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Defence seeks to have PM cited for contempt

KUALA LUMPUR, Sat. - The defence today sought to have Prime Minister Datuk Seri Dr Mahathir Mohamad cited for contempt for his speech at the Umno general assembly yesterday.

Lawyer Karpal Singh made an oral application to "commit the PM to prison for being in contempt of this court."

He claimed that parts of the PM's speech had affected the chance for a fair trial for Datuk Seri Anwar Ibrahim.

He read out the allegedly offending paragraphs which included a statement that it was Anwar's morals and behaviour that prevented him from becoming Umno president.

Judge Datuk Arifin Jaka, however, told the defence that it had to make a formal application.

He said this was a matter which happened outside court and he had no knowledge of it.

"I can't cite him like this ... it's not in the face of the court. Make a proper application and let the court decide," he said.

He made his decision after hearing submissions from Karpal, and Attorney-General Tan Sri Mohtar Abdullah who said Anwar's dismissal from the Government and party was public knowledge.

"The Prime Minister, as leader of the Government and leader of his party, is entitled and duty-bound to clarify to members of his own party and also to citizens at large as to what he perceived to be the issues."

He said there was nothing contemptuous in the speech.

He also said Anwar's conviction in the first trial, which hinged on allegations of immorality, was also public knowledge.

Mohtar argued that an oral application was insufficient and this was also not the right time to do so.

"If they are very concerned, make a proper application ... but do not make an application like this from the Bar," he said. "It is unfair to impute bad faith and contempt on the part of the PM when all he was doing was his duty to the country and party."

Karpal replied that the PM had made a speech at a closely-watched function although he knew that the trial was going on.

He said the PM should be brought to court "like an ordinary citizen", like lawyer Manjeet Singh Dhillon at the first trial.

Mohtar said Manjeet was brought to court because of his statutory declaration which was before the court while the PM was speaking at a different forum.

He further said it was the defence which initiated the lifting of the gag order on this trial.

"My learned friend cannot have his capati and eat it too," he said.

He said the prosecution too had complaints but as it did not want to sidetrack the trial, it would deal with them at a better time.

For instance, he said the wife of psychiatrist Dr Mohd Fadzil Man, the second prosecution witness, had lodged a police report because "someone from a named legal firm connected to the defence had tried to interfere".

Karpal said the defence does not tolerate threats to witnesses and if there was evidence on this, the law should take its course.

Earlier, the defence successfully applied to join forces and form one defence team. Christopher Fernando is leading counsel.

There was no objection from the prosecution.

The defence decided upon this after a hitch arose when Karpal made his application to cite the PM for contempt.

Arifin said it should be Anwar's lawyer applying as Karpal was only representing Sukma.

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