

21 OCT 1999

Court-Anwar (Prime Minister)

COURT ORDERS PM TO ATTEND SODOMY HEARING ON THURSDAY

KUALA LUMPUR, Oct 21 (Bernama) -- The High Court today ordered Prime Minister Datuk Seri Dr Mahathir Mohamad to attend the sodomy trial of his former deputy, Datuk Seri Anwar Ibrahim, on Thursday to enable the defence to interview him before deciding whether to call him as its witness.

Justice Datuk Arifin Jaka fixed Oct 28 for the prime minister to be present in court after High Court Deputy Registrar Rozilah Salleh informed the court that the subpoena issued to the prime minister on Monday did not specify the date (for him to attend court).

Justice Arifin issued the order after counsel Jagdeep Singh Deo told the court that although the defence was bent on calling the prime minister as a witness, it was still unable to interview Dr Mahathir and that the subpoena had not been served yet.

Anwar, 52, is being jointly tried with his adopted brother, Sukma Darmawan Sasmitaat Madja, 38, on a charge of sodomising his wife's former driver, Azizan Abu Bakar, 39, at Sukma's apartment in Tivoli Villa, Bangsar, here, one night at 7.45 between January and March, 1993.

Sukma, a businessman, faces another charge of abetting Anwar to sodomise Azizan at the same place and time.

Jagdeep Singh, who represented Sukma, also told the court that the defence had interviewed Attorney-General Tan Sri Mohtar Abdullah, who is leading the prosecution in the sodomy case, upon being subpoenaed to be a defence witness.

However, the defence had not decided whether or not to call Mohtar to testify.

Mohtar then informed the court that he may apply to set aside both the subpoenas served on him and the prime minister.

Justice Arifin then ordered the defence to proceed with its case but one of Anwar's counsel, S.N. Nair, told the court that the defence had difficulty looking for the personal diary of Anwar's former private secretary Azmin Ali to help Anwar testify.

The judge then allowed the defence until 2.15pm to resolve the problem before resuming hearing.

Last Monday, the court ordered Anwar and Sukma to enter their defence after the prosecution established a prima facie case against them.

In presenting its case, the prosecution called altogether nine witnesses over 61 days of hearing.

In the afternoon session, Anwar's counsel, Karpal Singh, told the court that the defence would call Dr Mahathir as he is a material witness in the sodomy trial, after Ummi Hafilda Ali, the woman who wrote the letter to him containing the allegation of Anwar's sexual misconduct.

He said Azizan had testified that he had told the prime minister about his allegations against Anwar.

He said Dr Mahathir, together with First Finance Minister Tun Daim Zainuddin, Domestic Trade and Consumer Affairs Minister Datuk Seri Megat Junid Megat Ayob, the prime minister's political secretary, Datuk Aziz Shamsuddin, and former Inspector-General of Police Tan Sri Abdul Rahim Noor, would be the defence witnesses.

They, he said, would back up the defence contention of a conspiracy to topple Anwar.

Karpal Singh said the defence was handicapped after its attempt to have the police investigate its notice of alibi was frustrated by the

prosecution.

He said Mohtar had prohibited investigating officer SAC I Musa Hassan from carrying further investigation into the matter although the police officer was prepared to do so.

Karpal Singh also said the prosecution had used its notice of alibi pertaining to the existence of Tivoli Villa as "a weapon" to make a second amendment of the date in the charges against Anwar and Sukma, from May 1994 to between January and March 1993.

"So, we are suffering from a double prejudice and are handicapped," he said, adding that the defence was not given the opportunity to know what the prosecution had pertaining to Anwar's movements, although Mohtar had revealed to the court that it had records of such movements right up to 1998.

Karpal Singh then applied to the court to recall Musa to facilitate the investigation on the notice of alibi.

Mohtar, who objected, said the defence should proceed with the evidence by the first accused, Anwar, followed by Sukma, before calling other witnesses.

In his application, Karpal Singh said the purpose of recalling Musa was due to the predicament and handicap faced by the defence and based on Musa's willingness to investigate it (notice of alibi) during the prosecution case.

The counsel said Anwar and Sukma could only testify after Musa had given evidence in view of his investigation into the alibi.

Mohtar, in his reply, said the matter was already settled by Justice Arifin's ruling that it was unnecessary for Musa to investigate the alibi during the prosecution case.

Justice Arifin will decide on the matter tomorrow.

Meanwhile, Gobind Singh said the defence would show that Sukma was not the criminal which the prosecution expected the public to believe and it would call the prime minister to prove that Azizan's complaint to the prime minister did not involve Sukma.

He said it would also adduce medical evidence to show that Sukma had never been sodomised and that his confession was not reliable because it was not voluntarily made.

-- BERNAMA

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