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Court-Anwar

AG NOTIFIES COURT ON SETTING ASIDE SUBPOENA ON PM

KUALA LUMPUR, Oct 26 (Bernama) -- Attorney-General Tan Sri Mohtar Abdullah today gave notice to the High Court that the prosecution will consider applying to set aside the subpoena on Prime Minister Datuk Seri Dr Mahathir Mohamad to come to court on the ground of relevancy.

Mohtar said the subpoena was issued on the prime minister on the application of the second accused Sukma Darmawan Sasmitaat Madja, and not his adopted brother former deputy prime minister Datuk Seri Anwar Ibrahim.

"Therefore, I am giving notice that the prosecution will be applying or consider applying to set aside the subpoena on the prime minister on the ground of relevancy...the prime minister has nothing to do with Sukma," he told the court, here.

Anwar, 52, is being jointly tried with his adopted brother, Sukma 38, on a charge of sodomising his wife's former driver, Azizan Abu Bakar, 39, at Sukma's apartment in Tivoli Villa, Bangsar, here, one night at 7.45 between January and March 1993.

Sukma, a businessman, faces another charge of abetting Anwar to sodomise Azizan at the same place and time.

The court had ordered Anwar and Sukma to enter their defence after the prosecution established a prima facie case against them.

Mohtar said there was no necessity for the prime minister to come to court on Thursday as Anwar and Sukma had not yet finished testifying.

"There is no point for the prime minister to come and wait here," he said, adding that the prosecution would base its application under Section 136 of the Evidence Act.

Earlier, Gobind Singh Deo, counsel for Sukma, asked the court whether the subpoena had been served on the prime minister.

Judge Datuk Arifin Jaka said according to High Court Deputy Registrar Rozilah Salleh, the subpoena had been issued and given to the police to be served.

Arifin said it was the duty of the police to serve the subpoena and not the court.

"Don't ask me. Ask the police," said the judge when Gobind questioned him why the subpoena had not been served.

When asked by Arifin, Rozilah told the court that the subpoena had been issued and given to the police and added, "but the counterfoil to prove delivery has not been returned."

Gobind said the defence wanted the prime minister to come to the court and he asked the court "not to blame the defence if Dr Mahathir does not appear this Thursday."

At this juncture, Mohtar said even if the subpoena was served there was no necessity for Dr Mahathir to come to court as Anwar and Sukma had not completed their testimonies.

Mohtar also told the court that the prosecution was considering asking the court to set aside the subpoena issued on behalf of Sukma.

Gobind in reply said he was surprised with the prosecution's intention to set aside the subpoena as the prime minister had openly said that he was prepared to come to court.

Arifin issued the subpoena last week on behalf of Sukma, ordering Dr Mahathir to attend the trial on Oct 28 to enable the defence to interview him before deciding whether to call the prime minister as its witness.

"It is surprising that the AG (Attorney-General) is applying to set

aside the subpoena when the prime minister himself has openly said that he would come to the court," said Gobind adding that the AG's Chambers should not interfere with his witnesses.

Mohtar in reply said that the prosecution had every right to question the motives for calling a witness.

At this juncture the court saw heated arguments between Gobind and Mohtar and heard Gobind complained to the court that Mohtar had said "bapa borek anak rintik" (like father, like son) to him, referring to Gobind and his father, Karpal Singh, who was earlier warned by judge for making remarks against the court.

Arifin however asked Gobind to sit down and "not to quarrel like small children" in his court and asked leading counsel Christopher Fernando to continue with the proceeding.

Anwar, the defence first witness, is testifying on his third day of his defence.

-- BERNAMA

NHD RYN