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Azmin: I do not believe allegation

Ruslaini Abbas; Carolyn Hong

KUALA LUMPUR, Thurs. - Datuk Seri Anwar Ibrahim's former private secretary Mohamed Azmin Ali today told the court that he did not believe the allegation that his wife Shamsidar Taharin had an affair with Anwar.

Azmin, the 14th defence witness, said he trusted his wife implicitly and "I have known saudara Anwar for more than 10 years and I know that he did not do this despicable act".

Asked by Anwar's lawyer Christopher Fernando if Anwar's attitude had changed after the allegation surfaced, Azmin answered spiritedly.

"Yes! What I mean by `yes' is that we became closer, to protect him in the name of justice although it involved my own sister!" he said, referring to his younger sister Ummi Hafilda.

The allegation of adultery was written by Ummi in a letter which she sent to the Prime Minister Datuk Seri Dr Mahathir Mohamad in August 1997.

Azmin said he was told about this letter on Aug 10, 1997, by Deputy Primary Industries Minister Datuk Hishammuddin Tun Hussein who was then a close friend.

He said Hishammuddin got the letter from International Trade and Industry Minister Datuk Seri Rafidah Aziz.

Azmin said at that time, Hishammuddin appeared angry and ready to resign from his posts in the party (he was then deputy Umno Youth chief) and Government.

Judge Datuk S. Augustine Paul, however, ruled that this was inadmissible.

Azmin said Hishammuddin did not give him the letter but on the same day, Shamsidar found a copy of it in their mailbox.

After he met former Special Branch director Datuk Mohd Said Awang on Aug 11, 1997, Azmin said he was concerned and called a family meeting where he told them that Mohd Said had asked him to get Ummi to retract her allegation.

However, the judge also ruled this as inadmissible.

Azmin said he disagreed with Mohd Said as he (Azmin) was not on talking terms with Ummi.

Ummi, a prosecution witness, had also testified about her falling out with Azmin and had accused Azmin of bribing her father to disown her.

Asked about this, Azmin said Ummi was a compulsive liar. When told that Ummi had accused him of the same, he said she was a "bigger liar".

"Ummi accused me of persuading my father to disown her with a house. This is a big lie because the house was built in 1993 and how could I anticipate that my father would disown her five years later?"

"She was disowned at 5.30pm on Sept 1, 1998, a day before the Prime Minister disowned saudara Anwar!" said Azmin.

Azmin's evidence was peppered with numerous prosecution objections, mainly on the grounds of hearsay, irrelevance and an Evidence Act provision which does not allow contradiction of certain evidence.

Parties will submit on this provision tomorrow.

Today's hearing began with the Attorney-General Tan Sri Mohtar Abdullah informing the court that Solicitor-General Datuk Heliliah Yusof was joining the prosecution team.

Mohtar then gave notice that he was claiming privilege on the proposed evidence of lawyer Manjeet Singh Dhillon on his communication with the A-G and two DPPs, Datuk Abdul Gani Patail and Azahar Mohamed.

The defence called Manjeet yesterday.

A-G: As the A-G and the head of the A-G's Chambers, I consider that public interest would suffer by the disclosure of confidential official communication between Mr Manjeet Singh, as counsel for Datuk S. Nallakaruppan, and the A-G and officers of the A-G's Chambers, in official confidence.

I hereby give notice that I would rely on the provisions of section 124 of the Evidence Act to object to such disclosure of confidential official communication.

I am also giving notice that I will be relying on section 123 and the relevant provisions of the Official Secrets Act.

Defence counsel Sulaiman Abdullah then said the defence was honoured by the presence of the S-G. "She is as charming as she is learned," he said.

Judge: Defence is advised to take note of the notice given by the A-G.

Defence counsel Raja Aziz Addruse then called Parliamentary chief assistant secretary Zamani Sulaiman, among whose functions was to prepare the Hansard.

Zamani confirmed the Hansard report of April 9, 1998 (marked as D131).

The report quoted Jelutong MP Karpal Singh's question on the allegations by Azizan Abu Bakar and a reply by Deputy Minister in the Prime Minister's Department Datuk Nazri Aziz.

Nazri had told the Dewan Rakyat that the A-G had found that there was no case as Azizan had apologised and said the allegation was untrue.

There was no cross-examination. The next witness was Dr Vasantha Ponniah from the Kuala Lumpur Hospital. She was the first doctor to examine Anwar after he was assaulted.

She took the oath but had not given any testimony when the judge asked for the relevance of her proposed evidence.

Defence counsel Christopher Fernando said she would testify about police instructions to her to refrain from asking Anwar questions when she examined him, and that her request for him to see a specialist was rejected.

Counsel said this would show the police's attitude towards Anwar after he was arrested and go towards proving police conspiracy.

The judge said the police treatment of Anwar had nothing to do with the charges nor to the claim of fabrication of evidence.

Sulaiman: Our case is that senior police officers were taking certain actions. When things went wrong, these senior officers conspired to fabricate the case. We have to show the police attitude towards Anwar before and after 1997. It goes to establish doubt (on the case).

When asked for his view, the A-G said whatever police conspiracy sought to be proven must be relevant to the facts in issue as per charges, and the injuries and lack of medical care were not relevant.

A-G: With respect, I think that the defence has lost track of the facts in issue. They see conspiracy, various shades of conspiracy, various species of conspiracy, behind every tree and they miss the wood for the trees.

Sulaiman: The learned A-G seems to be lost in a jungle of his own making.

A-G: I would not lose myself in my own jungle. The trouble is that they are planting jungles all over the place.

Sulaiman: I will take the A-G out of the woods.

Sulaiman then argued that Dr Vasantha's evidence would be relevant to show subsequent conduct, i.e. that the police treated Anwar badly in 1998 while "everything was okay in 1997".

The A-G protested that it was incorrect to say that everything was okay in 1997. He said it was thought to be okay because the police

investigation was sabotaged, allegedly on Anwar's instructions.

"We were conned, the police and A-G were conned," Mohtar said.

After this half-an-hour-long argument, the judge ruled that Dr Vasantha's evidence was irrelevant to the issues before the court.

She left the court and defence counsel Gurbachan Singh called The Sun specialist writer Rusdi Mustapha, in order to tender a news report written by him based on a Press conference by Anwar on Aug 25, 1998.

When shown the story, Rusdi said "I believe this is the story I wrote".

Asked again, he said this was to the best of his knowledge. He said he could not recall any denial or request for correction.

Under cross-examination, Gani asked Rusdi if he was sure he attended the Press conference.

"It was a year-and-a-half ago, I am not sure if it was a Press conference or just ambushing him (Anwar) with a tape recorder as usual," Rusdi said.

Asked what he meant by ambush, he said Anwar would walk so fast that reporters had to stop him.

Gani: You said to the best of your knowledge, you wrote the article. You are not certain?

Rusdi: I wrote the story as far as I can remember.

Asked again, he said he was certain he wrote the story and that there was no request for a denial. There was no re-examination and he was released.

Gurbachan then made an application to recall prosecution witness Dr Halim Manzar, KLH forensic department head who had examined Anwar.

Counsel said the reasons for this were same as those for calling Dr Vasantha.

"The purpose is to adduce evidence to show the assault ... could have led to his death," Gurbachan said.

The judge said the defence had unsuccessfully made a similar application when Dr Halim gave evidence and Gurbachan replied that at that time, the court had not yet allowed evidence on police conspiracy.

Gurbachan: Our intention is also to adduce the photographs showing the injuries as a result of the assault.

Judge: My duty is to record but don't make me waste my energy in recording rubbish, pardon me for using this word.

Gurbachan: We have a duty.

Judge: I know, and you must perform it without fear or favour, but this must be within the law.

Gurbachan: I am performing my duty, nothing more and nothing less. Your Lordship may differ in your view but I don't think it is right and proper to use words like "rubbish" and "use your head". There must be mutual respect.

Judge: My ruling: No further arguments on this. Application is dismissed. I will make a further ruling: In view of the frivolous applications by the defence, the relevance of any witness to be called from now onwards, must be shown before the witness is allowed to take the stand.

The defence then called Azmin. Asked for the relevance, Fernando said it was in relation to several prosecution witnesses whom Azmin had met.

Azmin, 34, said he was now unemployed. He said he was a teacher for a day before he became special officer to the Education Minister, and later private secretary to the Finance Minister and Deputy Prime Minister, until Sept 2, 1998 when Anwar was sacked.

Azmin said he was called by Chief Secretary to the Government Tan Sri Halim Ali who directed him to be transferred to the Education Ministry. Azmin said he refused and resigned immediately.

Asked about his functions, he said he organised Anwar's schedule.

Azmin: My main task was to fix appointments. The second task was to discuss with saudara Anwar about invitations he received. This was a heavy task, given the many people who believed in his approach towards renewal and reformasi (reform) in development for the people.

Fernando: Reformasi is not referring to the ...

Azmin: Many people are frightened about reformasi. I meant renewal. My third task was to arrange his visits to see the development of rural projects.

Azmin said Anwar's appointments were mainly conducted at his office (official meetings) but sometimes at home (private meetings).

Azmin said he knew that Umami had written a letter to the PM in August 1997 as Anwar, who had just seen the PM, showed him the letter.

Azmin: The letter contained Umami's criticism towards me for not helping her obtain business opportunities. The contents were shorter and milder than P14 (her letter containing sex allegations against Anwar).

He said this letter was more about Umami's problems with him while P14 contained "wicked slander" against Anwar.

Fernando: How did you come to know about P14?

Azmin: I was told about it by my close friend then, Datuk Hishammuddin Tun Hussein, on Aug 10, 1997.

Fernando: Relate the circumstances in which he gave it to you.

Azmin: Datuk Hishammuddin had called me to his house and told me about the letter which he received from Datuk Seri Rafidah Aziz.

Fernando asked Azmin what was said and after extensive argument on hearsay, the judge disallowed the question. Counsel then asked Azmin what was Hishammuddin's reaction and after some argument, the judge allowed the question.

Azmin: Datuk Hishammuddin was angry and was ready to resign from his posts in the party and Government.

The judge questioned the admissibility before hearing broke for lunch. When it resumed, parties submitted on this issue.

Fernando said since the prosecution had contended that Anwar took action following the allegations, the defence would show through Azmin that there was no need for such action since nobody believed the allegations.

After further arguments, the judge ruled that Azmin's state of mind was irrelevant and ordered counsel to ask the next question.

Fernando: (To Azmin) When did you first see P14?

Azmin: At my house, after meeting Datuk Hisham.

Fernando: How did it come to your home?

Azmin: When I returned home, I told my wife about the matter discussed by Datuk Hisham and she showed me a letter which was put in our mail box.

When Fernando asked if he believed it, the judge said this was immaterial.

Fernando: It won't hurt anybody if the witness is allowed to answer!

Judge: It will hurt my fingers to write irrelevant evidence!

Counsel then asked the judge to record this and the annoyed judge said

Fernando said anyone in Azmin's situation would have reacted to such allegations to which the judge said: "Tell him to file a suit against whoever made the allegations and we'll hear him!"

Counsel said Azmin had in fact filed a suit.

Fernando then asked him if he knew a "gentleman" called Datuk Amir (Junus, the then SB deputy director), but later changed this to "a man called Amir".

This prompted the judge to tick him off "for being improper" and Heliliah to remark that "this has gone far enough".

Fernando said he would not comment on the S-G's "maiden speech".