

10 MAR 1999

Court-Anwar (Tape)

ANWAR'S DEFENCE TEAM FAILS TO PLAY TAPES

KUALA LUMPUR, March 10 (Bernama) -- Datuk Seri Anwar Ibrahim's defence team today failed in its bid to play four tapes purportedly containing conversations between Ummi Hafilda Ali and two businessmen relating to an alleged conspiracy against the former deputy prime minister.

High Court Judge Datuk S. Augustine Paul ruled that the tapes should not be played as they were inadmissible.

He said the originality of the tapes was in question as they had been edited on Anwar's instruction.

"We do not know what has been left out, therefore it is totally unreliable," he said.

Paul made the ruling after Anwar's counsel, Gurbachan Singh, applied to play the tapes for the purpose of proving the conversations that took place in London between Ummi, the woman who had accused Anwar of sexual misconduct, Datuk Sng Chee Hua and Nor Azman Abdullah.

Anwar, 51, faces four counts of corrupt practice for allegedly abusing his positions as deputy prime minister and minister of finance to interfere in police investigations into the allegations of sexual misconduct against him, to avoid embarrassment.

He is charged under Section 2(1) of the Emergency (Essential Powers) Ordinance 1970 which carries the maximum sentence of 14 years imprisonment or RM20,000 fine, or both, upon conviction.

Gurbachan Singh made the application after completing examination-in-chief of Nor Azman or Beginda anak Minda, the 15th witness.

Senior deputy public prosecutor Mohamed Yusuf Zainal Abiden objecting, saying that playing the tapes served no purpose in the trial.

Gurbachan Singh said the direct bearing between the tapes and the letter titled "Perihal Salah Laku Timbalan Perdana Menteri" (The Matter of the Deputy Prime Minister's Misconduct) which Ummi wrote, was the role of Ummi in relation to the book, "50 Dalil Mengapa Anwar Tidak Boleh Jadi PM" (50 Reasons Why Anwar Cannot Be PM) which also contained the letter.

On Jan 6, the court dismissed the defence's application to adduce evidence from the tapes which it claimed could prove its contention of a high-level political conspiracy against Anwar.

Today Nor Azman told the court that he recorded the conversations without Ummi' and Sng's knowledge, when he, Ummi, Sng and another colleague, George, went to London on June 16, 1998.

Nor Azman said he decided to tape the conversations after he became suspicious over something Ummi said to him regarding the contents of the book which was allegedly designed to bring down Anwar who was at that time the deputy prime minister or a number two man in Malaysia. Beside he was worried that his boss Sng would be named as one of the people who sponsored the book.

Senior deputy public prosecutor Azahar Mohamed suprised the court when he completed the cross-exmanination after only three questions.

Later, Paul agreed with Azahar and ruled as hearsay the evidence of Nor Azman relating to the names of those whom Ummi was said to have contacted from London.

The judge then ordered the media not to report the names of the individuals mentioned by the witness as the evidence was inadmissible on grounds of hearsay.

In the afternoon, Nor Azman told the court that all the seven tapes

used to record the conversations were new tapes and so were the four used later.

The four tapes were later handed over to lawyer Yeoh Chong Keng for safe-keeping before they were given to the police.

When Azahar told the court that he had finished with the witness, Nor Azman wanted to clarify something but Paul said: "There is a system here, we follow the law. (If there is ) any doubt the lawyer will help. Otherwise (we have to) sit here for a year to finish one case."

Nor Azman said: "Sorry, I'm not familiar with sitting in this dock (witness stand)", drawing laughter from those present.

Two other witnesses who testified were Utusan Malaysia reporter Siti Mariam Mohamed Zain and commissioner of oaths Ngui Kee Heong.

Siti Mariam confirmed that she attended a media conference given by Dr Mahathir on Aug 24, 1997, while Ng was recalled to testify on Ummi's statutory declaration which was sworn before him at Sng's office on June 23 last year.

Ngui voluntarily signed the declaration which was formulated by a lawyer named Yeoh Chong Keng after she was satisfied with its contents, he said.

Hearing continues at 9am tomorrow.

-- BERNAMA

NHD JK