

IN MEMORY OF THE LATE TAN SRI ABDUL MALEK AHMAD, PRESIDENT OF THE
COURT OF APPEAL, MALAYSIA

Dewan Tunku Chancellor, University of Malaya
31 January 2008

By

Dato' Abdul Hamid Mohamad
Chief Justice, Federal Court, Malaysia

Your Royal Highness, the Regent of Perak Raja Dr. Nazrin Shah Ibni Sultan Azlan
Muhibuddin Shah,

Your Royal Highness, Raja Puan Besar of Perak, Tuanku Zara,

Honourable Ministers and Deputy Ministers,

Honourable Attorney General of Malaysia,

Honourable Judges,

Your Excellencies,

Pro-Chancellor, Chairman of the Board of Directors and Vice Chancellor of the
University of Malaya,

Acting President of the Malaysian Inner Temple Alumni Association,

Yang Berbahagia Puan Sri Roziah Binti Sheikh Mohamed dan keluarga,

Distinguished guests,

Ladies and gentlemen,

The life of Allahyarham Tan Sri Abdul Malek Ahmad was characterized by two
contradictory words: early and late. He began his career early. He got married late. He
got his promotion as President of the Court of Appeal late. And he passed away early.

The first time I heard his name was when I reported for duty on my first appointment as
Magistrate at Kangar, Perlis in 1969. The Chief Clerk told me what happened when

Allahyarham Tan Sri Abdul Malek Ahmad reported for duty a few years earlier. Allahyarham arrived with his father. Since he was barely 21 years old and in the words of the Chief Clerk “looks like a boy”, the Chief Clerk thought that the father was the Magistrate reporting for duty.

I got to know him better when I became the Deputy Registrar in 1974 and came in contact with him even more in later years when I became a Judge. But he was always the senior, whether as an officer or as a Judge. The first time I had the opportunity to sit with him was on 13th May 2002, when, as a Judge of the Court of Appeal, I was incorporated to sit in the Federal Court with him and with Tan Sri Steve Shim, the Ex-Chief Judge (Sabah and Sarawak) as the Presiding Judge. I was the most junior, only a Judge of the Court of Appeal, sitting in the Federal Court for the first time. One of the cases that we heard that week was the case of Raphael Pura v. Insas Berhad & Anor. (2003) 1 MLJ 513.

I was assigned to write the judgment, my first judgment of the Federal Court, the first time I sat in the Federal Court when I was not even a Federal Court Judge. I wrote my judgment and sent it to them. Tan Sri Steve Shim agreed with me. Allahyarham decided to write his own judgment. When, later, I read his judgment I found that he disagreed with me. I got back to Tan Sri Steve Shim just to know whether he was still with me and he confirmed it. So, my judgment became the majority judgment.

Let me tell you this. In spite of the fact that I was junior and sitting in the Federal Court for the first time I felt very comfortable. They made me feel that I was an equal member of the panel. And, even though Allahyarham and I disagreed on the decision, there was not the slightest sign of displeasure on his part. I sat with him a few more times when I was a Federal Court Judge. There are a few judgments in the law reports carrying both our names. As far as I can remember, we did not disagree again. It was a pleasure to sit with him. He was friendly, in fact jovial. He was sharp but patient. He was a Judge that a brother Judge would love to sit with and, I am sure, lawyers would love to appear before.

Sadly, I noticed that he was quite a different person when I last sat with him. That was in March 2006. He was very quiet, to say the least. I sensed that there was something not quite right with him but I dared not ask him.

Later, even after I had come to know that he was having health problems, he was still very concerned about me. A few days before I went for my open heart surgery, he came to my room to wish me well. When I wished him the same in return, he replied that he was well. I was happy for him.

Not long after that he came into my room again. This time he was very concerned about my position. There were talks then that I would be bypassed. I said to him: "Malek, whatever happens, I will never beg!" Soon after that he was admitted to hospital and those words turned out to be my last words to him. And, he departed, albeit early, as if to make way for me to be what I am today. Judges lost a brother who was a pleasure to sit with and a friend who was always full of laughter. The country lost an honest Judge. Personally and above all, I lost Malek.

As a Muslim, I know that no amount of praises will reach him now. But I also know that our prayers will certainly reach God Almighty and it is His prerogative whether to answer our prayers or not. At the same time, we are repeatedly reminded that Allah is most Benevolent, most Merciful and most Forgiving. So, let us pray that Allah s.w.t. will shower His blessings on Allahyarham's soul and also on all members of his family.

Al-Fatihah

Patik menjunjung kasih Tuanku
Thank you.