

'Professional misconduct' if Shafee's secret mission untrue, says Bar Council

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by Clara Chooi

KUALA LUMPUR, April 19 – If a lawyer is found to be lying over his reason for adjourning a case, the act is tantamount to “professional misconduct”, Bar Council president Lim Chee Wee has said.

Lim was responding to reports of a letter supposedly penned by prominent pro-Umno lawyer Datuk Seri Dr Muhammad Shafee Abdullah seeking adjournments for all his cases from April 1 to 25 due to a “sensitive legal assignment” abroad allegedly commissioned by Prime Minister Datuk Seri Najib Razak and his wife Datin Seri Rosmah Mansor.

The Bar Council president (picture) said that lawyers intending to go on long leave for any reason would ordinarily request others to take over his court matters.

“The lawyer would request other lawyers to take over hearings where the dates were originally fixed with the consent of the lawyer,” he told The Malaysian Insider in an email statement here.

Unless, Lim added, the lawyer feels he is the only person capable of handling the matter by virtue of his expertise or availability of other lawyers.

“[But] If a lawyer’s reason for adjournment is later found out to be untrue, it is tantamount to professional misconduct,” he said.

Shafee’s letter, penned on March 23, was addressed to Chief Justice Tan Sri Ariffin Zakaria, Court of Appeal president Tan Sri Md Raus Sharif and Chief Judge Malaya Tan Sri Zulkefli Ahmad Makinudin.

PKR has linked the “assignment” to the ongoing Scorpene submarine sale probe by French authorities, to which Najib and Rosmah has also been pinned to.

But a second letter surfaced yesterday from Shafee’s legal firm, this time claiming that the prominent Umno lawyer has to be in Sydney for a law conference this month, instead of the “sensitive legal assignment”.

The Malaysian Insider understands that the letter was raised yesterday in the Court of Appeal during an appeal hearing in which Shafee was the appointed counsel.

According to the letter, sighted yesterday evening by The Malaysian Insider, Shafee’s firm had written on April 9 seeking to postpone today’s hearing, citing his participation in the law conference as reason.

“Please note that Dato’ Sri Dr Muhammad Shafee Abdullah will be in Sydney for the Commonwealth Law Conference as a participant from 18th to the 22nd of April 2012,” the letter read.

The Malaysian Insider understands, however, that Shafee’s request for adjournment yesterday was refused by Court of Appeal Justices Datuk Syed Ahmad Helmy Syed Ahmad, Datuk Clement Allan Skinner and Datuk Abdul Aziz Abdul Rahim.

The appeal subsequently proceeded and Shafee’s client’s appeal was argued by other lawyers and dismissed with costs. But the dates stated in Shafee’s April 9 letter contradicts the lawyer’s March 23 correspondence to the country’s top judges.

Minister in the Prime Minister’s Department Datuk Seri Mohamed Nazri Aziz had said in Parliament earlier this week that Shafee may have “misrepresented” himself for stating in the letter that he was on assignment for the government.

The minister pointed out that the government cannot appoint a lawyer for the wife of the prime minister.

Recent media reports have pinned Najib to the RM7.3 billion Scorpene submarine deal by French authorities, which has also been linked to the brutal murder of Mongolian model Altantuya Shaariibuu.

Altantuya’s lover Abdul Razak Baginda, a close associate of Najib’s, was acquitted of a charge of abetting two Special Action Squad members – Azilah Hadri and Sirul Azhar Umar – to commit the 2006 murder.

Last week, Altantuya’s father Dr Setev Shaariibuu told a press conference in Petaling Jaya that he had offered himself as witness in the submarine probe, claiming that his testimony would be able to “connect the dots” between her death and the Scorpene case.