

03/08/1999

Court orders Chandra to show cause (HL)

Ruslaini Abbas; Satwant Singh

KUALA LUMPUR, Mon. - The High Court today ordered Parti Keadilan Nasional deputy president Dr Chandra Muzaffar to show cause as to why he should not be cited for contempt over a statement purportedly made by him.

Judge Datuk Arifin Jaka fixed Aug 16 for him to appear before the court to explain a media statement which carried his name.

He made the order after Attorney-General Tan Sri Mohtar Abdullah drew the court's attention to the statement titled "Confession and Conspiracy" dated July 31, which also appeared in today's issue of the Harakah, Pas' party organ.

The matter arose during continued hearing in the case of sacked Deputy Prime Minister Datuk Seri Anwar Ibrahim and his adopted brother, businessman Sukma Darmawan Sasmitaat Madja, who are jointly charged with sodomising former driver Azizan Abu Bakar.

Sukma also faces a second charge of abetting Anwar in sodomising Azizan who was at one time driver to Anwar's wife, Datin Seri Dr Wan Azizah Wan Ismail.

Mohtar raised the matter before Azizan was called to continue his testimony.

In making his order, Arifin said in the face of the statement's last paragraph, it appeared that its author was "casting serious aspersions" directly on the integrity of the court.

"In this statement, Chandra makes direct reference to the confession of Sukma which this court had considered and decided on ... It is not right for Chandra to make comments which affect the integrity of this court," he said.

Arifin said with regard to other orders made involving defence applications to cite others for contempt, they arose out of comments not connected to the trial.

The defence applications were to cite Prime Minister Datuk Seri Dr Mahathir Mohamad, Deputy Finance Minister Datuk Mohamed Nazri Abdul Aziz and former Lord President Tun Hamid Omar for contempt.

Earlier, Mohtar said other than criticising the actions of the local Press in publishing reports of Sukma's confession, Chandra was also said to have given comments in connection with the confession.

He drew the court's attention to the last paragraph of the statement which he then read.

The paragraph reads: "It is a shame that elements in the police force, in the Attorney-General's Chambers, in the courts and in the media are prepared to be subservient tools in this massive conspiracy hatched by Prime Minister Mahathir Mohamad and his cohorts".

Mohtar drew specific attention to the words "elements in the courts" contending that this was a clear contempt which warranted immediate action against the person responsible or those who abetted.

He said this was a clear reference to the judge and expressed hope that defence counsel as officers of the court would join him in condemning the act.

"I apply to Your Lordship to issue a notice of show cause to Chandra on why he should not be charged with contempt and to appear before this court to explain (the statement)," he said.

"He can deny or he can explain," he said.

Anwar's counsel Christopher Fernando said "we do not know the origin of

this document" and it appeared that it was extracted from the Internet.

He also touched on the defence applications to judge Datuk Augustine Paul in the previous trial to cite the Prime Minister and Nazri for contempt.

Fernando said: "I think he (Paul) advised counsel Raja Aziz Addruse to file a proper application.

"I believe an application to that effect will be made in due course by my learned friend (Karpal Singh)," he said.

Therefore, he said, similarly the court ought to apply the same ruling by asking the Attorney-General to file a proper application.

"I do not agree with the interpretation of my learned friend (the A-G) that the last paragraph is an attack on Your Lordship, it has to be read in the proper context," he said, adding that the statement had to be read as a whole.

Fernando said there were at least two competing interpretations that could be given to the language adopted in the paragraph.

"The words 'in the courts' do not reflect on Your Lordship ... if its author meant to refer to Your Lordship, he would have said 'the court' and left out the words 'elements'," he said.

Sukma's counsel Gobind Singh Deo said to justify such a notice to be issued, submissions must be accompanied by authorities and the law.

"In the absence of this, the court must be more careful," he said.

Mohtar, in reply, said without the last paragraph, the statement would be on the same footing as the so-called statements by the Prime Minister, Nazri or Hamid.

He contended that the said paragraph was a clear attack on the court of which Arifin was the presiding judge.

"I am disappointed that both my learned friends from the defence have failed to join but went on to submit in the manner they did," he said.

Before hearing adjourned, Mohtar tendered a copy of Chandra's statement which was extracted from Keadilan's "official" web site.

(END)