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Special Corruption Sessions Courts Give Greater Bite in the Outright War Against Graft

SHAH ALAM: Fighting corruption, which is a National Key Results Area (NKRA) under the Government Transformation Programme (GTP) has been given a greater boost with the commencement of operations of the special Corruption Sessions Courts to aggressively combat corruption, by bringing those accused to trial as speedily as possible while continuing to uphold the fairness and integrity of the justice system.

The special courts began operations this week throughout the country, namely in Johor Bahru, Ipoh, Seremban, Kuantan, Kuching, Kota Kinabalu, Kuala Lumpur and Shah Alam.

“These special Sessions Courts had been announced by our Prime Minister, Datuk Seri Najib Razak in the recent Budget and we are pleased to be a part of this fast-moving initiative which is now becoming a reality,” said Datuk Hashim Hamzah, Chief Registrar of the Federal Court of Malaysia.

With the creation of these special courts, the intensity of the war on corruption is heightened in addition to the efforts already in place including the Whistleblower Protection Act 2010 which was brought into force on December 15 last year, plus other

initiatives such as the establishment of MACC's name and shame database as well as the introduction of integrity pacts in the government procurement process.

The special Corruption Sessions Courts in Shah Alam and Kuala Lumpur (three each in the two locations) are immediately tasked with processing about 150 cases in total. As at end 2010, 425 cases were pending trial. There were 674 backlog cases as at the end of 2009, but this number was reduced to 425 by December 2010. However, due to increasing efforts to stamp out corruption, 446 new corruption cases were registered in the courts in 2010. And 718 cases were processed last year.

Two lawyers who were at the new courts were positive about the capabilities of the new system being implemented. Syed Mohd Fuad said the new courts would be able to clear backlog of cases quickly, while Imran Hadzalie AbdulHamid felt that as the courts are new and had just started hearing cases, there is a need to effectively finetune the system to maximise its efficiency.

"We aim to complete the prosecution of corruption cases within one year, particularly the high public interest cases," Hashim said.

"Lengthy trials and appeals should be minimised as they increase the opportunity for material witnesses to go missing, witness and evidence tampering as well as fading of witnesses' memory, plus witnesses getting frustrated or losing interest in the cases and thus becoming uncooperative," he added. "It is quite common to have as many as 20 witnesses for one case alone. And lengthy processes are often seen to delay the delivery of justice."

The respective judges will also prepare upcoming cases by carrying out case management, which is critical groundwork for a smoother flow of court proceedings. With the specialisation of the courts on corruption cases, the judges are focused on bringing guilty offenders to book as they do not have to handle a multitude of different cases.

As about 70 percent of corruption cases involve accused who are government servants, Hashim said it is also crucial to bring them to trial as soon as possible as they will be put on suspension and receive only 50 percent of their salary upon being arraigned.

“Morally, they have a chance to prove their innocence in court and should they be cleared of all charges, they will then be able to continue on with life,” Hashim pointed out. “In the past, the long period taken to bring them to trial also meant that they will be given a large amount of backpay when the court finally finds them to be innocent, which we can now circumvent by completing a case within one year.”

The introduction of the special Corruption Sessions Courts underscores the fact that the government views corruption very seriously and are taking all possible measures to ensure it is effectively kept at bay.

Corruption introduces procedural and financial complexities in the daily lives of the Rakyat, contribute to grave socio-economic imbalances and erodes the value system of all Malaysians. In addition to the high social costs, corruption also robs the nation of its wealth and resources.
