

# Judge: Stop commenting on this case

By DALILAH IBRAHIM  
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KUALA LUMPUR: Justice Arifin Jaka yesterday reiterated his call for everyone to restrain from making comments likely to be contemptuous in reference to the Anwar-Sukma sodomy trial.

"I want to stress that if the comments made are contemptuous, those responsible should face the consequences in the event that action is taken against them," he said.

The judge said the question of sodomy alleged to be committed by Datuk Seri Anwar Ibrahim, who is jointly tried with his adopted brother Sukma Darmawan Sasmitaat Madja, was to be determined by the court.

"Comments made should avoid as far as possible issues that are being tried in the present proceedings.

He added that restraint was the best way to avoid casting unnecessary aspersions or the misconception that the court allowed people to comment on the proceedings.

## ANWAR-SUKMA TRIAL

### THE ACCUSED



#### DATUK SERI ANWAR IBRAHIM

"That you, on one night between Jan and March 1993 at about 7.45, at Unit No. 10-7-2, Tivoli Villa, Jalan Medang Tanduk, Bangsar, had with intention sodomised Azizan Abu Bakar thereby committing an offence under Section 377B of the Penal Code."



#### SUKMA DARMAWAN SASMITAAT MADJA

"That you on one night between Jan and March 1993, at about 7.45, at Unit No. 10-7-2, Tivoli Villa, Jalan Medang Tanduk, Bangsar, abetted Datuk Seri Anwar Ibrahim in committing sodomy on Azizan Abu Bakar, thereby committing an offence punishable under Section 109 to be read together with Section 377B of the Penal Code."

"That you, on one night between Jan and March 1993 at about 7.45, at Unit No. 10-7-2, Tivoli Villa, Jalan Medang Tanduk, Bangsar, had with intention sodomised Azizan Abu Bakar thereby committing an offence under Section 377B of the Penal Code."

### THE PENALTY

Section 377B of the Penal Code carries a maximum 20 years' jail and whipping, upon conviction, of sodomy.

Section 109 (relating to abetment of an offence) read together with 377B carries the same sentence provided for Section 377B, upon conviction.

said that Parti Keadilan Nasional vice-president Dr Chandra Muzaffar was issued a show-cause notice by the court over an alleged statement made over the Internet relating to the case, the judge re-

Justice Arifin said his call was directed to everyone, "especially those in power, including ministers."

When Attorney-General Tan Sri Mohtar Abdullah added that everyone should include leaders of the opposition party and Anwar's defence counsel Karpal Singh, the judge said: "Yes, yes, everyone including Datuk Seri Anwar's wife (Datin Seri Dr Wan Azizah Ismail), Datuk Seri Anwar himself, Christopher Fernando, and other counsel."

Justice Arifin also ruled that it was improper for the court to issue a show-cause notice to Prime Minister Datuk Seri Dr Mahathir Mohamad and several other ministers for statements made in relation to Karpal Singh's allegation that "people in high places could be responsible for (Anwar's) arsenic poisoning."

"I'm not stopping you from taking any action against anyone but it would be better to have separate proceedings and separate action," the judge told Karpal Singh.

Karpal Singh said that the Prime Minister, Transport Minister Datuk Seri Dr Ling Liong Sik, Education Minister Datuk Seri Najib Tun

Razak, and Rural Development Minister Datuk Anuar Musa had issued statements threatening to sue him for libel over what he had said in court.

"Any threat by anyone, however high, is a very serious contempt of court," he said, adding that the court was duty bound to take proper action.

Karpal Singh said Dr Mahathir's statement on Sept 28 in New York also amounted to contempt when he said that Anwar was a homosexual who pretended to be religious.

When the judge asked for the A-G's opinion, Mohtar said he agreed with the court that separate action should be taken since the alleged statements contended by Karpal Singh were not made in court.

"The alleged statements were made at different forums, I agree with Your Lordship that it is not proper procedure to raise it in this court," Mohtar said.

When Karpal Singh

minded Karpal Singh that it was he who told the court to go through proper procedures to issue the notice.

Karpal Singh then said that the prosecution had ordered that a police report be made against Dr Chandra.

"Would the judge direct the A-G to lodge a police report (against the ministers)?" he said.

Mohtar then stood up saying the prosecution did not direct anyone to lodge a police report but had only confirmed to the court that a report had been made by a certain individual.

"That's the trouble with assuming too much," the A-G said to Karpal Singh.

Later, Alor Gajah Syariah Court assistant Che Zam Zam Che Man produced documents relating to the case of Anwar's accuser Azizan Abu Bakar who was convicted of close proximity and attempting to commit illicit sex.

He confirmed that Azizan was jailed three months and fined a total of RM7,000 on Sept 28.

Justice Arifin rejected Fernando's request that Che Zam Zam be cross-examined but agreed to postpone the case to Monday to allow the Syariah Court to produce the notes of proceedings, after the prosecution and defence had met him in chambers.