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Dr M expected to testify next Thursday

Ruslaini Abbas; Satwant Singh

KUALA LUMPUR, Thurs. - Prime Minister Datuk Seri Dr Mahathir Mohamad is expected to testify in the sodomy trial of Datuk Seri Anwar Ibrahim next Thursday.

High Court Judge Datuk Arifin Jaka fixed Oct 28 for the Prime Minister to be called after consulting Jagdeep Singh Deo, counsel for co-accused Sukma Darmawan Sasmitaat Madja.

Attorney-General Tan Sri Mohtar Abdullah, however, said he would be applying to set aside the subpoena issued against the Prime Minister.

The High Court on Monday issued subpoenas for Dr Mahathir and Mohtar to testify for the defence following an application by Sukma's counsel.

Today, Jagdeep Singh said he had interviewed Mohtar in the morning and might not call him as a defence witness.

However, he said, this was subject to his interviewing the Prime Minister.

Jagdeep Singh said the subpoena had to be served on the Prime Minister before the defence could interview him.

Mohtar, however, gave notice that he would apply to set aside the subpoena issued for Dr Mahathir.

When Arifin asked when they wanted the Prime Minister to be in court, Karpal Singh, counsel for Anwar, replied: "Tomorrow."

Mohtar said if the defence wanted to interview the Prime Minister, it should seek an appointment or send the proposed questions to him.

He said according to procedure, an accused would have to give his evidence before other witnesses were called, but Karpal Singh said once a subpoena was issued, that person had to come.

Jagdeep Singh said the defence would certainly be calling the Prime Minister as a witness.

Arifin then asked which day they would like the Prime Minister to come and both Karpal Singh and Jagdeep Singh said on Monday.

Arifin, however, enquired whether they could finish with Anwar and Sukma by Monday.

Mohtar suggested that parties finish with both Anwar and Sukma first.

Jagdeep Singh then said that next Thursday would be appropriate.

On Mohtar's statement that he would apply to set aside the subpoena, Karpal Singh said the A-G had no "business" to do so.

Mohtar said this would depend on the nature of Dr Mahathir's evidence, whether in his official or personal capacity.

After the matter was disposed of, Anwar's lawyers requested an adjournment for "a few more days" before commencing the defence.

Lawyer S.N. Nair said they could not proceed as they had to cross-check Anwar's diaries with that of his former private secretary Mohd Azmin Ali in connection with certain dates and programmes.

Arifin suggested that they carry on with other evidence first but leading counsel Christopher Fernando contended that the "sequence of events would be broken".

Furthermore, Fernando said, one of the grounds of defence was that of alibi and they needed to get "the dates".

Arifin insisted that they adduce evidence first and "see how far we can go".

At this juncture, Anwar, who was in the dock, also stood up and said: "I was not able to meet the relevant witnesses."

Arifin told Anwar to sit down, which he did only after being told repeatedly.

Nair said Azmin was not allowed to meet Anwar, adding that during Anwar's corruption trial, Azmin was allowed to do so.

Arifin said there might be certain rules or regulations on this and added that the impression he had was that "you are not serious about these diaries".

Arifin then told the defence to sort out the issue of the diaries and adjourned the trial to after lunch.