

RESPONSE TO ALL MY CRITICS

By

Tun Abdul Hamid Mohamad

When I started my website, on the suggestion and help of a friend, my intention was to upload my speeches and papers delivered or written when I was in service as a Judge so that other people could have access to them. They were all on law-related topics.

During the first few years of my retirement, due to my involvement in those areas, I started writing and speaking on the legal aspects of Islamic banking and finance. Besides, I used to get invitations to speak on such subjects as integrity, corruption and others.

They were all uploaded on my websites. The number of visitors kept increasing, beyond my expectation. I used to receive congratulatory emails from readers, but never a criticism.

In early March 2014, I was invited by a group of Malay/Muslim NGOs led by Dato' Ibrahim Ali, who were resisting the repeal of the Sedition Act 1948 and the passing of what became known as the Harmony Bills, to chair the committee to prepare a memorandum to be submitted to Dato Seri Najib, the then BN Prime Minister.

I debated with myself whether to accept it or not, because for me to be seen sitting side by side with Dato' Ibrahim Ali, the President of Perkasa was enough to attract criticism from the non-Malay group championing the repeal of the Sedition Act and the introduction of the Harmony bills.

I decided to accept it on my terms, which I made clear at the first meeting on 14 March 2014, which are:

1. My job was only to assist the committee on the legal and constitutional aspects in the drafting of the memorandum. I may or may not agree with some parts of the memorandum. The content is a matter for the Convention of NGOs to decide.
2. The NGOs must not contravene any law in their actions. Besides, their actions must not be contrary to the good *akhlaq* of the Muslims and the *adab* of the Malays.

Even though my position was only as an advisor, not an activist, I knew that I would be accused of getting involved in politics, what more with the "ultra-extremist Malay group" by opposite group. Ironically, the Bar Council which not openly spearheaded the abolition of the Sedition Act but even drafted the Harmony bills was not seen as being involved in a "political" activity, or was it exempted?

However, I argued that I had retired, to quote Dr. Zhivago, “I am the people too” and, after his dismissal, Tun Salleh Abas, stood for election, first on PKR ticket, then on PAS ticket and became an Exco Member in Terengganu, nobody said anything. I am not joining any political party or standing for election as a candidate of any party, why should there be an issue?

But, sure enough, I was asked by a (Chinese) reporter whether it was proper for me, an ex-CJ to get involved in the drafting of the memorandum. You see how quick they are in finding your fault when what it might affect their interest.

On 22 April 2014, I wrote an article *“Perpecahan Melayu Punca Tuntutan Melampau Bukan Melayu”* from Bilik Cempaka, Hospital Kuala Lumpur. That was a political article but my position was clear: I was merely defending the rights of the Malays and the natives of Sabah and Sarawak and the position of Islam as had been agreed by the various races and provided by the Federal Constitution against the onslaught by mainly the Chinese who had rallied behind the DAP to achieve their objective. That article was published by Utusan Malaysia and became viral amongst the Malays. Of course, I received many congratulatory messages through my email.

The opposition against the repeal of the Sedition Act and the introduction of the Harmony bills was gaining momentum. I was already seen as a strong objector to the move to abolish the Sedition Act and the passing of the Harmony bills.

On 29 June 2014 I wrote an article *“Pembangkang, Majlis Peguam dan Comango “Merampas” MPKN (NUCC)”*. That article was published by Utusan Malaysia on 2 July 2014 under the title *“Saya tidak mahu jadi pengkhianat”*.

When writing that article I was confused between Majlis Konsultasi Perpaduan Negara (MKPN) or in English, and *Jawatankuasa Mempromosikan Persefahaman dan Keharmonian di Antara Penganut Agama (JKMPKA)* which was also under the Jabatan Perpaduan Negara dan Integrasi Nasional (JPNIN). I was offered chairmanship of JKMPKA which I turned down. However, in that article, I mistakenly typed “MKPN” instead of “JKMPKA”.

I am unable to find the article in Malaysiakini now except a line “July 1, 2014 - *To helm unity panel will make me Malay traitor*’. I believe that was the news article based on my article of 29 July 2014.

On 2 July 2014 Malaysiakini published 16 selected comments from its subscribers. The title reads *“Yousay”* followed by *“Shocking that Abdul Hamid was chief justice”*. Just as the title indicates, all of them condemned me harshly and questioned how a “bigot” like me could have been a judge and chief justice.

To save space, I merely quote parts of what they say:

“closet bigot”

“a fraud”

“We can only lament such a defective mind could have led the judiciary.”

“cock-eyed judges like Abdul Hamid.”

“Abdul Hamid is a traitor to the constitution and the rule of law”

“the man is a disgrace to the bench and the law.”

“.....bigots like Abdul Hamid around spouting their ridiculous ideas,”

The following day, on 3 July 2014, Malaysiakini again published a selection of 17 comments by its subscribers under the title *“Goodness gracious, and he was chief justice?”* The comments are similar. They were attacks against me personally.

Realising my mistake, on 8 July 2014, I issued a correction and apologized for the mistake. The correction is only relating to the confusion. The content remains the same.

However, the next day, 9 July 2019, Hornbill Unleash, perhaps relying on an earlier report by the “Malaysian Insider” reported under the title *“Ex-chief justice was not truthful, he was not offered a place on unity council, says source”*:

“Former Chief Justice Tun Abdul Hamid Mohamad (pic) was not truthful when he said he turned down an offer to join the National Unity Consultative Council for fear of being branded a “traitor” to the Malays and Islam, said a source who is familiar with the issue.

“The fact is, Abdul Hamid was never offered a position on the NUCC panel,” the source told The Malaysian Insider.

“He was instead offered the chairmanship of the Committee to Promote Understanding and Harmony Among Religious Adherents (JKMPKA) under the Department of National Unity and Integration.”

“The source” must have been one of the officers of the department. What is the motive for him to leak the information to Malaysian Insider to report it if not to discredit me as, by then, the days of NUCC were already numbered due to our opposition?

The truth is that I enquired whether the ministry could provide a car to fetch me from my house for the meeting and send me back after the meeting because, due to my health condition, I was unable to drive anymore and I did not have a driver! I did not ask for a car and a driver. See how it was spun.

Yes, I did enquire about meeting allowance not just for me but for all members of the committee. The minister and the department had full time and fully paid officers to do the

work of the department. Now they want us to do the job for them. They should not expect us to do it for free for them and, at the end of the day, they get the name. I did mention the amount the Ministry of Finance and Bank Negara paid me to chair their committees for their information. Why leaked it to be used to discredit me?

That article was a 1077-word article. I dealt with a number of issues, giving my arguments to support my view. (To get a clearer picture on the issue, I urge readers to read the said article and subsequent articles and speeches on the issue, on my websites.) No one wrote a similar article giving counter arguments to support his view. Instead, all of them criticised me with the kind of language readers have just read, picking on my mistake in typing the abbreviation "MKPN" instead of "JKMPKA" and trying to make me appear to be greedy for money.

It shows that none of them had read my article, in Malay. I am very sure they merely relied on a news article in English written by someone who normally follows what I write and published by one of the internet media that publishes similar news articles about me.

Why were they suddenly so angry with me? The truth is, by that time, they could already feel the strength of our opposition and the influence of my articles and speeches. I must be discredited and silenced at all costs. This is the best opportunity for them to do it.

My speech at the breaking of fasting organized by Perkasa on 21 July 2014 worsened the criticism against me. The title was "*Mempertahankan Perlembagaan Sebagai Asas Perpaduan Negara.*"

I began my speech as follows (translation):

"The Malay Peninsula was colonised from the Malays. Those who opposed it, be it Dato Bahaman, Dato' Sagor, Dato Maharaja Lela, Dol Said, Tok Janggut or Rusli Dhobi, were Malays. It was the Malays who opposed the Malayan Union. Those who sacrificed their lives to fight the communist terrorists during the emergency were Malays. Those who fought for independence were Malays. The non-Malays joined the movement to fight for independence when they saw that it would be a reality, to safeguard their interests. Even at that time their goals were different.

"Logically, the Malay Peninsula which was colonised from the Malays, should be returned to the Malays. But no, the Malays were required to share the power that the British colonisers were handing over. Even at that time, the Malays were required to sacrifice their rights "for the sake of unity". The Malays agreed, so much so that in the 1955 General Election, in order to give more representation to non-Malays, the Malay-majority areas were given to non-Malay candidates to contest. This situation continued in order to ensure the victory of non-Malay party leaders, up to the 12th General Election when UMNO's own victory in the Malay-majority constituencies, was uncertain."

Then, I quoted Professor Shad Saleem Farouqi's book "*Document of Destiny: The Constitution of the Federation of Malaysia*" where he said:

“As a result of the “social contract” between the various races, millions of migrants to British Malaya were bestowed with citizenship by the Merdeka Constitution. It is believed that the number of citizens in Malaya doubled at the stroke of midnight on August 31, 1957 due to the constitutional grant.”

Then, I said:

“Generally, the non-Muslims in Malaysia are unhappy with the position of Islam as the religion of the Federation. They want all religions to be given the same position. According to the former Mufti of Penang, in Penang, at an event in which a building was officially opened by the Deputy Chief Minister, prayers were read by a Christian priest, a Hindu priest the Imam of the State Mosque. I am surprised why the imam of the state mosque also participated.”ⁱⁱ

I also said that according to the former Mufti it was getting more difficult for the State Islamic Religious Council to get funds from the state as non-Muslim religious organisations also wanted the same.ⁱⁱⁱ

On 23 July 2014, Malaysia Today reported that Lim Guan Eng, the Chief Minister of Penang, attacked me and called me *“a racist, an extremist and a liar”*.

In the first place, did he read the whole of my speech before commenting? Now, let us look at his outburst rationally. I had stated a fact based on what was told to me by a person in authority, which fact I believed to be true. If that fact turned out to be wrong, I am not lying. I made a mistake of fact. All that Lim Guan Eng needs to do was to say that what I said was wrong and provide the correct fact. I would have accepted his statement and apologise the same way as I had done in respect of Tun Dr. Mahathir four years later. It is a pity that a Chief Minister does not know the difference between lying and making a mistake of facts.

Calling me “racist” and “extremist” does not prove whether what I said was right or wrong. It only shows his level of argument.

Since that was the first and the last time I heard from him, in spite of the fact that, on two occasions, when he was a Minister of Finance, I questioned his use of Mandarin only, in official matters, I will say no more.

The word “racist” uttered by Lim Guan Eng against me seemed to have awoken former Federal Court Judge Dato’ Sri Gopal Sri Ram from his 30-year sleep.

On the following day, 24 July 2014, the Malaysian Insider reported *“Hamid revealed racial prejudice in a High Court judgment, says retired judge”*. The report continued:

“Retired Federal Court judge Datuk Seri Gopal Sri Ram said he had sat on a Court of Appeal bench in 1996 which came across Hamid’s decision in a civil case that belied his prejudice.

In that case, a bank had sued two business partners, a Malay and an Indian, who had stood guarantors for a loan. Both the defendants relied on the defence that their signatures were forged by a third party.

Sri Ram (pic) told The Malaysian Insider that Hamid, who had written the judgment in Bahasa Malaysia, accepted the claim by the Malay defendant because “as a Muslim he would not tell lies”.

“He, however, did not accept the allegation of the Indian. The bank and the Indian appealed to the Court of Appeal.”

I do not remember that case as it happened, if at all, almost thirty years earlier, assuming the date given by him is correct. Show me the judgment and what I really said, in Malay. Only then I'll be able to reply. In the meantime, on the assumption that what he said is true, I will only say the following:

First, do not give the impression that I wrote the judgment in Malay because I was “racist” and I had something to hide. At that time, there was a directive from the Chief Justice that judges should write their judgments in Malay and for those who were not well versed in Malay, at least one a month. I do not know whether Gopal Sri Ram ever complied with that directive.

Secondly, did he ever read and understand a judgment written in Malay?

Thirdly, I was a judge for 18 years, written hundreds of judgments and decided thousands of cases, but he could only mention one solitary case, vaguely, 30 years later, to join the chorus that I am “racist”. Did he not come across any other? Show me just one formal complaint by lawyers or the Bar Council against me, regarding anything, during all those years that I was a Judge.

Fourthly, he was then a member of the Court of Appeal panel that heard the appeal. Why didn't the Court of Appeal (or he himself) write a judgment pointing out that I was wrong to give that kind of reason for accepting an affidavit evidence. It is the duty of the Court of Appeal to correct the mistakes of the High Court. I, a junior Judge then, would have learned my mistake, three decades earlier. Other Judges would benefit from it too. Or, why didn't he or any other member of the Court of Appeal panel call me and tell me that I was wrong. I would have thanked them for it.

Gopal Sri Ram himself used to go to Penang for Court of Appeal sitting. In fact, the judges used my chamber and my court room when they were there. Why didn't he tell me the mistake I made? Instead, he told me not to write my judgments in Malay “as people won't read them”.

Furthermore, when I was transferred to Kuala Lumpur in 1999, the then Chief Justice, Tun Eusoff Chin told me that Gopal Sri Ram complained that I was rude to him (to the Chief Justice!) during their sitting in Penang because I sat cross legged in front of the

Chief Justice! Considering all these, what is his motive in bringing up the issue almost three decades later? Is it to teach a junior judge or to smear his name after he had retired for reasons best known to him? Is it done in good faith?

On 30 July 2014, Hornbill Unleash published “*Muslim Cannot Tell Lies*” written by Ravinder Singh. He clearly picked up from what Gopal Sri Ram said six days earlier and “unleashed” on me. But, what is interesting is that he devoted the second half of the article to criticise Tun Dr. Mahathir for not telling the truth. He too could be a lawyer as he talked about hearsay evidence, albeit out of context but does not seem to know the word “relevance”. Note that at time Pakatan Harapan had not been established yet.

On the following day, 31 July 2014 someone wrote in a column “*Just my thoughts*” (I don’t know in which blog), under the title “*Not in Defence of Tun Hamid*”. Even though he said he was not defending me, he was, in effect defending me. He also quoted another person who rebutted the criticism against me point by point besides also quoting Perkasa. To avoid this article becoming too long, I shall omit the quotation.

“Former Chief Justice Tun Abdul Hamid Mohamad delivered a very good fact filled speech recently which must be read in full by all Malay/Bumi politicians in particular and Malaysians in general:

PEMANSUHAN PROKLAMASI DAN ORDINAN DARURAT, ISA DAN AKTA HASUTAN DAN PENGGANTIANNYA

Unfortunately Tun Abdul Hamid's speech was totally spun off tangent by the obviously very pro DAP/Pakatan The Malaysian Insider who themselves tried to rebut Tun Abdul Hamid well prepared speech, with their usual divisive rhetoric of their own devoid of any fact:

The danger of a former judge dressing up opinions as facts

After reading the TMI, I find that they not only tried to knock Tun Abdul Hamid but they also tried to knock UMNO, Perkasa and ISMA, they even tried to knock the Judiciary too as well. Well if TMI wanted a negative response they got what they wanted from the usual suspects the Ambigas, the DAP Lims and even a former retired Court of Appeal (sic) Judge.

In fact there are many useful food for thots that can be found in Tun Abdul Hamid's speech....about the ISA, the NUCC, the Sedition Act the draft Harmony Bill etc he is after all was the Chief Justice of Malaysia at one time, his insights to current affairs are very valuable.

.....

For those Malaysians who commented negatively on Tun Abdul Hamid's speech, I ask you, did you or did you not read the speech in full or did you just read the TMI

headlines and started to judge without getting your facts right or in full?” (Emphasis added).

Whether you agree with him or not, note his language and the language of my critics. I am sure you can see the difference. That is the difference in upbringing.

Five months later, on 18 December 2014, Lim Kit Siang, the DAP supremo, wrote in his blog *“How could an extremist with racial and religious prejudice rise up to become Chief Justice, the top judicial officer of the land?”*

He relied wholly and only, on what Gopal Sri Ram said and concluded, *“Hamid should have been hauled before the judicial tribunal for such an extremist, racial and religious prejudice and not be allowed to be promoted up the judicial ladder.”*

Imagine if he were a Prime Minister. Upon hearing someone making an allegation against a judge, he would straight away, without even hearing the judge’s side of the story, *“haul (him) before the judicial tribunal”*. That is his rule of law, perhaps.

Surprisingly, two years later, on 10 September 2016, writing in his blog, he quoted the following paragraphs from my article *“Pegawai Awam Sebagai Penyelamat Negara”* (02 09 2016):

“Since Independence, there has not been one year in which we celebrated our independence day in a similar situation as this year, where Government leaders face the most serious integrity crisis and the worst image. The reason could be described in one word: corruption.

Generally, political leaders could not be respected and followed as good examples anymore. Apart from being cheered by their supporters, who are hoping for something or who are ignorant and merely follow what others do, at most, they are merely tolerated by public officials who work under them and who have no choice. In that situation, we see the future of the country going down and down.”^{iv}(Translation. Original text available in endnotes.)^v

(Please note that I wrote that article on 2 September 2016, almost two years before GE 14, when Najib was still in Power.)

He continued:

“Was this written by political leaders from DAP, PKR or AMANAH in Pakatan Harapan? Or was it by former Prime Minister, Tun Dr. Mahathir?

None of the above. It was penned by a former topmost public official, former Chief Justice, Tun Abdul Hamid Mohamad who held the highest judicial post in the land from 2007 to 2008.”

When I came to know about it, I was surprised and happy that he too visited my website. However, several questions arose in my mind: Has he changed his views about me? Does he think that I have changed? Has he forgotten what he and his son had said about me? If I were a “liar” as his son called me and should have been hauled to the tribunal, why quote me with approval? Do I only lie when I say something against his political interests?

The following day, Free Malaysia Today came out with a report “*LKS plaudit for ex-CJ’s corruption remarks*”. As I don’t remember coming across the word “plaudit” before, I had to google for its meaning. This is the result: “*an expression of praise or approval.*”

FMT reporters, inter alia, said:

“PETALING JAYA: A former Chief Justice once pilloried (denounced, ridiculed, derided, humiliated – added) by DAP leaders for controversial remarks on Islam and the Chinese community, was given favourable treatment by DAP supremo Lim Kit Siang for calling for action in the face of the integrity crisis among government leaders.

Writing in his blog today, Lim quoted from an article last week by Abdul Hamid Mohamad, chief justice from 2007-2009, who had called upon government servants to be Malaysia’s saviours.

.....

Lim hailed Abdul Hamid’s call for public servants to be Malaysia’s saviours through a national campaign to make a public pledge: “Kami tidak akan terlibat dengan rasuah”, in order to shame the corrupt political leaders in government.

.....

Lim’s favourable mention of Abdul Hamid’s remarks come in contrast to the attacks launched on the former chief justice by Lim’s son, Guan Eng, who is DAP secretary-general, and P Ramasamy, the deputy national chairman.”

As if to remind Lim, the FMT reporter quoted what Lim Guan Eng and Ramasamy had said about me two years earlier.

Question: Is Free Malaysia Today disappointed with Lim Kit Sing’s latest stance on me?

On 6 May 2017, I wrote “*The constitutionality of the appointment of a Chief Justice beyond the age of 66 years and six months*”. That was one year before GE 14, when BN and Najib were still in power.

About two months later, on 8 July 2017 i.e. ten months after he “plaudited” me (sorry, I don’t know the past tense of that word, I never used it before), Lim Kit Siang wrote in his blog (which I started visiting only when I am writing this article) under the title “*An Illegal Chief Justice With Raus’ Extension?*” in which he referred to my article with approval:

“Former chief justice Abdul Hamid Mohamad has [publicly stated](#) that a further extension to the tenure of Raus after he reaches the mandatory retirement age of 66 years and six months would be unconstitutional.

Hamid wrote in his blog that he was not writing because he does not like Raus, but was merely highlighting his point of view on the constitutionality of prolonging Raus’ tenure by appointing him as an “additional judge” and extending his tenure as chief justice.

Hamid, who was chief justice from November 2007 to October 2008, stressed that an extension beyond the 66-year and six-month tenure for Raus may compromise the independence of the judiciary.

He suggested that Raus should decline the extension even if the government had offered him a renewed appointment as chief justice after Aug 3.”

Almost a year later on 9 June 2018, mstar.com.my reported:

“DAP Advisor. Lim Kit Siang (pic) urged the Chief Justice Tun Md Raus Sharif and President of the Court of Appeal, Tan Sri Zulkefli Ahmad Makinudin to resign.” (My translation).

Remember that, as early as 6 May 2017, I had written:

“Unless it can be shown that Tan Sri Md Raus’ appointment has been validly made pursuant to another provision of the Constitution, the honourable way to solve the problem is for Tan Sri Md Raus to put aside his personal interest, rise to the occasion and say “I have reconsidered the constitutionality of the appointment and I am not comfortable to remain as Chief Justice and I am tendering my resignation”.

If he does that, I am sure that he will be remembered for a long time for his bravery, unselfishness, dignity and integrity. He will also be at ease with himself as long as he lives.”

So, as far as the DAP supremo is concerned, I think I can stop here. He only criticised me once, perhaps influenced by what Gopal Sri Ram said about me, and began to backtrack two years later and continued to quote or refer to my articles with approval.

Coming back to the first paragraph of my speech on 21 July 2014 reproduced above. When I was writing it, I thought I was merely stating historical facts based on my observation as I lived during that period. Before going any further, let me remind everybody that, in those opening paragraphs, I was speaking of “Semenanjung Tanah Melayu.”

I now refer to the objection raised by MCA. To save space I will not reproduce what they say. Indeed, I need not respond myself and for four years I did not respond to their attacks. Reason? A friend sent me an article written by Helen Ang (whom I do not know) “My

Reply to MCA's Criticism of Tun Hamid" dated 10 September 2014. That article rebutted point by MCA's criticism of my speech.

Until I was writing this article, I did not visit her blog to look for this article. When I finally did, I was really surprised at the interest generated by that paragraph of my speech and her defence of it. Certainly, readers, including me, had learned something from her article. She deserves the many praises coming from the readers who appreciated it. She should not be bothered by the rude and insulting comments of the others. On my part, I am grateful to her and I thank her.

As the article is long, I will only pick the more important parts:

"According to Asst Prof. Heng Pek Koon, they had a cultural and political orientation that was "strongly China-centric".

In [her paper](#) on Chinese response to Malay hegemony, Dr Heng wrote that although the Chinese wanted to be political equals of the Malays, they also wanted dual citizenship. And despite that holding such a citizenship as they demanded would have obligated the Chinese to be loyal to both Malaya and China, the communist party – when Malayan Union proposal was being debated – still stuck to a decision that "ultimate allegiance should be owed to China in the event of conflict between the two countries".

Researching the identity consciousness of Chinese in Malaya, [Fujio Hara – in his paper](#) for the Institute of Developing Economies, Tokyo – [wrote](#):

"For the first ten years following the end of World War II, the Chinese-language newspapers published in Malaya referred to China as their "homeland" and gave events in China equal, if not more, importance than local Malayan affairs. This fact will be immediately apparent to anyone who opens up any such newspaper published at the time and peruses the headlines."

.....

Two days ago, the MCA issued a [press statement](#) titled 'Ex-CJ must stop offending the joint sacrifices of multiracial Malaysians in the struggle for Merdeka'.

Prior to 1952, not many Chinese were citizens of this country. They were NOT anak watan yang tertakluk kepada Raja-Raja Melayu. Many of them were China-centric and oriented to the homeland. The Peranakan Chinese lived in the British crown colonies.*

Straits Chinese living in Penang and Malacca considered themselves British subjects. In fact, there was a movement of Penangites, including resident whites, who objected to Penang's 1957 entry into the Federation. They had wanted secession, preferring instead to give their loyalty to the Queen of England, like in Hong Kong.

Why does MCA assert that these Chinese, who were never rakyat Tanah Melayu, had struggled to free the land from the British?

.....
 Party sec-gen Ong Ka Chuan stated on Sept 8:

*“MCA is deeply aggrieved that retired Chief Justice Tun Abdul Hamid has uttered **statements which hold zero basis** by refusing to recognise historical facts that the struggle for Merdeka was a joint effort by all communities with a common vision of sovereignty and freedom from British colonial rule.”*

Actually Tun Hamid gave a fair representation of the historical premise.

Ong complained that “Tun Hamid’s utterances are a complete insult against the contributions of MCA, in particular, our party’s founding father Tun Tan Cheng Lock”.

The MCA founding father Sir Tan Cheng Lock was a Malacca Baba who could not read hanzi (Chinese script). He was knighted by the British. Tan is totally unlike the majority of the Chinese in Malaysia today.

.....
MCA sec-gen Ong Ka Chuan claimed that “in the World War II, during the Japanese Occupation of Malaya, the Chinese, Malay and Indian communities sacrificed their lives to defend Malaya against the invading forces”.

Chin Peng’s Bintang Tiga fought the Japanese occupiers because motherland China was at war with Japan. And because the Japanese soldiers victimized the Chinese civilians here.

MCA’s Ong has conveniently neglected to mention that the Chinese communists would not have wanted to return Malaya to a rule by the Raja-Raja Melayu if they had succeeded in their insurgency.

After the defeated Japanese left Tanah Melayu in 1945, the communists still nonetheless refused to lay down their arms but continued to wage war against the Alliance government and our YDP Agong.

.....
*Ong insists that [Tun Hamid’s statements](#) are nonsense. **On the contrary, Tun Hamid’s statements have a historical basis.”***

For the rest, follow this link. <https://helenang.wordpress.com/tag/tun-abdul-hamid-mohamad/>

I was really surprised at the amount interest generated by those few paragraphs had generated. Please read the comments in Helen Ang’s blog. Note the standard of exchanges and compare them to the comments in Malaysiakini.

On 8 September 2014, two days before Helen Ang published her article, Malaysia Times reported, “*Ex-CJ under fire for claiming ‘only Malay fought truly for M’sia’*”. It quoted the Gerakan Vice President, Datuk A. Kohilan Pillay. Clearly, since MCA had openly criticized me, Gerakan cannot be seen to say nothing. I shall quote only the first three paragraphs of the report, as an example.

“KUALA LUMPUR, Sept 8: Gerakan Vice President, Datuk A. Kohilan Pillay today condemned former chief justice Tun Abdul Hamid Mohamad’s remark who claimed that it was only the Malays who truly fought for the country’s independence.

He rebuked the former chief justice on his outlandish and troubling remarks as Kohilan firmly believed that it is hugely unfair to disregard the contributions of non-Malay communities in the nation’s struggle for independence with one’s own bias and faulty reasoning.

“It is a blatant offence to all Malaysians which only serves to promote ill-will within Malaysian society.”

Since the issue had been responded by Helen Ang, I will say no more. However, I am puzzled by what is supposed to be written by a young boy, Ahmad Ali Karim, in Helen Ang’s blog. Even if it was written by someone else, an adult, it is worth quoting for its maturity:

“Dear Aunty Helen,

Thank you for the great post; I learn a lot from it. Actually, my mother helped me to really understand Tun Hamid’s speech:

Why must Tun Hamid say sorry for telling the history of Malaysia? Tun does not say bad things about others but he wants the Malay to be united and understand their rights, protect Islam, respect the Sultans, the Federal Constitution, the history..... Gerakan’s Kohilan Pillay must understand that history cannot be changed.”

On 11 November 2014 I wrote a commentary on the case of Muhamad Juzaili Bin Mohd Khamis v State Government of Negeri Sembilan. That article was written in Malay and Published in Utusan Malaysia. I believe that Malaysiakini reporter who had been following me must have got hold of it, translated it and turned it into a news article as it was referred to by a Malasiakini subscriber whose comment was published by Malaysiakini. As usual, Malaysiakini invited comments. Subsequently, Malaysiakini published ten selected comments by *Malaysiakinisubscribers*.

What had drawn them to comment on the article? Because the case involves two Muslim transgenders who were charged under section 66 of the Syariah Criminal Law Enactment (Negeri Sembilan) 1992 (SCRENS) for dressing up as females. They applied to the High Court for a declaration that section 66 SCRENS was unconstitutional and void. The High

Court dismissed their application. They appealed to the Court of Appeal which allowed their appeal and declared that the section was unconstitutional.

I argued that the constitutionality of “offences against the precepts of Islam” under List II of the Ninth Schedule of the Federal Constitution should not be tested against the provisions of Articles 5(1) (personal liberty), 8(1) (Equality), 8(2) (discrimination), 9(2) (freedom of movement) 10(1) freedom of speech (indeed Article 11 (Freedom of Religion - added) as was done by the Court of Appeal in that case.

The only applicable test is whether it is an offence “against the precepts of Islam”. That is because it is specifically provided for by the Constitution. (See my article on the topic on my website.) That is an academic discussion on legal and constitutional issues.

These are examples of what they say.

“Any Malaysian with common sense.....could have made a better chief justice than Abdul Hamid Mohamad.”

“Hamid is the picture of extremist unreasonableness.”

“It looks like he is playing God after retiring from his previous job.”

“As an ex-CJ, this statement is truly disappointing.”

“The mind-numbing thing about this news article is the apparent lack of even a basic understanding of constitutional law, as it applies to the creation of law under a constitution, by a former chief justice.”

“Former CJ Mohamed Suffian Hashim must be rolling in his grave. If this sets a benchmark for the rest of the judiciary then Malaysia is in big trouble.”

“You are publicly exposing your ignorance.”

“With his kind of mentality, how did Abdul Hamid get appointed to be CJ in our country?”

“Thank God, Abdul Hamid is no longer a judge. He has done a lot of injustice already.”

“Too late, we should have found out that he was a bigot and racist when he was a judge.”

“I hope one day Abdul Hamid will have a grandchild who is born a transgender.”

“It’s really sad to find a bigoted ex-judge spewing hatred every day.”

“Will this foolish old retired judge.....”

“Shocking! Ex-CJ who’s obtuse on the constitution.”

What have all these got to do with the constitutional and legal issue under discussion? Where are their arguments to counter my arguments? How many of them read my article in Malay in Utusan Malaysia or on my website? Why are they so concerned about shariah which is only applicable to Muslims? It seems they even want to control the shariah. Can Malaysiakini be proud of its subscribers? And, what kind of people subscribe to Malaysiakini?

The National Unity Convention organized by Malay/Muslim NGOs led by Perkasa was held on 23 November 2014. Tun Dr. Mahathir was supposed to deliver the keynote address and I would follow with a special address. If speaking at that conference would make me a racist and an extremist, so would Tun Dr. Mahathir be.

As it turned out to be, Tun Dr. Mahathir was not well on that day, so he could not attend. His speech was read by a former BN Minister.

So, my speech was the focus of the day. It is available on my website. It was a 3,558-word speech, yet one sentence was highlighted by the reporters, attracted the attention and vociferous comments of my critics:

The problem is, the Malays are facing the threat of becoming Red Indians in their own country.^{vi}

This is a reminder to the Malays. Why is it so objectionable to non-Malays, especially the Chinese? Do they not want me to remind the Malays? Are they afraid that the Malays would realise the dangers facing them?

However, that speech had a very strong impact on UMNO General Assembly held four days later. One the day after I spoke, Dato' Sri Sharizat, the *wanita* chief, in her speech to UMNO's women's wing openly opposed the repeal of the Sedition Act. The next day, Tan Sri Muhyiddin, the Vice-President of UMNO and the youth wing followed. The following day, Najib held a press conference saying that the Sedition Act would not be repealed.

On 4 December 2014, Dato Seri Azman Ujang, the former editor-in-chief of Bernama wrote in The Sun under the title, "Najib's Close Call over Sedition Act".

"The opposition within UMNO to Dato Seri Najib Razak's pledge to repeal the sedition act 1948 was a "time bomb" that would have exploded at the party's general assembly last week had the prime minister not diffused it in the nick of time....

Something happened on Nov 23, just four days before Najib's opening speech at the assembly.....

On that day, former Chief Justice Tun Abdul Hamid Mohamad said the proposed abolition of the act was a mistake.

Speaking at a convention on national unity, Hamid reminded the nation that while the Act was put in place by the British to deal with opposition to the colonial rule, it also outlaws acts of instigating inter-racial hatred and disloyalty to the Malay rulers.....

And he said that not everything in the Act came from the British.

Then came the clincher in Najib's "change of heart" over his previous adamant stand to proceed with repealing the Act. This was his intention as recent as Sept 5.

Hamid revealed that the most important amendment to the Act was made following May 13, 1969 by the then prime minister Tun Abdul Razak, Najib's father.

He said Section 3(1)(f) was added to prevent a recurrence of May 13 tragedy. This amendment makes it an offence to question the rights of citizenship, the position of the Malay rulers, the status of Malay as the national language, and the allocation of special quotas and permits to Malays and the people of Sabah and Sarawak.

"To me, the creation of Section 3(1)(f) in the Sedition Act is ultimate success of Malay politics and of Tun Abdul Razak," he said.

In his speech at the assembly, Najib announced that the Act would be retained to the thunderous applause of delegates in some of the most rapturous scenes at Dewan Merdeka, Putra World Trade Centre.

"After listening to opinions and suggestions from the UMNO leadership, party wing leaders, grassroots and non-governmental organisations, I have as the prime minister, come to a decision that the Sedition Act 1948 has to be retained," said Najib."

On the following day, after handing over of the memorandum to Najib at PWTC, I bumped into Sharizat. (I was on wheelchair). She screamed, "Tun, I feel like hugging you. Wherever I go people say, 'Revert to Tun Hamid's article. Revert to Tun Hamid's article.'"

At a lunch given to NGOs at his residence to which I was invited, one or two weeks later, in his short speech, Muhyiddin said, "I was inspired by Tun Hamid. In fact, I quoted him in his speech."

I am sure my critics were frustrated. Najib had promised to repeal the Sedition Act but made a U-turn! Do you think they would forget me?

I was invited to deliver the "Ucapan Perasmian" of the 5th General Assembly of Perkasa. I was very sure whether to accept or not. But considering that Tun Dr. Mahathir and Tengku Razaleigh done the same and I would be saying what I want to say to them and not what they want me to say, I accepted.

As it turned out to be, of which I was not informed earlier, before delivering my speech, I was “awarded” for my contribution in the field of law to the country. For that, a *tengkolok* was placed on my head. That photograph, with Dato’ Ibrahim Ali on my side was played up the next day.

Frankly, had I known about it, I would have accepted the invitation to speak minus the award if it was agreeable to them. Otherwise, I would decline the speech too. I did not want to make a scene when it was announced. Again Tun Dr. Mahathir, Tengku Razaleigh and Tan Sri Harussani the Mufti of Perak had been similarly awarded, so, I thought it would be excusable for me to oblige them, too. But, to my frustrated critics, at least they had something new to smear my name.

From then on, I was speaking very often on hudud, Kelantan hudud enactment, amendment of Act 355, Malay unity and OMNO and PAS co-operation in the coming GE 14.

I did not come across any comment regarding my hudud and amendment of Act 355 speeches and articles or on my views regarding Kelantan hudud enactment. While I do not know the reason regarding the first two, I believe, as regards the last, since I said it was unconstitutional, they were happy with it.

However, there were criticisms over my speeches and articles calling for Malay unity and UMNO and PAS to work together. As before they labelled me as “racist”, “extremist” and so on. I was accused that I was only concerned about uniting the Malays/Muslims and not the nation, of dividing the nation and so on. Again, why is it so objectionable to them unless they saw it as a challenge to their (DAP) agenda to split the Malays in the coming general election?

It is clear that V Anbalagan was always on the look-out for what say or write. He would also read Utusan Malaysia besides visiting my website, pick up the article and interview the ex-Federal Court Judge Gopat Sri Ram and President of the Bar Council for their comments for him to write his news article.

One such example is his news article reported in Malaysian Insider *“Let public decide on Hamid’s racially charged views, says ex-Bar Council chief”* on 5 January 2015. Even my article *“Tsunami di Acheh, Banjir di Kelantan: Ada Pengajarannya”* and my call for UMNO-PAS co-operation did not escape their comments and criticisms. In that article, he interviewed Bar Council President, Ragnath Kesavan. To them, since I was a CJ, even though I have retired, I should not write such “political” articles, but the Bar Council may directly involve in political activities to support the party favoured by them.

On 17 June 2018, I wrote an article under the title, *“Resignation of Tun Md Raus as Chief Justice.”* On the following day, 18 June 2019, I received an email from whom and where I did not know. On the next day, 19 June 2019, The New Straits Times Online published it under the title *“It appears even post of chief justice has been politicised”*.

This is what the email says:

“Thank you for a typically judicious assessment. Your learned opinion is a significant contribution to public understanding of judicial independence. More views about this and related topics should be aired to advance our understanding of what a law and order society should be about. And why proper procedures are important.

Thank you and congratulations.”

As usual, I would ask the sender to introduce himself, so that I know who I am corresponding with. To my surprise, the sender turned out to be a Malaysian Chinese who had made Australia his home, spent his working life as an academician at an Australian university, now retired and living in Adelaide.

In a subsequent email, he wrote, *“I find your point so cogent that I was prompted to write to thank you.”*

Beware! Do not touch their Attorney General, Tommy Thomas and they will swarm on you, like bees. And that is not “racist”. On 25 June 2018, I wrote *“Is the new AG choosing his briefs like a private lawyer?”*

Two days later, on 27 June 2018, The Malaysian Insight published a news article under the title *“Ex-CJ's criticism of A-G an 'assault' on reform agenda, says group” with a photo of lawyers from “Lawyers for Liberty”.*

Below it was a statement: *“Lawyer N. Surendran says former chief justice Abdul Hamid Mohamad has 1a record of making statements that favoured Barisan Nasional's racial polemics and politics. – The Malaysian Insight file pic, June 27, 2018.”*

Look at the kind of comment made. Why associate me with Barisan Nasional PLUS *“racial polemics and politics”*? That article has nothing to do with politics, BN or PH. It is about the new AG refusing to do some works which are the responsibility of the AG’s Chambers which, since Merdeka were done by all the AGs. I gave my reasons for saying why the new AG should also do those works. Why didn’t he give his reasons to the contrary? Is that his reason? Does he not know the word “relevance”?

On the same day, 27 June 2018, Malaysiakini published an article written by N Surendran under the title, *“Unwarranted attack by ex-CJ Hamid upon new AG”*. I will respond to only one point and leave it to the readers to reread my article and his article and decide for themselves.

This is what he said:

“Hamid also mounted an attack upon the appointment of Tommy Thomas by wrongly claiming that Article 145(1) of the Federal Constitution provides that the AG must be appointed from the judicial and legal service.

This is complete nonsense. Article 145(1) states that the king shall appoint a “person who is qualified to be a judge of the federal court” to be the AG. There is no requirement whatsoever that the AG must be appointed from the judicial and legal service. It is quite unbelievable that a former CJ can somehow get this wrong.”

Let us revert to my article. This is what I said:

“I am sure many people would be surprised to read the **same Article in the 1957 Federation of Malaya Constitution:**

*“145. (1) The Yang di-Pertuan Agong shall, after consultation with the Judicial and Legal Service Commission, **appoint from among the members of the Judicial and Legal Service an Attorney General**, who shall be a person qualified to be judge of the Federal Court.”*

I was merely showing that **under the original provision of the 1957 Constitution, the AG must be appointed “from among the members of the Judicial and Legal Service.”**

Does he not understand it? With so many lawyers standing closely behind him to show their support (and faces), didn't at least one of them read his article and point out the error to him?

On the same day, 27 June 2018, G K Ganesan, who described himself as “*an advocate & solicitor and an international commercial arbitrator...a constitutionalist, author and littérateur*” wrote under the title, “*Is the ex-Chief Justice right? Should the AG be appointed from the Judicial & Legal Services?*”, in PARADOX Legal Issues Simplified:

“And he concludes his piece by firing a bullet he has been holding back. It is his pièce de résistance. He deploys it with a devastating effect : ‘I am sure many people would be surprised to read article 145 of the Federal Constitution, which states’—and then he quotes—

‘145(1) The Yang di-Pertuan Agong shall, after consultation with the Judicial and Legal Services Commission, appoint from among the members of the judicial and legal servicean Attorney General, who shall be a person qualified to be a judge of the Federal Court.’

So the writer points to two requirements before an AG can be appointed: first, the King has to consult ‘the Judicial and Legal Services Commission’ about the appointment. Next, His Majesty must appoint the AG ‘from among the members of the judicial and legal service’.

And then he concludes his analysis by this explosive statement: ‘Note that the AG must come from the judicial and legal service. There must be a reason for it. If Mahathir knew

that Thomas would not do prosecution (sic), would he have submitted his name for appointment as Attorney General?’

This implies that the Prime Minister has completely misled His Majesty the King. He implies that those who had advised the King, and the Prime Minister had missed the 12,000 pound elephant in the room—that the AG must come ‘from among the members of the judicial and legal service’.

Is the former Chief Justice right in what he says?

Let us see.

On 24 June 1994 the Constitution (Amendment) Act 1994 [Act 885], amended the very Article that the ex-CJ relies on—that is to say Article 145 (1). It was amended to read as follows: –

‘145(1): The Yang di-Pertuan Agong shall, on the advice of the Prime Minister, appoint a person who is qualified to be a judge of the Federal Court to be the Attorney General for the Federation.’

This means that the previous twin requirements of the King having to consult the Judicial and Legal Services Commission, and the need for the AG to be selected from only the Judicial and Legal Services— had been categorically removed. That was 24 years ago.

A lifetime.

It amazes me that so deplorable an oversight can be made on the reading of the Constitution. When an ex-CJ can misquote an entire clause of the Constitution, would that not mislead the man on the street? He’d be walking around thinking, ‘I think my PM does not know the law, and I don’t think his legal advisors are doing a good job. These guys have all misled the King. What is wrong with these people?’

Which makes one wonder: which Constitution was the ex-Chief Justice referring to?

At the rear of the Federal Constitution, there is a List of Amendments. Perhaps the ex-Chief Justice should go look at it. He will then chance upon Act 885.”

That is what he said. For the sake of the readers, let me reproduce that relevant sentence in my said article again:

“I am sure many people would be surprised to read the **same Article in the 1957 Federation of Malaya Constitution:**” Please note the words in bold.

G K Ganesan quoted that sentence thus:

*'I am sure many people would be surprised to read **article 145 of the Federal Constitution**, which states'.*

I was referring to the **original article 145 of the 1957 Federation of Malaya Constitution**. Whether due to inadvertence or intentional, he had changed it to the amended provision. I knew that there was such an amendment. That was why I purposely wrote the words **"of the 1957 Federation of Malaya Constitution"**.

Having started on the wrong premise, he relied on the amended provision to criticize me. As a result, all his criticism of me on that point is irrelevant and falls to the ground. As I had pointed out above, I was showing that **under the original provision of the 1957 Constitution, the AG must be appointed "from among the members of the Judicial and Legal Service."**

I just do not understand why so many of them could not see that point. How many readers have they misled?

On the same day, 27 June 2018, GK Ganesan's article was published by Malaysiakini as the editor's pick under the title *"Should the AG be appointed from the Judicial & Legal Services?"* First he repeated his allegation that I had referred to the unamended provision and relied on it, wrongly. I have dealt with this point above.

Then he devoted the rest and the major part of the article telling how hard he (and his colleagues) work, flying to Dubai for a few hours of briefing, then off to Munich to argue the case before the European arbitrators and how he and his colleagues were hard pressed for time in Singapore and so on.

The same academician living in Australia who sent me GK Ganesan's article, commented, *"To me the argument, besides being pedantic, is a non sequitur."*

.... I find the letter vexatious and faulty in logic."

I will say no more on it.

Four days later, on 1 July 2018, Malaysiakini again published under the title *"Surendran's arguments against ex-CJ crystal clear"* 14 comments on Surendran's response to my article selected from comments by its subscribers.

What do they say?

I will quote only one which must be the best to Malaysiakini as it was the longest and placed right on top. Among other things, Vijay 47 (I believe he is a lawyer), said:

“We then remember his performance on the bench, that he was an abhorrent member of the judiciary, driven by racist tendencies, guided by irrelevant ridiculous religious doctrine, whose decisions often left us shocked and outraged.

As evidence of his profound learning and no doubt to keep potential critics at bay, Abdul Hamid quotes from the Constitution, not even realising that the relevant article had long been amended. And this from a man who was once a judge and chief justice.

When we also remember that he keeps openly intimate company with racist organisations and indulges in blatant political positions, we can only conclude the quality of judges foisted upon us.”

I refer to the penultimate paragraph in which he said, *“Abdul Hamid quotes from the Constitution, not even realising that the relevant article had long been amended.”* And he added *“And this from a man who was once a judge and chief justice.”*

This is the same point that had been raised by N Surendran and G K Ganesan and dealt with earlier. This is like the story of the schoolboy who copied a wrong answer from his classmate and other classmates copied from him. In the end, all of them got their answers wrong. However, here they are lawyers. I feel sorry for their clients.

As regards the other 13 comments, I will only pick the expressions they used against me. (There are no legal arguments to counter mine.) Here they are:

“narrow minded”,

“...this man was not appointed through meritocracy. He was more a political appointee. He had meted out very unjust decisions in favour of BN.”

“...the ex-CJ was appointed not based on merit but on loyalty to BN. Hence, he cannot be expected to be knowledgeable and erudite.”

“How on earth did Hamid become the CJ?”

“Amazing, an ex-CJ came out with those SPM-level arguments....”

“He's just jealous, period”

Even though I do not intend to argue with them, I only want to clarify one point, that is, regarding the allegation that I was appointed CJ because of my loyalty to BN and that I *“had meted out very unjust decisions in favour of BN.”*

I hope readers will remember Dato' Seri Anwar Ibrahim's first sodomy case. Who wrote the majority judgment of the Federal Court which acquitted him and earned the wrath of UMNO, including Tun Dr. Mahathir even though he had retired? Even though I was the most senior Federal Court judge then and the posts of President of the Court of

Appeal and Chief Judge (Malaya), were vacant, I was denied, even to act, let alone be promoted to one of the posts. It was only after some Rulers stood firm and refused a junior judge to be appointed, bypassing me, that the BN government agreed to appoint me President of the Court Appeal and, soon after, as Chief Justice.

At that time, the Bar Council was full of praise for me and even dug out cases that the junior judge had not written his judgments, in order to discredit him. And, when I delivered the judgment in Meor Atiquerahman Ishak & Ors v. Fatimah Sihi & Ors (2006) 4 CLJ 1 (the “turban case”), again the Bar Council was full of praise for me. Chinese and Indian lawyers, whom I did not know, wrote to me congratulating me for my “*well written judgments*”. Even then, it was clear that when I delivered a judgment which they favoured, it was a good judgment, otherwise, it was a bad judgment.

I told this story in more detail in my books: *I Will Never Beg* and *Saya Tidak Akan Melutut*.

On 12 07 2018, I wrote “*Should the posts of Attorney General and Public Prosecutor be separated?*”. In that article I discussed the constitutional, legal and historical position and pros and cons of either case.

Then, on 9 September 2018, I wrote “*First three months of Tommy Thomas as Attorney General*”.

On the same day, Yiswaree Palansami wrote a spun news article in the Malay Mail online under the title “*Ex-CJ roasts Tommy Thomas over Guan Eng’s acquittal.*”

That article of mine attracted so many bloggers, in English dan Malay. (I do not know about other languages.) Many published in full. Others published the part on a particular topic. The Malay bloggers even took the trouble to translate the parts they choose to publish. Surprisingly I could not find the kind of comments similar to those published by Malaysiakini regarding other articles. So, there is nothing to respond.

At this juncture, perhaps it is suitable to pause and read an article “*Malay-Muslims are victims of reverse discrimination*” written by Jae Senn, a Chinese whom I do not know, published by Raggie Jessi of the Third Force on 7 December 2018:

“When blacks in America say they’re proud of Black Panther, people cheer that as a sign of empowerment and diversity. But if the whites cheer a macho white male hero these days, they will be slammed for supporting “toxic masculinity”, “white privilege”, and they will be called racists, rednecks, etc.

This is an example of reverse discrimination.

Similarly, when the non-Malays gather in large groups for rallies, when they openly curse and swear at the Sultans and the Yang di-Pertuan Agong, when they demand for

“equal rights” with them being more equal than the majority, they say this is part of civil rights; it’s freedom of speech; it’s fighting for rights and justice.

When the Malays get spooked with every area of their dominance taken away from them; when they exhibit anxiety upon seeing their culture, religion and race being belittled and insulted; and when they gather as a sign of solidarity with one another, or if they gather to show support for their preferred leaders who are not favored by the non-Malays; they will be labeled as racists, as narrow-minded, as village bumpkins, backwards, etc.

This, too, is an example of reverse discrimination.

When the Malays are worried about affirmative action being stopped and their special rights being taken away from them due to the urban-rural gap which is still quite large, some non-Malays will say that they’re supporting Apartheid.

That’s wrong. Apartheid, in the South African sense, was when the small minority of Whites dominated over the majority native population of Blacks.

When the non-Malays dominate the political arena, after we have already dominated the education and economic arenas, and have enough political power to decide what happens to the Malays, that’s when something resembling Apartheid comes into fruition.

.....

In Malaysia, non-Malays have opportunities and rights that our diaspora hardly have anywhere else in the world besides Malaysia and Singapore. Vernacular education schools, vernacular-language radio and TV stations, vernacular-language prime time news and programs on national TV.. these are privileges that we can’t find anywhere else. The private sector is dominated by non-Malays to the point where some companies can refuse hiring Malays. There are non-Malays who can live cradle to the grave in their tiny little ghetto without ever learning to speak the national language or mingling with another race besides their own.

But still, we complain about being “second-class citizens” and that we have no rights. Some have gone as far as perpetuating the myth that we have to embrace Islam and “become Malay” in order to get a shot to rise and excel in this country.

This is Malaysia’s version of victim mentality. We, the non-Malays, have it extremely good in this country compared to most other places in the world, but we complain that we’re second-class citizens with no rights.

So, who are the racists, really? And who are the victims?”

Little did I foresee that four years after getting involved in the Sedition Act episode, I was to get involved in a similar, albeit a much bigger one. This time it is the opposition

to the ratification of ICERD. Primer Minister, Tun Dr. Mahathir, in his speech at the United Nations, said:

"In this context, the new Malaysian government has pledged to ratify all UN core instruments related to human rights protection".^{vii}

Soon after that, the non-elected HINDRAF minister in the Prime Ministers Department, in charge of Unity and Social Wellbeing appears to have hijacked the function of having it ratified from the Minister of Foreign Affairs, for his political mileage.

I wrote my first article on it, in Malay, on 30 October 2018, followed by an improved version on 9 November 2019. I explained the effects of ratifying it on the admittedly discriminatory rights of the Malays and the natives of Sabah and Sarawak provided by article 153 as well as on the provision on Malay regiment and Malay reserve land. Those two articles were "viralised" by the Malay NGOs, UMNO, PAS, private groups and individuals throughout the country penetrating all strata of the Malay/Muslim community.

It awakened the Malay-Muslim community. Not only the Malay NGOs, even UMNO and PAS agreed to join force to oppose it. My articles became the referral document. The momentum grew beyond expectation.

I was scheduled to deliver my speech on 25 November 2018 at a congress jointly organized by the above-mentioned organisations. On 23 November 2018, unexpectedly, Prime Minister Tun Dr. Mahathir announced that the government would not ratify ICERD. I had to rewrite my speech which I did.

On 25 November 2019, I went to PWTC in an ambulance as I am unable to sit for a long time, helped to sit on a wheelchair and spoke while sitting on the wheelchair.

The following day, 26 November 2018, a friend sent me what "Lillie Lillie is with Margaret Chan" had done. They placed my photograph and the photograph of Datuk Hasanah Abdul Hamid, the former Malaysian External Intelligence Organisation (MEIO) chief side by side. On top of the pictures were the words, *"No wonder he came in an ambulance to encourage the protest to go on. To save his spy daughter!"*. Above my photo are the words *"Abdul Hamid ex Chief Judge, pro Najib angry his daughter arrested."* Above Datuk Hasanah's photograph are the following words *"Hasanah Abdul Hamid MEIO ex chief spy arrested (pro Najib)"*.

Considering the difference in age between Datuk Hasanah and myself, if she were to be my daughter, I would have to get married at the age of 12 or 13, if not earlier!

On 29 November 2018, Datuk Hasanah issued a statement, inter alia, saying:

" I regret the unintelligent criticism against YBhg. Tun Abdul Hamid (see below). What Tun Hamid says should be understood by all the people.

Tun Hamid is the former Chief Justice. Although he is a Malay, he was impartial and gave the same view as the Director General of the Special Branch, the Inspector General of Police, the Chief of Military Intelligence, the Director General of the JPM Intelligence and the Director-General of the National Security Council, before it was presented to any Prime Minister including YAB Tun Dr. Mahathir Mohamad ".^{viii}

On 25 November 2018, I went to PWTC with the intention of not taking any question after the speech. However, the time allotted for my speech was one hour while my speech was over in 25 minutes. The master of ceremony asked me whether I would take a few questions.

I pitied the audience. That is my problem, my weakness and my mistake. And I obliged. You know what kind of questions usually come from the audience. And I answered them. I regretted taking the questions as soon as it was over. I should not have obliged them.

The following day, Gopal Sri Ram reprimanded me for making political statements. Again, did he himself hear what I said in Malay? Anyway, this is my response:

1. What about an ex-Federal Court Judge who volunteered to prosecute a former Prime Minister, the decision to charge him had already been made during the election campaign by his political opponent who subsequently became Prime Minister? All I did was to give my comments on the number of votes obtained by the various parties. Which is worse? Besides, don't forget that he was Tun Dr Mahathir's counsel immediately before his elevation. If not, would he be appointed a Court of Appeal judge straightaway when even Eusoffe Abdoolcader had to serve in the High Court first?
2. When Tun Salleh Abas retired and stood for election on PKR ticket against Sharizat, nobody said anything. Then he stood for election on PAS ticket in Terengganu and became an Exco Member. Nobody said anything. I don't join any party or stand for election. Which is worse?
3. Throughout the history of our judiciary, a former BN Member of Parliament (Tun Mohd Zahir Ismail), a former BN Speaker of the a State Legislative Assembly (Dato Wan Adnan Ismail), a former opposition (Gerakan, before it joined BN) Member of Parliament (Dato' Mustapha Hussain), two PAS State Legislative Assembly candidates who lost in the general elections (Dato' Ariffin Jaka and Dato Mohd Arif), a BN parliamentary candidate (Dato' Ian Chin) and an opposition (SUPP) parliamentary candidate (Tan Sri George Seah), both of whom lost in the general election, were all appointed as judges. Nobody raised any objection. They were involved in party politics even before they were appointed judges.
4. Even after PRU 14, a retired judge served as Chairman of the Disciplinary Committee of a component party of PH. Why didn't he admonish the ex-Judge?

5. If Mahathir can change, Waytha Moorthy can change, why can't I? I did not give my opinions on political issues when I was in service. I do so only after I have retired. I am the people too.

On the same day, 25 November 2018, Malaysiakini reported under the title "*Bedridden ex-CJ says 'war' to protect bumi rights not over*". I must say it was quite a fair report even though it highlighted on my going there in an ambulance and only one aspect of my speech. I don't blame it for highlighting my going to PWTC in an ambulance as it would make good news and, perhaps, no one had ever done that in this country. That could be a record, too.

Free Malaysia Today's title "*ICERD: Don't trust Putrajaya, says Tun Hamid*" as reported on 26 December 2018 clearly puts words in my mouth. However, the content is quite fair as it quoted from my speech, even though it focused only on one aspect of my speech.

After that convention, it became clear that the re-named "Thanks-giving gathering" on 8 December 2018 at Dataran Merdeka (812 gathering) was gaining support throughout the country. I wrote "*Amanat Tun Hamid*" which was video-taped and played that night as part of the campaign.

No doubt my articles and speeches on ICERD played an important part to make the Malay/Muslim public understand the issue and influenced them to travel to Kuala Lumpur to join the gathering, even more than my speeches opposing the repeal of the Sedition Act, four years earlier. I told the organizers that I would not be attending the gathering as the place was not suitable for my condition. However, two posters appeared with my photograph urging the public to attend. Clearly, someone was using my name to influence the public to attend the gathering.

A few days before 8 December 2018, it was made known that SUHAKAM would be holding a gathering to celebrate the human right's day on the same day and Prime Minister Tun Dr. Mahathir would be attending it. That was seen as an attempt to undermine the 812 gathering by SUHAKAM which strongly supports the ratification of ICERD.

In late afternoon 7 December 2018, when the buses carrying supporters for the 812 gathering had either arrived in Kuala Lumpur or were on their way from all over Semenanjung Tanah Melayu to participate in the "2nd Malayan Union" uprising, Tun Dr. Mahathir dropped another bombshell against SUHAKAM that he would not be attending SUHAKAM's function. Not only that, the reason given by the Prime Minister must have hurt SUHAKAM. He said, "*I decided that we will not accept ICERD. Suhakam wants to accept ICERD. So, how can I go?*"

The next day, on 8 December 2018, The Star Online reported, *“Tun Dr Mahathir Mohamad's absence at the Human Rights Commission of Malaysia's (Suhakam) Human Rights Day gathering has done them a favour, says Tan Sri Razali Ismail.”* That clearly was a face-saving statement.

Back to 812 gathering. In my article *“Ratifikasi ICERD: mengimbas Kembali”* issued on 10 December 2018, I summed up:

“No Matter how many participants were estimated, the rally created history in three aspects:

- 1. It was the largest gathering in the history of the country;*
- 2. It was the largest gathering of Malays throughout history.*
- 3. It was the most peaceful and the cleanest gathering in the history of the country. Not a single summons was issued and not a piece of paper was left behind.”^{ix}*

When news broke out that the YDPA had resigned, I wrote an article, both in English and Malay.

On 16 January 2019, an article under the title *“Insulting The King: Why Hasn't The Police Arrested & Charged Ex-Chief Justice Abdul Hamid? – PDRM Have Been Quiet About Abdul Hamid's Blatant Insults On The Monarchy”* was published by The Coverage quoting Finance Twitter as the source. When I first saw the article, the author's name was given as “?? Singh” (I forget the first name). It is not there now. Anyway, I am sure that he is the same person who had written *“Muslims cannot tell lies”* published by Hornbill Unleashed on 30 July 2014.

As the article was based on my original article, I am reproducing my original article with the part subsequently deleted (amended) in bold print as well as the article published in the Coverage so that readers can compare the two and make up their own mind.

I will respond on a few points regarding which readers may not have knowledge about.

This is my original article:

“RESIGNATION OF YANG DI-PERTUAN AGONG AND WHAT FOLLOWS

On January 6, 2019, the 15th Yang Di-Pertuan Agong of Malaysia resigned from his office. No reasons were given. Nor will I guess.

I consider January 6, 2019 as a very important day for constitutional monarchy in Malaysia. It shows its maturity. If the YDPA, for reasons best known to him, thinks he is unable to properly discharge his duties as the YDPA, or even if he simply does not like

the job, or he does not like the people he has to work with, or for whatever reasons, the right thing for him to do is to resign.

We know that a few days earlier the Rulers had an unscheduled meeting. We do not know whether they discussed about him or his position, what decision was made, if any, and whether it was communicated to him. If the answers to all these questions are in the affirmative resulting in his resignation, then that is a very dignified way of doing things.

Even Dato' Seri Najib, say what you like about him, handed over the government to Pakatan Harapan with dignity when his party lost the GE 14.

Compare them with the speaker of the Perak State Legislative Assembly after GE 13 who literally clung onto the speaker's table when the guards tried to forcefully remove him after he refused to vacate his seat, after his government lost its majority in the assembly. Even if he was of the opinion that his government still had the majority and/or he was stronger than the guards, he should have stood up and walked down with dignity, for, it was below his dignity, as a speaker, in official attire, to struggle with the guards, what more, finally, to be carried out of the assembly. He should seek other remedies.

I had expressed my opinion that it was not right for the YDPA to tell the newly sworn-in Prime Minister, Tun Dr Mahathir that he agreed to pardon Dato' Seri Anwar Ibrahim before the meeting of the Pardon's Board and to meet Dato' Seri Anwar Ibrahim, who was still serving his imprisonment sentence and told him that he would be pardoned, also before the meeting of the Pardon's Board. To make it worse, the YDPA even told Dato' Seri Anwar that he was being pardoned because of the injustice done to him. That was very demoralizing to the courts, the Public Prosecutor and the police as it made them look like the tools of the previous government. (See Pengampunan Dato' Seri Anwar Ibrahim dan Keadilan Kepada Saiful. (14 05 2018)).

The other disturbing thing that we read in the press during his reign is that the YDPA had held the swearing-in ceremonies outside the office hours. The controversial swearing-in ceremony of Tun Md Rauf as Chief Justice and Tan Sri Zulkefli Ahmad Makinuddin as President of the Court of Appeal for the extended period was done at night. So was the swearing-in ceremony of Tan Sri Richard Malanjum as Chief Justice. These are serious and solemn official functions. They should be done during office hours.

The swearing-in of Tun Dr. Mahathir as Prime Minister deserves special mention. We read that as soon as the announcement of the election results shows that the PH had won, at night, Tun Dr. Mahathir went to Istana Negara to get himself sworn in as Prime Minister fearing, I suppose, that there would be cross-overs by the newly-elected Members of Parliament resulting in PH losing the majority.

To me, it is undignified for a would-be Prime Minister to go uninvited, at night, may be to wake up the YDPA, to swear him in as a Prime Minister.

Secondly, the YDPA should not appear to perform his duties under pressure. The YDPA is entitled to satisfy himself who, in his opinion, has the support of the majority of the newly elected Members of Parliament. After all, he has a discretion in the appointment of the Prime Minister. If the newly-elected Members of Parliament want to cross and re-cross over during the night, let them do so, if that is what they are. At least, the YDPA should have the opportunity to satisfy himself who has the support of the majority in the broad day-light of the following day.

The swearing-in of the Prime Minister is the most important swearing-in ceremony done by the YDPA. It should be done at a proper ceremony, attended by the VIPs including, I suggest, the immediate former Prime Minister and televised live. That would go a long way to show that democracy in Malaysia is working at its best. It also shows the maturity of the politicians.

I hope that in the future the YDPA should not succumb to such pressure. Let the prospective Prime Minister picket outside the Istana Negara throughout the night if he wants to!

It is also hoped that, soon, the Rulers would elect a new YDPA who understands constitutional monarchy, federalism, rule of law, understands and respects the Constitution and abides by it.

Gone are the days of absolute power of the Melaka Sultanate. A constitutional monarch must realise that his powers come from the Constitution. It is the Constitution that gives the powers and limits them. It is the Constitution that determines how the powers are to be exercised.

Of utmost importance, some powers may be exercised at his discretion while others must be exercised on the advice of the Prime Minister. Constitutionally, the word "advice" has a different meaning from the word advice used in our daily conversation. It simply means that you have to follow the advice, the same way as the Malay Rulers had to follow the "advice" of the British Residents before Merdeka.

I am sorry if I make it sound so bad. That is the reality. You may wonder why. Call it the Englishmen's way of doing things. After a long battle with their kings ending with constitutional monarchy that we adopt, the phrase "on the advice of" certainly sounds more diplomatic, more civil and more friendly than "as ordered by" or "as directed by" the Prime Minister!

There is another thing that the YDPA must know i.e. conventions. Constitutional monarchy cannot work without convention. There are things that the YDPA, like the

King or Queen of England, must do even though, (in the case of Malaysia which has a written Constitution, England does not) the Constitution is silent on it.

A good example is Article 44 which provides:

“44. the legislative authority of the Federation shall be vested in a parliament, which shall consist of the yang di-Pertuan Agong and two Majlis (houses of parliament) to be known as the Dewan Negara (Senate) and the Dewan Rakyat (house of Representatives).”

By convention, after both the Dewan Rakyat and the Dewan Negara had passed a bill, the YDPA will give his assent to it. He is, by convention, not to refuse to give his assent. If this and other conventions were known and adhered to in 1983, perhaps the first constitutional crisis could have been avoided and the massive amendments to the Constitution were not necessary.

Fortunately, or unfortunately, after the first three Prime Ministers were lawyers, the fourth Prime Minister in office then, like the seventh, was a medical doctor. So, the medical doctor did a surgery of the Constitution drafted by the Law Lords of England.

Usually, everyone, on assuming a new job goes through some kind of in-service training. I think the highest and most important job in the country should not be an exception, unless the YDPA is himself a lawyer. There is nothing to be ashamed of. It is better to learn earlier than to make mistakes later, what more when the mistake will affect the whole nation.

Coming now to the people. There is a growing tendency among the Malays to call upon the Rulers, through the Conference of Rulers to intervene in any matter, legal, administrative or political in which they do not get satisfactory response or solution from the government.

Now, there is a trend to send memorandum to the Rulers regarding current political issues, calling on the rulers, through the Conference of Rulers, to intervene. It is important to remember that the Conference of Rulers was established for specific purposes. (Please read my keynote address “Majlis Raja-Raja: Fungsinya Menurut Perlembagaan Persekutuan” (19 September 2017).

It is important that the YDPA, Rulers, politicians and the people to know the powers and limitations of the various institutions in a constitutional monarchy and that the institutions should work within its boundaries and not be called to interfere in matters outside its jurisdiction.

What is most disturbing is the increase in rude and insulting comments on the YDPA and the Rulers in social media. There is a limit to freedom of speech. People who do

not know, care or respect the limit or are simply “biadab” and “kurang ajar”, should not be allowed to abuse it.

09 02 2019”

This is the article published by The Coverage taken from Finance Twitters:

“Insulting The King : Why Hasn’t The Police Arrested & Charged Ex-Chief Justice Abdul Hamid? – PDRM Have Been Quiet About Abdul Hamid’s Blatant Insults On The Monarchy”

Former Chief Justice, Abdul Hamid Mohamad, was (and still is) one of hardcore supporters of Najib Razak. He was such a fanatic fan of the former prime minister that two days before the May 9 general election last year, he condemned Mahathir for not only out to topple Najib, but also wanted to destroy UMNO without taking into account the welfare and future of the Malays.

Make no mistake about it. Not only Abdul Hamid supported Najib Razak despite the crook stealing billions of dollars and selling the country to China, he was perhaps one of the most racist judges the country had ever produced. When Mahathir government appointed a Hindu Christian – Tommy Thomas – as the new Attorney General, Mr. Hamid almost had a heart attack.

Of course, Mr. Abdul Hamid is the same judge who famously wrote his racist judgement in the Court of Appeal in 1996 in a case where a bank had sued two business partners – a Malay and an India – which saw him accepted a claim by the Malay defendant (but not the Indian) because the former Chief Justice apparently accepted the argument that “as a Muslim the Malay would not tell lies”.

Now, even after 8 months his idol – crook and traitor Najib Razak – was defeated and slapped with a whopping 39 charges of criminal breach of trust (CBT), money laundering and abuse of power, Abdul Hamid’s frustration appears to have reached the point of no return. On Friday (Jan 11), the former Chief Justice snapped and went ballistic.

First, the senile Abdul Hamid claimed Mahathir Mohamad, in his hurry to be the next prime minister, had gone to the palace uninvited and asked to be sworn into office late in the night of May 9, the same day the country’s 14th general election was held. Exactly how could the 93-year-old Mahathir quietly be driven to the palace without hundreds of reporters knowing, is beyond comprehension.

Second, the scumbag Abdul Hamid claimed the Agong (now former King, Sultan Muhammad V of Kelantan) has made many mistakes, amongst them are unconstitutionally pardoning Anwar and contempt of court. Yes, the former Chief Justice

has accused the former King of incompetency – even mocked the monarch that the best way was to abdicate the throne.

Because the former King had committed contempt of court, Abdul Hamid, who thought very highly of himself, was basically suggesting that the Malay Ruler should be arrested and charged. He said – “It is even worse that His Majesty told Anwar that he is being pardoned because of the injustice inflicted upon him. This will demoralise the courts, the prosecutors and the police because it implies that they were a tool of the previous government.”

That was as good as calling the former King a dictator like Adolf Hitler or Kim Jong-un – usurping the power of the judiciary and reducing the Royal Malaysia Police to a pariah institution. Abdul Hamid has also given an impression that Sultan Muhammad V was so weak and retarded that he had become a puppet of PM Mahathir and PM-in-waiting Anwar Ibrahim.

Third, the arrogant Abdul Hamid criticised the former King for supposedly conducting swearing-in ceremonies out of office hours. He gave examples – Mohd Rauf Sharif (chief justice) and Zulkefli Ahmad Makinuddin (president of the Court of Appeal) and the latest Richard Malanjum (chief Justice) – all of whom swearing-in were conducted at night at the palace.

Criticising the former King, the former top judge said – “This is an official function of the Yang Di-Pertuan Agong (King) and should be taken seriously. It should be done during office hours.” Did Abdul Hamid just reveal that the former King was pre-occupied with too much “unofficial” extra-curricular activity during daytime that the monarch was forced to perform his duty only at night?

As a strong supporter of Najib Razak and former head of the judiciary system, it’s most likely Abdul Hamid has access to secret information not privy to the public. Hence, could he, without him realising, has spoken too much and in the process indirectly confirms the rumours on the social media that the Sultan Muhammad V of Kelantan has problems with sex and drugs?

Otherwise, how does Abdul Hamid explain his accusation that the Kelantan Sultan could not perform his duty responsibly during office hour from 9am to 5pm like any office worker? Unless the former Chief Justice can prove the sultan was a superhero like Batman, who fights crimes at night, his remarks carried dangerous ulterior motives of belittling, attacking and insulting the Malay Ruler.

*The Abdul Hamid’s rude attack on the former King was essentially an attack on the country’s military force by virtue of the monarch being the Supreme Commander of the Malaysian Armed Forces (Army, Navy and Air Force). It meant that under the Sultan Muhammad V reign as the **Commander-in-Chief**, the country’s national security had been under threat for more than 2 years.*

*Heck, Abdul Hamid didn't even bother to hide his undying support for corruption and treason that he actually believed the swearing in of Mahathir Mohamad was not properly done because the former prime minister Najib Razak **was not invited** to the event. Amusingly, two days after his idiotic outburst, the former Chief Justice apologised to Mahathir Mohamad and the former King.*

*So far, the police have been quiet about Abdul Hamid's blatant insults on the Monarchy. Sure, he has apologised but so did Facebook user Eric Liew Chee Ling. And why social media users like Eric Liew, Azham Akhtar Abdullah and Nur Alia Astaman were arrested and charged under the **Sedition Act 1948**, but not former Chief Justice Abdul Hamid Mohamad?*

Has Deputy Inspector-General of Police (IGP) Noor Rashid Ibrahim been sleeping on the job? Why hasn't he arrested and charged Abdul Hamid for seditious? Is he waiting for the seditious article to go viral before he can act? Or is the deputy police chief, like the former Chief Justice, still feel indebted to Najib Razak hence the deliberate favouritism and double standard?

Unlike the ordinary social media users whose remarks were deemed insulting to Sultan Muhammad V after the Kelantan Ruler abdicated as the 15th Yang di-Pertuan Agong, Abdul Hamid had condemned and insulted almost all institutions – the Executive, Judiciary, Head of Government, Royal Malaysia Police, Military, Monarchy Institution and whatnot.

Perhaps Mahathir was right when he mocked the enforcement officers were clueless as to what is considered as an "insult", so much so that the 93-year-old prime minister has to lecture the police. Deputy IGP Noor Rashid Ibrahim appears to be as clueless as the guy who kept pointing the TV remote at the microwave or fridge."

I will only make the following clarification:

Regarding my comment on Tun Dr. Mahathir going to Istana Negara the night of 9 May 2019, I relied on what was told to me by a person whom I have no reason to disbelieve in the presence of two other persons of equal standing. Indeed, until today I am still inclined to believe what he told me.

However, since the Prime Minister's Department had issued an official statement denying it, and I do not want to argue over it, I accepted the official statement and apologised to the Prime Minister. That apology was uploaded on my two websites on 12 January 2019. I also amended my article by deleting the relevant part in bold print above. That should have put an end to the matter, but my apology was spun to discredit me. In case anybody knows the truth whether Tun Dr. Mahathir did go to the Istana Negara or not that night, please come forward. We only want to know the truth.

Regarding my apology to the YDPA, this is what I said:

"I also apologize To His The Yang di-Pertuan Agong if there is any mistake of facts involving him in this article although, to date, no one has shown it."^x

That is Malay culture. When speaking, before stopping, he will apologize for any mistakes, rudeness, shortcomings and so on. In this case, since I apologised to Tun Dr. Mahathir, I also extended it to the YDPD **in case** there is any mistake It is a customary and conditional apology. Until today I have not amended even one word of my said article touching on the YDPA.

Regarding the allegation of my "blatant insult" on YDPA, please compare what and how I said it with what he said, I said. Just to give one glaring example, he said that I had "... spoken too much and in the process indirectly confirms the rumours on the social media that the Sultan Muhammad V of Kelantan has problems with sex and drugs?" Show me where, in my article, I said or indicated such a thing.

Regarding the rest, I leave it to the readers to evaluate it.

For the information of the author of the article of 16 January 2019, in spite of his efforts to get me arrested for insulting the 15th YDPA, one week after his article was published, I received a call from the office of *Penyimpan Mohor Besar Raja-Raja* asking for confirmation of my current residential address for them to send me an invitation to attend the swearing-in ceremony of the 16th YDPA! Surprised? Disappointed? Anyway, I told the officer that, unfortunately, I would not be able to attend due to my health condition.

On 23 January 2019, Malaysiakini published another 10 selected comments under "*Yoursay: Inexcusable for ex-CJ to make an error of facts*". Note that my critics had lost in 2014, and now again, in 2018, to a bedridden man. Do you think they can forgive me? So, even an apology must be spun to the utmost in the desperate quest to undermine my integrity.

I am quoting them in full (except for their names, not their real names after all) for the readers to read and decide for themselves whether they agree with the critics. I have explained why I wrote it the way I did and why I apologized. I will say no more on it.

Now, the following are what they said, after I apologized:

A: *"Quite honestly, the fact that Abdul Hamid Mohamad was the chief justice (CJ) of Malaysia is shocking, appalling, dreadful and totally inexcusable.*

Decades of Malay supremacy (ketuanan) and racial and religious bigotry has created a situation where a man who in his infinite wisdom ruled that "Muslims don't lie" and who under normal circumstances could not even have qualified to be a magistrate became the top judicial officer of Malaysia.

Do we need any more reasons to what ails our beloved nation?"

B: *“It is laudable that this man has admitted his mistake (for claiming that Dr Mahathir Mohamad had gone to the Istana Negara uninvited on May 9 in an attempt to be sworn in as prime minister) and apologised for it.*

However, there are still many things he wrote about previously for which he should apologise. Indeed, he is a great disappointment for a person who was a former chief justice of the country.”

C: *“Before commenters “laud” this ex-chief justice, they should remember the context of his apology.*

1. The ex-CJ apologised simply because it involved Mahathir. Do you think he will apologise if this is defamation regarding (say) Lim Kit Siang or the DAP or even any non-Malay?

2. The ex-CJ is a bigoted Malay elevated to the highest office of CJ simply because of his bigoted views.

Recently he has “warned” the National Unity Convention that Malays will become “Red Indians” in their own land.

Back when he was on the bench as a judge, he famously wrote a judgment which says that a testimony by a Malay is admissible simply because he is a Muslim (ostensibly Muslim do not lie) but the testimony of an Indian was rejected (ostensibly a non-Muslim cannot be trusted).

This is the measure of Abdul Hamid, an Islamo-fascist and race bigot.”

D: *“Hamid, this is a good start - that you are able to apologise for not speaking the truth. Let me remind you that there are many other things you have spoken about other communities that are not truthful. You have to apologise to them too.”*

E: *“I’d like to ask this honourable ex-chief judge of how many times on purpose as he made such mistakes.*

This most certainly could not have been a mistake, it was not even an allegation he stated it as a fact, and therefore it was a deliberate lie coming from a former chief justice. I’d like to ask him, I’ll refrain from making any allegation, but was he paid to tell that brazen lie? And I’d also like to remind him that telling one lie to cover another is surely not the way to go.”

F: *“Shame to you, Hamid. As a former chief justice, you are supposed to be an expert in collecting facts and make a decision based on facts and law.*

You are supposed to be also impartial and not to be influenced by other matters like whether you drank coffee or tea when you make a decision.

Now we know how naive and low you are. My advice to you is to stay happily retired and go hide under your "tempurung" (coconut shell)."

G: *"Hamid is a self-anointed 'jaguh Melayu' (Malay champion), not 'jaguh' Malaysians, (and a skewed, weak one at that). See the difference?"*

His methods and his thoughts both failed his own people he purported to represent and his nation he supposedly pledged his loyalty to.

It is he who helps smear the reputation of the judiciary and the nation, and may we learn from all these shenanigans and extend our worldview beyond our coconut shells of race and religion as he does.

We, as a nation, made a mistake in having him as our CJ; and yes, we deserve better but for now accept this as a charade in our nation's history and move on."

H: *"Can anyone disgrace and dishonour oneself more than this man has?"*

Yes, there are a few politicians out there awaiting free food and lodging. But then as expected, politicians somehow have it in their genes to disgrace themselves in words and conduct and end up in the sewers.

This man, however, was the CJ of this country at one time. He headed the institution that people were expected to resort to for justice to prevail. How on earth did he get elevated thus; if not for being what he has proven to be while on the bench and more so now?

It is because this was and still is a man who could easily, fervently, knowingly and racially be beholden to the rats who made him the CJ.

And that puts us all to shame, for having permitted scums to rise well above the minimum moral values expected of any ordinary man in the street."

I: *"Hamid, I wonder how many cases you made in the past were decided based on error of facts.*

You were an ex-chief justice. You were supposedly trained to weigh your facts and decisions carefully with utmost duty of care. It is impossible to believe that you could have made such an error.

The swearing-in event happened eight months ago. Surely, you had plenty of time to gather your facts.

Indeed, the public should doubt Hamid's competency as chief justice. Perhaps the Bar Council should review all his past cases to determine if they likewise contained error of facts.

This is absolutely a very shameful act from an ex-chief justice.”

Anything new? Whatever my critics say about me, show me one word similar to those used by them against me, which I use against anyone. May Allah reward my parents' soul for having brought me up the way they did.

Looking back, all these happened in the last four years. During that period, in 2014, I was still able to stand and walk a few meters. But starting from 2015, I was unable to stand anymore and I spent most of my time on my back.

It is during that period, that I started writing and speaking on political issues in defence of the social contract and the provisions of the Constitution; in defence of the rights of the Malays and the natives of Sabah and Sarawak as well as the position of Islam, as enshrined in the Constitution against the growing challenge by non-Malay and non-Muslim groups wanting a redistribution of the rights of the Malays and natives of Sabah and Sarawak, while keeping theirs. That is my position and, for that, I apologise to none.

During that period, I also wrote many articles on other legal and constitutional issues as well as on other issues, for which the critics were silent.

But, for the former, and also for touching their icon Tommy Thomas, I earned the criticism, scorn, insult, vilification and condemnation of my critics. The critics followed me, looking for what I wrote or said, that they could spin and publish. The media would invite its subscribers to comment on (read criticize, condemn). Considering the number of criticisms against me, I am not surprised that I had become their enemy No.1. Hence, I must be followed, watched, discredited and silenced.

On the other hand, during the period, though lying on my back and in pain most of the time, merely through writing and, occasionally, speaking, I played an important part in influencing the Malay-Muslim community to influence two prime ministers, one from BN and the other from PH government, both bitter enemies, the latter from the coalition of parties supported by my critics, to change their mind over two national issues (repeal of Sedition Act and ratification of ICERD), to my critics' frustration. (That is not taking into account other issues like the signature campaign to make the Rukun Negara a preamble to the Constitution to which I objected and died a premature death and my call for UMNO and PAS to work together for the sake of Malay/Muslim unity, which seems to be happening.)

Don't I have a reason to smile? Do they?

25 02 2019

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ⁱ *“Semenanjung Tanah Melayu tetah dijajah daripada orang Melayu. Yang menentangnyanya, baik Dato Bahaman, Dato’ Sagor, Dato Maharaja Lela, Dol Said, Tok Janggut atau Rusli Dhobi, adalah orang Melayu. Yang menentang Malayan Union adalah orang Melayu. Yang berkorban nyawa menentang pengganas Kominis semasa darurat adalah orang Melayu. Yang menuntut kemerdekaan adalah orang Melayu. Orang bukan Melayu menyertai gerakan menuntut kemerdekaan apabila mereka melihat ianya akan menjadi kenyataan untuk menjaga kepentingan mereka. Pada masa itu pun tujuan mereka sudah berlainan.*

Lojiknya, Semenanjung Tanah Melayu yang dijajah daripada orang Melayu hendaklah dipulangkan kepada orang Melayu. Tetapi tidak, orang Melayu diminta berkongsi kuasa yang akan diserahkan balik oleh penjajah British. Pada masa itu pun orang Melayu telah diminta mengorbankan hak mereka “untuk menjaga perpaduan”. Orang Melayu bersetuju, sehinggakan dalam Pilihan Raya Umum (PRU) 1955, untuk memberi lebih banyak representasi kepada orang bukan Melayu, kawasan-kawasan majoriti Melayu di berikan kepada calon-calon bukan Melayu untuk bertanding. Keadaan ini berterusan demi untuk memastikan kemenangan pemimpin-pemimpin utama bukan Melayu, sehinggalah PRU 12 apabila kemenangan UMNO sendiri dalam kawasan majority Melayu sudah tidak terjamin.”

ⁱⁱ Rata-rata orang bukan Islam di Malaysia tidak senang dengan kedudukan agama Islam sebagai agama Persekutuan. Mereka mahu agama-agama mereka juga diberi kedudukan yang sama. Mengikuti mantan Mufti Pulau Pinang, di Pulau Pinang telah berlaku satu peristiwa di mana di perasmian sebuah bangunan oleh Timbalan Ketua Menteri, do’a dibacakan oleh seorang Padri Kristian, seorang Sami Hindu dan Imam Masjid Negeri. Saya amat hairan mengapa Imam Besar pun turut menyertainya.

ⁱⁱⁱ Unfortunately, the original text was deleted when the speech was published a book.

^{iv} *“Semenjak Merdeka, tidak ada satu tahun di mana kita menyambut kemerdekaan dalam keadaan negara seperti tahun ini, di mana pemimpin-pemimpin Kerajaan menghadapi krisis integriti yang paling serius dan imej yang paling teruk. Sebabnya boleh disimpulkan dengan satu perkataan: rasuah.*

Umumnya, pemimpin-pemimpin politik sudah tidak boleh hendak dihormati dan diteladani untuk tujuan yang baik lagi. Selain daripada mereka disorak (cheered) oleh penyokong-penyokong mereka yang berkepentingan, yang mengharapkan sesuatu habuan atau yang tidak tahu dan terikut-ikut, paling tinggi, mereka hanya ditolerated oleh pegawai-pegawai awam yang berkerja di bawah mereka dan tiada pilihan. Dalam keadaan itu, kita lihat, masa depan negara menurun dan menurun.”

^v *“Semenjak Merdeka, tidak ada satu tahun di mana kita menyambut kemerdekaan dalam keadaan negara seperti tahun ini, di mana pemimpin-pemimpin Kerajaan menghadapi krisis integriti yang paling serius dan imej yang paling teruk. Sebabnya boleh disimpulkan dengan satu perkataan: rasuah.*

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vi “Masalahnya ialah bahawa orang Melayu menghadapi ancaman akan menjadi Red Indians di tanahair sendiri.”

vii “Dalam konteks ini, kerajaan baru Malaysia telah berjanji untuk meratifikasi semua instrumen PBB teras yang berkaitan dengan perlindungan hak asasi manusia”.

viii “Kritikan tidak cerdas terhadap YBhg. Tun Abdul Hamid (lihat bawah) amat saya kesali. Apa yang dikatakan oleh Tun Hamid hendaklah difahami oleh semua rakyat.

Tun Hamid ialah bekas Ketua Hakim Negara. Walaupun beliau seorang Melayu, beliau tidak berat sebelah dan memberi pandangan yang sama pernah diberi oleh Pengarah Cawangan Khas, Ketua Polis Negara, Ketua Perisikan Tentera, Ketua Pengarah Perisikan JPM dan Ketua Pengarah Majlis Keselamatan Negara sebelum ini kepada mana-mana Perdana Menteri termasuk YAB Tun Dr. Mahathir Mohamad”.

ix “Biar berapa pun jumlah peserta yang dianggarkan, perhimpunan itu menempah sejarah dalam tiga perkara:

1. Ia adalah satu perhimpunan yang terbesar dalam sejarah negara ini;
2. Ia adalah satu perhimpunan orang Melayu yang terbesar sepanjang sejarah.
3. Ia adalah satu perhimpunan yang paling aman dan bersih dalam sejarah negara. Tiada satu saman dikeluarkan dan tiada sekeping kertas atau satu sampah yang ditinggalkan.”

x “Saya juga mengangkat sembah Ke Bawah Duli Yang Maha Mulia Seri Paduka Baginda Yang Di-Pertuan Agong memohon maaf **kiranya** terdapat apa-apa kesilapan fakta yang melibatkan baginda dalam rencana itu **walaupun, setakat ini, belum ada sesiapa yang menunjuknya**