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Court-Anwar (Attorney-General)

COURT ALLOWS ATTORNEY-GENERAL TO LEAD PROSECUTION TEAM

KUALA LUMPUR, Feb 8 (Bernama) -- Attorney-General Tan Sri Mohtar Abdullah was today allowed by the High Court here to lead the prosecution team in Datuk Seri Anwar Ibrahim's corruption trial which has entered the defence stage.

Justice Datuk S. Augustine Paul, in his ruling, said in law, the attorney-general could conduct any case and no court could question his exercise of discretion to conduct cases.

He made the ruling after Anwar's leading counsel Raja Aziz Addruse objected to Mohtar's appearance together with six others including Senior Deputy Public Prosecutors Datuk Abdul Gani Patail and Azahar Mohamed.

Mohtar was one of the witnesses listed and offered to the defence together with Prime Minister Datuk Seri Dr Mahathir Mohamad, Tun Daim Zainuddin dan Datuk Seri Megat Junid Megat Ayob.

The attorney-general, who was not required by the defence as its witness, arrived at the courtroom at 8.45am.

When the court sat at 9am, he informed the court that he, as the attorney-general, would lead the prosecution team at that stage.

It was Mohtar's second appearance in the trial. On Nov 30, last year, he led the prosecution team in the contempt proceedings against Zainur Zakaria, one of Anwar's nine lawyers.

Anwar, 51, who was dismissed from the Cabinet on Sept 2, last year, entered his defence on four charges of corrupt practice on the 51st day of trial today.

He was ordered to enter his defence on charges of using his position to interfere in police investigations into allegations of sexual misconduct against him.

Raja Aziz, in objecting to Mohtar's appearance, said the attorney-general was one of the witnesses named in the list and SAC 1 Musa Hassan, the investigating officer for the case, had testified that he had a meeting with Anwar, attended by the attorney-general.

Although he was not called by the prosecution as its witness and was not required as the defence witness, the defence would submit later that he was a material witness, he said.

"Because of that, we feel that it will not be proper for the attorney-general to lead at this stage," he said.

In reply, Mohtar said that Article 145 (3) and (4) of the Federal Constitution and also Section 376 (1) of the Criminal Procedure Code allowed him to do so.

He said he did not lead the prosecution in the early stages of the trial as he knew that he was a potential witness.

"At the end of the prosecution's case, the attorney-general and others were offered and made available to the defence and they politely did not accept the offer," he said.

Mohtar said after the judge had discharged him and others who were not requested by the defence, he was no longer a witness.

Raja Aziz said the defence did not choose Mohtar as its witness as for sure his evidence would not be on its side.

"He was made available and we did not choose to call him but it does not mean that he is no longer a participant in the case," he said.

In his ruling, Justice Augustine Paul said the court was not entitled to prevent any solicitors and advocates from appearing for any party.

"If there is a breach of conduct, it's for the Bar Council to take action. In this case, it is like any other case because the defence has no intention to call the attorney-general. Therefore he is not a witness," he said.

The judge said the defence could submit at the end of the case if it felt prejudicial by the attorney-general's appearance and the court would consider accordingly.

Although the court could not stop the attorney-general from appearing, it could rule that his presence was prejudicial, he said.

Earlier, at the outset, Justice Augustine Paul advised the defence team not to make press statements on any aspects of the case especially on evidence of witnesses or the decision of the court.

He said that the action of the defence counsel was contrary to legal ethics and might affect the image of the Malaysian Bar and also violated the decision of the court on Oct 5, last year prohibiting any parties from making comments on the case.

At this juncture, Mohtar informed the court that information retrieved through the Internet showed that two of Anwar's defence counsel, Pawancheek Merican and Zulkifli Nordin, had conducted ceramah in the United States and Britain including to law students at Cambridge University pertaining to the case.

He said that he did not intend to initiate contempt proceedings at this stage but if necessary and requested by the court, he was prepared to do so.

Raja Aziz, who was asked to clarify, said that he knew nothing about the matter. The two defence counsel were not present in court then.

Raja Aziz however said that there had been instances when others had discussed the case outside the court and he himself had brought up the matter in court.

He said that Mohtar had earlier told the court that he had written to Deputy Minister in the Prime Minister's Department Datuk Nazri Aziz to show cause over his statements relating to the case.

Up to now, no action had been taken against him, he said.

Mohtar said that the Attorney-General's Chambers would take action against those involved on completion of the case.

The judge however did not make any ruling regarding the matter relating to the information found on the Internet.

-- BERNAMA

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