

Lawyers plan to

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KUALA LUMPUR: The defence team in the Datuk Seri Anwar Ibrahim corruption trial informed the court yesterday that it will make an application today to impeach the testimony of Azizan Abu Bakar.

Counsel Gurbachan Singh told Justice S. Augustine Paul after a five-minute break at 3.20pm yesterday that the defence would also be applying to interview two prosecution witnesses before carrying out the impeachment proceedings.

However, Justice Paul suggested to Gurbachan Singh that he need not impeach the former driver of Datin Seri Dr Wan Azizah Ismail until after the prosecution had concluded its case as "there's a new rule in *prima facie* evidence."

Justice Paul: It will be a waste of time, in the event defence is not called. I did some checking up, I feel that it is better that you do so at the end of it.

Gurbachan: We will address your Lordship on that. Could we do it later?

At the end of the afternoon session, Gurbachan Singh informed the court that he would definitely finish cross-examining Azizan by lunch break today but was not sure whether co-counsel Christopher Fernando could do the same.

Earlier, at 2.20pm when the afternoon session began, Azizan, 38, had told the court that he was not sure whether he had gone five times to the office of a lawyer called Sukdev Singh, but denied that he had gone there after Aug 10.

Azizan said that when he lodged a police report on Sept 16, he was not shown a copy of a statutory declaration allegedly made by him at Sukdev Singh's office on Aug 10.

"Can you tell the court, which part of the statutory declaration is not true?" asked Gurbachan Singh.

Senior DPP Azahar Mohamed objected to the

question as the statutory declaration had not been produced in court.

Gurbachan Singh argued that the defence was entitled to cross-examine on that point because the witness had admitted to making the declaration.

Judge: Can (you) remember?

Azizan: I cannot remember the contents of the statutory declaration now.

Gurbachan: You said that you had read the statutory declaration on Aug 10 in Mr Sukdev Singh's office. Can you tell the court what was not true? Can you remember what was not true at that time?

Azizan: As far as I can remember, the statutory declaration was not true. It contained a sentence denying that I had made a sworn statement (which contained allegations that Anwar had repeatedly sodomised him), dated Aug 5 last year.

Gurbachan: Is that all?

Azizan: As far as I can remember, that's all.

Gurbachan Singh then went on to other areas. When asked about his meeting with the Prime Minister on Aug 24, Azizan said: "I was scared if the accused found out about my meeting with the Prime Minister."

Gurbachan: You never lodged a police report regarding your fear of Datuk Seri Anwar, right?

Azizan: Yes, right. Because at that time, the accused was still in power.

Gurbachan: You knew that Datuk Seri Anwar

MAIN POINTS

1. Dr Mahathir wanted to see Azizan to hear the true story.
2. Defence team to apply to impeach Azizan's testimony today.
3. Azizan testified that Anwar was not involved in the death of his pregnant wife.
4. Azizan stayed one week with a former commando who is purportedly one of Anwar's men.



was sacked on Sept 2?

Azizan: Yes, I knew.

Gurbachan: What caused you to make a report only on Sept 16?

At this juncture, Senior DPP Mohd Yusof Zainal Abiden stood up to object on the grounds that the question was improper and that Azizan had answered the question.

Gurbachan: I think I should be allowed to ask the question. My question was 'What prompted him to make the report on Sept 16 when he knew Datuk Seri Anwar was sacked on Sept 2?'

Judge: Maybe you should ask him 'Why didn't he report immediately after Datuk Seri Anwar was sacked?'

When Gurbachan Singh repeated the question suggested by Justice Paul, Azizan answered: "(I lodged the report) after I thought Datuk Seri Anwar was not in power any more. Whatever that I signed, the statutory declaration dated Aug 10, was not true. I was forced to sign. It is not true and without my consent."

Gurbachan: Are you saying that the whole of the statutory declaration is not true?

Mohd Yusof objected to the question in Bahasa Malaysia but was interrupted by Gurbachan Singh who asked that the objection be made in English so that the witness would not understand the aim of the objection.

Justice Paul said there

was no general ruling on the use of the language and that it depended on the nature of the question.

When Gurbachan Singh explained that his question was a follow-up to Azizan's answer to the previous question, Mohd Yusof said: "I think, I have no objection to objecting in English."

Judge: The reason I'm allowing this is that he had earlier said it's not true but now it's more effective. He said "it was not true and without his consent."

Mohd Yusof: It's very difficult for this witness to be asked a question after he has said "I can't remember."

The judge then ordered that the question be repeated and Azizan answered: "As far as I can remember, my home address, my name were true. I don't know the writer and publisher of the book and I am not involved in the publication and distribution of the book *50 Dalil Mengapa Anwar Tak Boleh Menjadi PM* (50 Reasons Why Anwar Cannot be PM)."

As Gurbachan Singh proceeded with questions on the statutory declaration, Senior DPP Datuk Abdul Gani Patail stood up to object at one point to his way of questioning which Abdul Gani said amounted to "putting words into his (Azizan's) mouth."

When asked why he did not ask Sukdev Singh to amend the paragraph which he said was not true, Azizan said the lawyer had told him to leave the sentence as it was.

Gurbachan: And you agreed?

Azizan: I felt scared.

impeach Azizan

My mind was disturbed. Fear overcame my mind.

Gurbachan: What you said about paragraph five being false, was not true?

Abdul Gani objected again, saying Gurbachan Singh was confusing the witness by putting a "double negative" in his question: "The first rule is not going by double-negative. Here he is going by triple negatives."

Judge (smiling): The rule says no double-negative, not triple-negative.

The judge's remark was followed by laughter from those in the public gallery.

Azizan: I agree that paragraph five was untrue. That was a lie by me because I was asked by

the police who took my statement whether "I had been frightened or threatened to be put under ISA (Internal Security Act) by the Special Branch to sign the sworn statement dated Aug 5, 1997, and about the accident in which my wife died.

Azizan said the RM10 for the statutory declaration was paid for by Sukdev Singh.

He said that he was frightened into making the statutory declaration.

"One of Anwar's men, Ma'amin Latip, frequently contacted me," he added.

When Gurbachan Singh contended that the entire statutory declaration was drafted by Sukdev Singh

based on Azizan's instructions and told Azizan to answer either 'yes' or 'no', Mohd Yusof objected stating that the witness could not give such answers to the question.

Abdul Gani interjected that Gurbachan Singh's question was "further compounded" by incomplete phrases like "*Juga katakan* (Also put)" instead of "*Saya juga katakan kepada kamu* (I also put it to you that).

"It is very difficult to understand his Malay," said Abdul Gani.

Gurbachan: I don't know why my learned friend is so fussy over it. Everybody including the witness understands except the DPP.