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Azizan sought ex-DPM's help to secure contract, court told

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KUALA LUMPUR, Mon. - Azizan Abu Bakar, who had accused Datuk Seri Anwar Ibrahim in 1997 of sodomising him, had sought the latter's help in June last year to secure a contract, the High Court heard today.

Anwar's former principal private secretary, Mohamed Ahmad, testified that Azizan had met him (Mohamed) about an application for a Tenaga Nasional Berhad contract and asked for this to be conveyed to Anwar.

Mohamed, the third defence witness, said he told Anwar about this and the latter replied: "Awak tak tahukah prosedur kontrak?" (Don't you know the contract procedures?)

Speaking under examination-in-chief, Mohamed said he met Azizan on Anwar's instructions as Anwar did not want to see Azizan. Mohamed said Azizan appeared disappointed at Anwar's refusal to meet him.

Mohamed also testified that he had told Azizan that there was no shortcut to securing a contract, and that he should go through the normal procedures.

Azizan's business proposal was made on behalf of Datuk Taufik Yap Abdullah who was a director in the company in which Azizan was employed.

When defence lawyer Gurbachan Singh tried to ask Mohamed about his arrest, in an attempt to prove police harassment as part of the conspiracy, the prosecution objected.

Prosecutor Datuk Abdul Gani Patail said Mohamed was arrested in connection with an investigation into a corruption case in which Anwar had allegedly given some money to "an Indian man through the witness (Mohamed) and the man had admitted."

After Attorney-General Tan Sri Mohtar Abdullah said the prosecution knew what was "behind the door" which the defence was trying to open, Gurbachan retracted his question.

Another defence witness, Ma'amin Latip, later took the stand to testify about his close friendship with Azizan, saying that they were like brothers.

Ma'amin said he called Azizan "Zan" while Azizan addressed him as Abang (elder brother).

(In his testimony, Azizan who was a prosecution witness, had described Ma'amin as one of Anwar's men who harassed him to sign a statutory declaration which in effect denied the sodomy.)

During the course of today's hearing, Mohtar raised concerns that evidence which had been barred from publication, had found its way into the Internet.

The A-G, who provided an example, said his chamber was seriously looking into this. Gurbachan said the defence was unaware of the matter.

Mohtar raised this when Gurbachan proposed that a document be marked for identification as there was a dispute about its admissibility as an exhibit.

Today's hearing began with Mohamed being called to the stand. Mohamed said he had held his post at the Finance Ministry from 1994 until Sept 3, last year.

Questioned by Gurbachan, Mohamed said he knew Azizan as the former driver of Anwar's wife Datin Seri Dr Wan Azizah Wan Ismail.

He said Azizan was introduced to him by Anwar's then aide-de-camp ASP Zull Aznam Haron in June last year. Mohamed said Zull had told him that Azizan wished to see him about a "business proposal".

Gurbachan: Can you elaborate what you meant by a business proposal?

Mohamed: It was a not a normal business proposal, but it was an application for a TNB (Tenaga Nasional Berhad) contract by Datuk Taufik Yap Abdullah, who was a director at Azizan's company.

Gurbachan: Did you tell Datuk Seri about it?

Mohamed: Yes.

Gurbachan: What was his response?

Mohamed: As usual, in any reference using Datuk Seri's name, I would first refer to him personally and I told him that Azizan wanted to see him, but he was reluctant and suggested that I meet him about the business proposal.

Mohamed said Anwar told him to just listen to Azizan.

Asked if Anwar gave any reason for refusing to see Azizan, Mohamed said he presumed that in view of the situation then, but before he completed the sentence, Gani objected, contending that the witness was giving his opinion.

Gurbachan then asked Mohamed if Anwar had said why he was reluctant to meet Azizan. The witness said "no".

Questioned by Gurbachan, Mohamed said when he met Azizan, the latter gave him a piece of paper and a calling card stating that he was a sales and administration executive in a property company in Malacca.

To question, Mohamed said Azizan told him that he wanted to see Anwar for help to secure the Tenaga Nasional contract.

Gurbachan: What was your response?

Mohamed: I was rather surprised, because normally I could assist in any business proposal or problems in conducting a business, but not in the matter of awarding a contract.

"I told Azizan that Datuk Seri could not see him and that he was referred to me," he said.

He said he also told Azizan that he had to go through the normal procedures and there was no short cut to securing a contract.

Gurbachan: Where did you get the instruction?

Mohamed: It was a normal practice at the Finance Ministry.

Gurbachan: Is it set out anywhere?

Mohamed: It was the existing procedure and system from the time I started work there.

To a question, Mohamed said Azizan appeared disappointed when told of Anwar's refusal to see him, and insisted that he (Anwar) be informed about the matter.

Gurbachan: Later, did you tell Datuk Seri about it?

Mohamed: Yes, and he said: "Awak tak tahukah prosedur kontrak? (Don't you know contract procedures?)

Mohamed said he left Anwar's office without answering.

Asked by counsel, Mohamed said he was arrested twice by the police in September last year, the first time for his statement to be recorded and the second for alleged kidnapping.

When Gurbachan asked if the arrest was before or after Anwar's dismissal, Gani objected and said the arrest was related to alleged corruption and kidnapping offences.

Gurbachan said he was not going into details.

Mohamed said the first arrest happened a week after Anwar's dismissal and when counsel asked him how long he was detained, Gani objected that it had nothing to do with the case.

Gani said Mohamed was arrested in connection with an investigation into a corruption case in which Anwar had allegedly given some money to "an Indian man through the witness (Mohamed) and the man had admitted."

The judge asked Gurbachan why he wanted to go into that area, and he

said he wished to show police conspiracy and harassment of the witness. Gurbachan said the court had allowed the defence to show such conspiracy.

Judge: That is not an open blank cheque to adduce any evidence! It must comply with the Evidence Act.

Mohtar objected, saying it would go against the defence to adduce such evidence. "They are trying to open the door and we can tell what's behind the door."

Gurbachan retracted the question "since the first arrest has to do with an investigation".

Counsel completed his examination and Mohtar said he had no cross-examination as the last issue had been dropped.

The next witness was Bernama reporter E. Sivabalan who was asked about Prime Minister Datuk Seri Dr Mahathir Mohamad's Press conference on Aug 24, 1997 at the Shah Alam race circuit.

Sivabalan said the PM spoke about the sex allegations against Anwar. Sivabalan said he recorded the interview on tape and in his notebook. He said he had disposed of the notebook and reused the tape.

(A certified copy of the story was marked for identification as IDD127, and later as an exhibit, only to show that the PM had made a statement and not to the truth of the statement.)

When counsel tried to tender Sivabalan's transcript of the Press conference, Mohtar said it contained material which the court had held to be irrelevant.

The judge said the transcript would be hearsay since it contained statements purportedly made by another person.

Counsel proposed that it be marked for identification, but this was objected to by Mohtar who said evidence which the court had barred from publication had found its way into the Internet.

He showed an article downloaded from the Internet concerning "statements blacked-out by the court". He said even if the main media did not publish the embargoed evidence, "the other media carried it to the whole world."

Mohtar: It must have come from (within) these walls!

Judge: Definitely not from me!

The judge told the prosecution to check out the matter and Mohtar said his office was looking at it seriously. Gurbachan said the defence was not involved and was unaware of it until today.

Gani then cross-examined Sivabalan. Among other things, Sivabalan said a New Straits Times reporter was also at the Press conference.

When shown a copy of the NST's story, Sivabalan said there were no major differences between the story and his.

The next witness was NST specialist writer Mohd Ashraf Abdullah who said he attended the Press conference and was present when the PM made the statement.

Asked by counsel, Ashraf said he recorded the PM's statement in a tape and also wrote it down in his notebook. The notebook was destroyed after three months while the tape was reused for other functions.

Ashraf said he kept the notebook for three months in case there was a need for a denial or correction later on, but none was requested for this report.

When shown a certified copy of NST's report (marked IDD23), Ashraf said it was his story. He said the original was in NST's library.

Asked if he could produce it, he said he could if there was a court order since he had been refused the last time he asked for it. On counsel's request, Ashraf said he would try to produce it in the afternoon.

The next witness was Anwar's driver Abdullah Sani who had been working for him since 1983. Asked by counsel, Abdullah said he had never seen

Azizan driving Anwar alone.

To another question, Abdullah said Azizan called him at home in June last year and said he wished to meet Anwar about a "small problem". Abdullah said Azizan did not elaborate and he told Azizan to contact Zull.

Cross-examined by prosecutor Azahar Mohamed, Abdullah said when he was on leave, a driver from the Finance Ministry would take over his duties.

After cross-examination, Gurbachan said his next witness was on the way from Malacca and he would like to call him after lunch.

The judge said a warrant of arrest could be issued against this witness and told counsel to call his next witness. Gurbachan said they were not around and said leading counsel Raja Aziz Addruse would like to address the court.

Raja Aziz said the defence had obtained three subpoenas for Rusdi Mustapha from The Sun newspaper, Mohd Azman Ali and A. Kathiresan from the NST, and passed them to the police for serving.

He said he found out that the subpoenas were posted to the witnesses and this was not the proper procedure.

Gani said he did not know about this. "If the defence had told us, we can help to resolve it. Otherwise, how can we help?"

The judge said the problem could be resolved by proper communication, and Gani said he would assist.

After some argument, parties went into chambers and hearing was adjourned. When it resumed after lunch, Ashraf presented the original newspaper report.

The judge accepted the photocopy as an exhibit, only to show that the PM had made a statement but not to the truth of the statement.

Another newspaper article by Ashraf - a transcript of the Press conference - was also marked (D128) after Ashraf confirmed that he wrote the report and was present all through the Press conference.

Gurbachan: Do you have personal knowledge of the contents of the transcript?

Judge: How can he? He's not the PM!

Gurbachan withdrew the question and asked Ashraf to compare his report with that of Sivabalan. Ashraf agreed that the quotes were not exactly the same.

Gurbachan: How do you explain the differences (in the quotes)?

Ashraf: Sometimes, certain words are omitted due to space constraints but this doesn't change the meaning.

Gurbachan: Why is there a difference between Sivabalan's and your article?

Ashraf: I don't know but the quotes in my news report are accurate.

Judge: That's what the other man (Sivabalan) said! (laughter in court)

Under cross-examination by Gani, Ashraf said the transcript contained all the comments made by the PM that day on the allegations. He said the answers were in response to reporters' questions and were not in a prepared statement.

There was no re-examination. Another NST journalist, Sa'odah Elias, was

Gurbachan: On Aug 25, 1997 did you conduct a Press conference with Datuk Seri Anwar?

Judge: She cannot be conducting it!

Sa'odah: There was a Press conference and I was present.

Sa'odah said she took notes as well as recorded the Press conference. The tape had been re-used and the notebook could not be located. She said that as far as she knew, there was no request for denial or correction of her article.

The article was marked as exhibit D129. Under cross-examination by Gani, Sa'odah said she no longer had the full transcript.

There was no re-examination and the next witness was Commissioner for Oaths Ngui Kee Heong, 58. Azizan had signed his SD before Ngui on Aug 10, 1998.

Questioned by Gurbachan, Ngui said he could not remember if anyone was with Azizan when he signed the SD. He said Azizan had signed the register as well, and the SD appeared to be made voluntarily.

Asked if he would attest the SD if someone had forced Azizan to sign it, Ngui said: "I will vehemently object and tell him off."

Under cross-examination by Azahar, he said there was another signature next to Azizan's in the register, and he was later told that this was lawyer Sukhdev Singh's signature.

He said it meant that Azizan came with someone else. Ngui said he did not know who prepared the SD or the events behind it. He said he was later told that there was a police report lodged regarding this SD.

There was no re-examination and the next witness was Ma'amin Latip, 49.

Questioned by Gurbachan, Ma'amin said he often met Azizan at his (Ma'amin's) house and Azizan's office in Malacca, and in Kuala Lumpur.

Ma'amin said Azizan sometimes spent the night at his house and he (Ma'amin) had spent the night at Azizan's father's house in Jinjang. He said they had travelled together from Malacca to Kuala Lumpur, and vice-versa, in Azizan's car driven by the latter.

Gurbachan: How do you address Azizan?

Ma'amin: Zan.

Gurbachan: Can you and Azizan be considered friends?

Ma'amin: At that time, we were not friends but more like brothers.

Gurbachan: How does Azizan address you?

Ma'amin: Abang (elder brother).

To a question, he said he went to a lawyer's office with Azizan in July 1998. He said he did not know the lawyer and could not remember his name, except that he was a Sikh.

Gurbachan: Like me?

Ma'amin: But he doesn't wear a turban. (laughter in court)

He said the meeting ended after half an hour, and he and Azizan then went to Azizan's father's house to see Azizan's children.

Hearing continues.