

23 NOV 1998

Court-Anwar (Karpal Singh)

KARPAL SINGH AS WITNESS, COURT FIXED DEC 4 TO HEAR APPLICATION

KUALA LUMPUR, Nov 23 (Bernama) -- The High Court here today postponed to Dec 4 lawyer Karpal Singh's application not to appear as a prosecution witness at the corruption trial of Datuk Seri Anwar Ibrahim.

Justice Datuk S. Augustine Paul said the prosecution should produce an affidavit in reply to the application made by Karpal and show the reasons why he (Karpal Singh) was required as its witness.

Justice Augustine Paul then allowed Senior Deputy Public Prosecutor Datuk Abdul Gani Patail's application to file the affidavit for the next hearing.

Karpal Singh, who is representing Anwar in a civil suit challenging the legality of his dismissal from the Cabinet on Sept 2, filed the notice of motion seeking an order to set aside a subpoena served on him to appear as a prosecution witness at the corruption trial of former Deputy Prime Minister.

Anwar trial's on four counts of corrupt practice resumes today after a week-long break.

In the notice, Karpal Singh said the undated subpoena issued by the deputy registrar of the High Court, should be set aside as it is vexatious and an abuse of the court process.

Abdul Gani, in his submissions, told the court that Karpal Singh is material to the case as Ummi Hafilda Ali and Azizan Abu Bakar met him "just before they were arrested" last year.

Earlier, the court was told that Ummi Hafilda is the writer of a letter entitled "Perihal Salah Laku Timbalan Perdana Menteri" (The Matter of the Misconduct of the Deputy Prime Minister) addressed to Prime Minister Datuk Seri Dr Mahathir Mohamad dated Aug 5, 1997 and Azizan, Anwar's former driver, who swore that he was sodomised by the former Deputy Prime Minister.

In his explanation to the court, Abdul Gani said the prosecution obtained the summons on Nov 13 at about 10am and it was duly served an hour later when Karpal Singh happened to be in court.

Karpal Singh submitted that there was no basis for the issuance of the subpoena as no statement was taken from him and he was not informed that he was going to be the witness when he applied to be hold a watching brief in the case.

On Nov 2, Karpal Singh applied to the court to hold a watching brief for Sukma Darmawan Sasmitaat Madja, Anwar's adopted brother who is serving a six months' imprisonment after pleading guilty to allowing Anwar to sodomise him.

"There was no indication that I was required as witness in this case," he said.

Justice Augustine Paul however disagreed with Karpal Singh on the issue that he had not given any statement to the police as the police could subpoena anybody at any time without a statement having been taken.

In the notice, Karpal Singh stated that he would not be able to adduce any material evidence in the case.

The subpoena served on him at 11.30am on Nov 13, outside the court requires him to be present in court from today to Dec 12.

Karpal Singh said that his presence in court would cause a serious disruption to his duties as a lawyer and Member of Parliament.

Furthermore, he said, he had to be in London on Thursday as his son,

Ramkarpal Singh, would be admitted to the Gray's Inn as Barrister-at-Law.

The court allowed him to attend the graduation and fixed Dec 4 to hear the application as the counsel will be back the day before.

Earlier, Justice Augustine Paul rejected counsel Mah Weng Kwai's application to act for the Bar Council to hold a watching brief at the hearing of the application.

Justice Augustine Paul, in rejecting the application, said he was unable to step beyond the power given to the Bar Council by Parliament as stated in Section 42 of the Legal Profession Act.

Mah, in his submissions, said that the council should be allowed to hold a watching brief in the public interest and to protect the legal profession.

-- BERNAMA

NHD AHH RM