

03/11/1998

Anwar can be tried under Emergency Ordinance

Ruslaini Abbas; Carolyn Hong

KUALA LUMPUR, Mon. - The High Court today ruled that the four corrupt practice charges against Datuk Seri Anwar Ibrahim are valid.

Judge Datuk S. Augustine Paul made the ruling when rejecting a defence argument that the charges (See Page 3) brought under the Emergency (Essential Powers) Ordinance 22 of 1970 were invalid because Dewan Rakyat had annulled the law.

He said the ordinance had yet to be brought to the Dewan Negara although it had been annulled by the Dewan Rakyat on Oct 22.

The judge also rejected an application by Raja Aziz Addruse, Anwar's leading counsel, for the Bar Council to hold a watching brief, and for observer status to be accorded to five representatives of international organisations.

He, however, allowed representatives who were already in the courtroom to follow the proceedings from the public gallery.

Paul also dismissed Raja Aziz's application for the counsel of Sukma Darmawan Sasmitaat Madja and Dr Munawar Anees, to hold watching brief for their clients who may be implicated in the trial.

Sukma is represented by Karpal Singh, Gobind Singh Deo and Jagdeep Singh Deo, while Munawar's lawyers are Manjeet Singh Dhillon and Balwant Singh Sidhu.

(Sukma and Munawar had been found guilty of allowing themselves to be sodomised by Anwar.)

The defence also urged the court to cite Prime Minister Datuk Seri Dr Mahathir Mohamad and Attorney-General Tan Sri Mohtar Abdullah for contempt of court for their comments to the Press.

Raja Aziz referred to a report quoting Dr Mahathir as saying there would be racial disharmony if Anwar was not convicted, and another which quoted Mohtar as saying more charges of sexual offences would be brought against Anwar.

Paul did not make a ruling but said the parties could take a separate action.

The first day of the trial was spent on preliminary applications and objections by the defence.

Whether more objections would be raised tomorrow would depend on the defence's evaluation of Anwar's cautioned statement, first police report on the case and six documents which it received this morning from the prosecution.

The court convened at 9.20am with the judge telling parties that hearing would be conducted in Bahasa Malaysia in line with section 8 (Language of Court) National Language Act but parties can apply to use English when necessary.

This was followed by senior deputy public prosecutor Datuk Abdul Gani Patail introducing his team comprising senior DPPs Azahar Mohamad and Mohd Yusof Zainal Abiden and deputy public prosecutors Stanley Augustin, Nordin Hassan and Shamsul Sulaiman.

Abdul Gani also introduced Anwar's defence team comprising Raja Aziz, Sulaiman Abdullah, Christopher Fernando, Zainur Zakaria, Gurbachan Singh Pannu, Kamar Ainiyah Kamarudin and Sankara N. Nair.

Raja Aziz then applied for another lawyer, Zulkifli Nordin, to be included in the defence team. The court allowed the application. Zulkifli was recently released from a brief detention under the Internal Security

Act.

Anwar, 51, who was until Sept 2 Deputy Prime Minister, wore an open-collared, long-sleeved white shirt and dark coloured pants and appeared to be in good spirits when he was escorted into the courtroom at 9.11am. He arrived at the court at 8.20am and was held at the lock-up in the basement of the building.

He kissed his wife, two daughters, mother, father and father-in-law. He also embraced other family members, greeted his counsel and smiled at the Press.

Anwar is also facing a fifth charge of corrupt practice and five charges of sodomy. The hearing dates for these charges have yet to be fixed.