

02 NOV 1998

Court-Anwar (Objection)

HIGH COURT REJECTS ANWAR'S OBJECTION

KUALA LUMPUR, Nov 2 (Bernama) -- The High Court here today rejected preliminary objection raised by former deputy prime minister Datuk Seri Anwar Ibrahim to the charges against him on the ground that the law under which he is charged has been repealed.

Justice Datuk S. Augustine Paul said the Emergency (Essential Powers) Ordinance 22, 1970 has yet to be fully repealed because it has not been tabled at the Dewan Negara.

He made the ruling after Anwar's counsel Raja Aziz Addruse raised the objection on the point of law.

Anwar is charged with four counts of corrupt practice under section 2(1) of the ordinance.

Raja Aziz, in his objection, said that the Dewan Rakyat had on Oct 22 approved the repeal of the ordinance which would have retrospective effect from Jan 8, 1998, when the Anti-Corruption Act 1997 was enforced.

"I would suggest that the prosecution not proceed with the case for the time being until this ordinance is repealed by the upper house," he said.

Another counsel, Christopher Fernando, submitted that Anwar could not be charged under the new act as the offences were allegedly committed between Aug 12 and 18, 1997.

Badruddin said the Education Ministry, the Public Services Department and MARA should look into withdrawing the scholarships and loans given to university students involved in the illegal gatherings.

He said universities should also take stern action against students involved in the reform group.

Rohani Abdul Karim (BN-Santubong) called on Members of Parliament and members of state legislative assemblies to promote Malaysia when they attend conferences overseas.

She said an interpersonal communication was more effective in promoting Malaysia's tourism sector.

She also called on Malaysia Airlines to reduce air fares to Sarawak as current high fares only encouraged locals to go overseas instead.

The Dewan Rakyat had on Oct 22 approved a motion to annul the Emergency (Essential Powers) Ordinance No.22 1970 from Jan 8 this year following the enforcement of the Anti-Corruption Act on that date.

Deputy Minister in the Prime Minister's Department Datuk Mohamed Nazri Aziz had told the Dewan Rakyat that the Anti-Corruption Act incorporated the Prevention of Corruption Act 1961, the Anti-Corruption Agency Act 1982 and the Emergency (Essential Powers) Ordinance 1960.

The annulment of the ordinance has to be brought before Parliament for debate and approved by the Dewan Rakyat and Dewan Negara and receive the consent of the Yang di-Pertuan Agong before it can take effect.

Earlier, Raja Aziz said the charges against Anwar could not proceed because the annulment had just been approved by the Dewan Rakyat and if allowed to continue, would be an abuse of the process of court.

Senior deputy public prosecutor Datuk Abdul Gani Patail submitted that the Dewan Rakyat had resolved to annul the ordinance but the resolutions of both houses were needed for the annulment.

"In this matter it cannot be denied that the Dewan Negara has yet to make a resolution to annul Ordinance 22 and the Anwar was alleged to have committed the offences in August 1997 and was charged on Sept 29 this year," he said.

He said that under Article 150 clause (2c) of the federal Constitution, an ordinance promulgated under clause (2b) shall have the same force of effect as an Act of Parliament and shall continue in full force as if it is an Act of Parliament until it is revoked or annulled under clause (3) or until its lapses under clause (7).

"Ordinance 22 was promulgated on Feb 21, 1970, and there is no express provision in the Constitution saying that the Interpretation Act did not apply," he said.

He said eventhough Ordinance 22 had been annulled, there was nothing to stop the prosecution from charging Anwar, but what was more important was that the ordinance was not annulled yet as Dewan Negara had not passed its resolution.

Raja Aziz also applied to the court to cite Prime Minister Datuk Seri Dr Mahathir Mohamad and Attorney-General Tan Sri Mohtar Abdullah for contempt for issuing statements in connection with Anwar's case.

The court had on Oct 5 ordered a gag on public discussion on the case.

Raja Aziz said Dr Mahathir's statement, which was published in an English language newspaper last Saturday, had discussed Anwar's case while Mohtar had issued a statement saying that Anwar would face more charges after the disposal of this case.

The judge, however, told him to make a proper application.

Earlier, Karpal Singh who had applied to hold a watching brief for Sukma Darmawan Sasmitaat Madja who had been convicted of allowing himself to be sodomised by Anwar, sought a ruling from the court whether he was in contempt following a statement from the Malaysian Senators Club that he had breached the gag order.

The judge said the statement was one-sided and asked Karpal Singh to wait until the case ended.

-- BERNAMA

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