Jikalau misal kata Jawatankuasa ini perlu bersidang panjang, if you think it needs to, then okay we will do. You see, begitu.

Jangan pula Majlis itu nanti menuntut, ia tanya *where is the report? It is because they are the one* yang berkuasa, kita ini cuma jalankan tugas. *It will take your opinion seriously. That is the reason why most of the time* saya lihat Yang Berhormat Bukit Gelugor, *can you advise me some but sometimes you tried to pinned me down. I mean, you are the best of friend but you call me dictator... Oh my God!*

Seorang Ahli: *[Ketawa]*

Tuan Pengerusi: *...And I always let you speak first.*

Datuk Ronald Kiandee: *Bila Dato' Seri Anwar Ibrahim free? This time until August. When he is free?*

Tuan Pengerusi: Ya.

Datuk Ronald Kiandee: *...Before August, I mean before start of the trial... From now.*

Tuan Pengerusi: *Okay, during Parliament session when he is around. I think Urus Setia berhubung dengan orang dia apabila dia – that is what the reason why I want it to be during Parliament session, so that everybody will be here.*

Tuan R. Karpal Singh: *The trial is not going to be during the Parliament session.*

Tuan Pengerusi: *Okay, can.*

Datuk Ronald Kiandee: *This is not...*

Tuan Pengerusi: *...Can.*

Datuk Ronald Kiandee: *This is not...*

Tuan Pengerusi: *...And make sure you will be around all the time during sessions. I do not want any excuse.*

Dato' Razali bin Haji Ibrahim: *[Ketawa] Is that an order?*

Tuan Pengerusi: *No. For him, no excuse...*

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

Tuan Pengerusi: *...Unless betul-betul medical atau apa-apa. For anything political, I do not take.*

Datuk Ronald Kiandee: *He does not need to campaign?*

Tuan Pengerusi: Yes.

Beberapa Ahli: *[Ketawa]*

Tuan Pengerusi: *First week.*

Datuk Ronald Kiandee: *First week, yes.*

Tuan Pengerusi: *First week because you will be around for Yang Berhormat Dato' Seri Anwar Ibrahim, because first week itu kita ada Rancangan Malaysia Kesepuluh.*

Datuk Seri Dr. Fong Chan Onn: *First week Parliament?*

Dato' Razali bin Haji Ibrahim: *7th of June?*

Tuan Pengerusi: Ya.

Dato' Razali bin Haji Ibrahim: *Yes, 7th of June or on that week.*

Tuan Pengerusi: Okey. Bagi fix dahulu *whether he will be around or not...*

Datuk Ronald Kiandee: *The first week.*

Tuan Pengerusi: *First week? Okay. Ya, boleh. Bermakna 7th and 8th? 8th will be around.*

Datuk Ronald Kiandee: Dato' Seri Mohamed Nazri bin Abdul Aziz.

Tuan Pengerusi: Ya.

Datuk Seri Dr. Fong Chan Onn: *8th ya?*

Datuk Ronald Kiandee: Sekarang saya pergi... Ini kerana kita *check* dahululah..., round satu?... Ya.

Dato' Razali bin Haji Ibrahim: *After question session.*

Tuan Pengerusi: Okey. *Make sure you give me good questions, so that your question will be on the first one. So, on 10 o'clock will be it. After question time, no excuse will be heard.*

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

Datuk Seri Dr. Fong Chan Onn: Tuan Pengerusi, kita tidak ada peluang seperti...

Beberapa Ahli: *[Ketawa]*

Tuan Pengerusi: *I tell you... I do not even see him, he is at the other side I can feel that he want to talk. Okay.*

Seorang Ahli: Okay.

Tuan Pengerusi: ...*All the time.*

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

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

Tuan Pengerusi: *See, that is why don't do all these verbatim, irrelevant. Because you people do not know what is our relationship behind.*

Seorang Ahli: *[Ketawa]*

Tuan Pengerusi: *[Ketawa] Good, I tell you good. I enjoyed that smile. You have a disarming smile, I tell you.*

Seorang Ahli: *[Ketawa]*

Tuan Pengerusi: *[Ketawa]*

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

Tuan Pengerusi: Yes, of course.

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

Seorang Ahli: *[Ketawa]*

Tuan Pengerusi: *Yes, but do not pulled the Speaker off at time. Tidak adil. Come on man.... You have been in the Parliament for long time. You know how adil I am, you should know. We work together how to think in Parliament. You presumed also I am already... You see, you are talking about presumption just now - you presume. You also presumed all the time that I am bias. Mana boleh begitu. Mana ada kita bias all the time. Sekali sekala sudahlah... [Ketawa]*

Tuan R. Karpal Singh: *Not bias all the time but bias sometimes.*

Beberapa Ahli: *[Ketawa]*

Tuan Pengerusi: *Sekali dia repeat, kira-kira lapan kali... [Ketawa] Okay, so kalau tidak ada apa-apa, we... Okay, so 8th and 9th. So we start from there. Okay.*

Datuk Ronald Kiandee: *APCO Malaysia or APCO International?*

Tuan Pengerusi: *Okay, thank you very much.*

Seorang Ahli: *Okay.*

Tuan Pengerusi: *Thank you.*

Mesyuarat ditangguhkan pada pukul 11.22 tengah hari.