

14 JAN 1999

Court-Anwar (Adjourn)

ANWAR'S CORRUPTION TRIAL ADJOURNED TO JAN 26

KUALA LUMPUR, Jan 14 (Bernama) -- The High Court here today adjourned the corruption trial of Datuk Seri Anwar Ibrahim to Jan 26 in line with the Hari Raya Aidilfitri celebrations next week.

Justice Datuk S. Augustine Paul made the decision following a request for a temporary adjournment by defence counsel Raja Aziz Addruse.

This is the second break since the trial began on Nov 2 last year. The trial resumed on Nov 23 after a week-long break during the Asia Pacific Cooperation (Apec) summit.

Anwar, 51, a former deputy prime minister and former finance minister, is facing four counts of corrupt practice by abusing his position to interfere in police investigations into his alleged sexual misconduct.

In his request, Raja Aziz said the defence needed time to modify its submission with regard to the court's latest ruling today that the truth of the allegations was no longer an issue by reason of the amended charges.

The court accepted the prosecution's proposal to amend the four corruption charges against Anwar yesterday, the 45th day of the trial.

Earlier today, Paul ruled that the truth or falsity of the sexual misconduct and sodomy allegations was irrelevant to the case under the amended charges.

He made the ruling after hearing submissions from senior deputy public prosecutor Datuk Abdul Gani Patail and Raja Aziz, the defence's leading counsel, on the relevancy of the sexual misconduct and sodomy evidence.

When the court resumed after a one-hour break to enable the defence to identify the evidence to be expunged, Raja Aziz told the court that the defence needed a complete re-look at the amended charges in reference to the provisions of Section 2 (1) of Ordinance 22 under which Anwar is charged and its notes of evidence which numbered 850 pages.

Paul interjected and said that the court's notes had now reached 839 pages, to which counsel replied that the difference might be due to the spacing.

Raja Aziz said it would not be an effective submission if they were to give it in parts as suggested by the judge.

He said the issue would need to be considered very carefully because the result of the defence submission would reflect a serious consequence to Anwar if it did not look at the matter as a whole.

Raja Aziz then proposed that the defence be given time to look at the charges, the evidence and the law and requested for an adjournment until this Thursday, after the Hari Raya Aidilfitri public holiday.

The judge, however, disagreed as many of the court staff would be on leave and most of the witnesses are Muslims and they would also "balik kampung".

When the judge suggested that the trial be adjourned to Jan 25, Gani requested that it resume the following day as he would be unable to get the plane ticket back to Kuala Lumpur. This was granted by the court.

Earlier, Gani in his reply to Raja Aziz's request for adjournment, said there was no need for the defence to go through the evidence thoroughly because the prosecution contended that the ingredient of the accused being a member of the administration had nothing to do with the amendment of the charges, neither did the fact of the directive being given, as the only difference was to the word "allegations".

He said there was no provision which provided for the right to submit

at the end of the prosecution's case and what was provided was for a submission at the end of the whole case.

Paul said: "This application really places me in a very difficult position. On the one hand, justice must not be delayed but on the other hand, justice must not be hurried.

"So, I must strike a happy balance. To some extent, this predicament is caused by the amendment made at a late stage and I must also concede the ruling I made this morning. I would very reluctantly grant the adjournment," he said.

The court will submissions from the defence and the prosecution before deciding whether Anwar should be called to enter his defence.

Yesterday, after Gani told the court that prosecution was closing its case, Christopher Fernando informed the court that should Anwar be called to enter his defence, Prime Minister Datuk Seri Dr Mahathir Mohamad and three other ministers would be called to testify.

Meanwhile, the Court of Appeal will deliver on Saturday its decision in Anwar's appeal against the High Court's refusal to grant him bail.

On Oct 5, 1998, Paul rejected Anwar's application on the ground that he might tamper with the witnesses.

Anwar is facing another corruption charge and five sodomy charges.

-- BERNAMA

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