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Court-Anwar (Letter)

CONFIDENTIAL LETTER USED TO DEFEND MYSELF, SAYS ANWAR

KUALA LUMPUR, Feb 12 (Bernama) -- Datuk Seri Anwar Ibrahim told the High Court here today that his letter, addressed to the prime minister, classified as private and confidential, has been circulated among the public to defend himself and to uphold justice according to the law.

"Furthermore, part of the letter has been quoted by the prime minister in his discussion with mentris besar and the Umno supreme council,"he said.

He was testifying under cross-examination by Attorney-General Tan Sri Mohtar Abdullah on four charges of corrupt practice by using his position to interfere in police investigations into allegations of sexual misconduct against him.

Anwar, 51, is charged under Section 2(1) of the Emergency (Essential Powers) Ordinance No 22 of 1970 which carries a maximum jail term of 14 years or a fine of RM20,000 or both on conviction.

Anwar was at the witness box for the fifth consecutive day today, the 55th day of the trial, before Justice Datuk S. Augustine Paul.

Mohtar, who is leading the prosecution team, had questioned Anwar after Senior Deputy Public Prosecutor Datuk Abdul Gani Patail completed cross-examining him, but deferred his cross-examination in respect of Anwar's conversations with others including Prime Minister Datuk Seri Dr Mahathir Mohamad.

Earlier, the judge asked the need for Mohtar to question Anwar over official and unofficial secrets as he felt it was not relevant but the attorney-general explained that it was to show Anwar's credibility.

Anwar said that his letters to Dr Mahathir dated Aug 25, 1998 and Aug 28, 1998 were classified as private and confidential which he understood to mean that they were only for the consideration of the addressee.

"Agreed (not for the eyes of others other than the prime minister) except in extenuating circumstances like to defend myself from defamation in accordance with the legal process," he said.

When Mohtar put it to Anwar that although the letter had been classified as private and confidential he had circulated it among the public for his own personal interest, one of Anwar's nine defence counsel, Sulaiman Abdullah, questioned its relevancy to the charge.

Sulaiman said that the prosecution did not object to the admissibility of the two documents earlier but had now classified them as private and confidential and this was ambiguous.

Mohtar said that it was relevant according to Section 148 of the Evidence Act, to prove the character of the accused.

The judge then allowed the question and Anwar replied that he had used the letters to defend himself and the prime minister had used them in his discussions with others.

When Mohtar referred to a question previously posed by Abdul Gani relating to the oath of allegiance and secrecy, Sulaiman objected on the grounds that the question had already been asked and wanted the court to act the same way it did to the defence regarding duplicating questions.

When the court allowed the question, Mohtar asked about the oath of allegiance and secrecy in accordance with the constitution but this was questioned by the court over its relevancy to the case. The attorney-general again said that it was to show credibility.

Anwar said that he understood the oath of allegiance and secrecy he had taken when he became deputy minister, minister and deputy prime minister,

which was to protect the secrets of the government and national interest, and this differed from actions of malpractice, corruption and abuse of power.

"The Official Secrets Act and the oath of allegiance and secrecy should not be used for purposes of cheating or to deprive the people of their rights," he said and Mohtar said he had allowed it as it was the accused's own interpretation.

When Mohtar referred to the letter of oath of allegiance and secrecy dated May 8, 1995, Anwar asked to be supplied a copy for his own safekeeping.

He agreed with Mohtar and said that the oath was taken in the name of Allah for Muslim ministers.

Sulaiman reminded Mohtar not to raise the issue of religion as the court had ruled that the issue should not be raised in the trial.

"It's true, Muslim ministers are required to do so and this lead us to discharge our duties well and never to abuse our power to enrich our families or to be cruel," he said.

Mohtar objected to this and asked the judge to expunge it but the court did not make any decision on the matter.

During re-examination by another defence counsel, Gurbachan Singh, Anwar said he had dedicated himself to respect and honour the oath he had taken to the best of his ability.

The two letters to the prime minister were personal letters and it did not bear the official letterhead, said Anwar who admitted it showed that he did not misuse the government letterhead.

He said the purpose in introducing these letters as evidence was to prove that he was aware of the charges preferred against him long before the actual charges.

Anwar agreed that the prime minister did not honour the confidentiality of the letters as he discussed them with others.

Before the court adjourned to Thursday because of the Chinese New Year holiday which falls on Tuesday and Wednesday, Justice Augustine Paul reminded Muslims to attend the Friday prayers.

Anwar, who was sitting between the bar and the bench, said it made no difference to him as he was not allowed to perform the Friday prayers unless the court orders some arrangement.

The judge however said he could not do anything and Mohtar explained that he was under the jurisdiction of the Prisons Department. Gurbachan Singh said that the defence would try to liaise with the authority.

Hearing continues on Thursday at 9am.

-- BERNAMA

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