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Frayed tempers, name-calling mark proceedings

KUALA LUMPUR, Tues. - Tense moments and intermittent flared tempers highlighted the sodomy trial of Datuk Seri Anwar Ibrahim in the High Court today when threats and name-calling were resorted to.

Proceedings began in a tense manner when Anwar's counsel Karpal Singh drew the attention of judge Datuk Arifin Jaka to The Sun's front page story entitled "Karpal Under Fire".

Karpal Singh said the report which quoted Umno executive secretary Tengku Datuk Adnan Tengku Mansor as saying that he was an "unethical lawyer and kurang ajar" was a blatant attack on him as an officer of the court.

Counsel urged Arifin to do something about it and not allow such serious allegations to be made against any officer of the court.

Arifin said the statement was made in a political forum and there was nothing he could do but if Karpal Singh felt strongly about it he could take the necessary action.

This led to heated exchange between Arifin and Karpal Singh who said that the judge "does not understand" contempt of court.

It angered the judge who warned Karpal Singh not to pass adverse remarks against the Bench as he would not hesitate to initiate contempt proceedings against him.

Karpal: A lawyer is to be cited for contempt for pointing out an act of contempt!

Arifin: I do not want to take action (on the report) because it was a political forum.

Karpal: Whatever is the platform, this is an attack against my conduct as a lawyer!

This episode was followed by another flare-up when Gobind Singh Deo, counsel for co-accused Sukma Darmawan Sasmitaat Madja, inquired about the subpoena against Prime Minister Datuk Seri Dr Mahathir Mohammad.

He wanted to find out why it had not yet been served although it was issued last week.

Arifin: Don't ask the court why! You should ask the police!

Gobind Singh said Umno politicians were making statements about the subpoena and the Prime Minister had also said that he was willing to come to court.

Arifin said he was not concerned with such statements.

Gobind: Please look into it.

Arifin: It is not the duty of the court to look into such things... why don't you ask the police.

Gobind Singh said the defence did not want to be faulted if Dr Mahathir failed to appear on Thursday as fixed by the court.

Arifin said the court fixed the date on the defence application.

Attorney-General Tan Sri Mohtar Abdullah said there was no way the Prime Minister could testify on Thursday since the evidence of Anwar and Sukma was yet to be completed.

He said arrangements would be made for the Prime Minister to be in court when necessary as there was no point in asking the Prime Minister to be on standby in the court in the meantime.

Mohtar also said he would apply to set aside the subpoena since it was issued following an application by Sukma who had nothing to do with the Prime Minister.

This angered Gobind Singh who said the Prime Minister had said that he would come to court and "who is the Attorney-General" to apply to set aside the subpoena which was issued to a defence witness.

Mohtar said he had every right to apply to set aside the subpoena and this led to a heated exchange between the A-G and Gobind Singh, prompting Arifin to tell them to stop.

Arifin: I do not expect counsel to behave like this... I don't know where all this is leading to!

Another heated exchange occurred when Anwar was giving evidence on a letter written by Domestic Trade and Consumer Affairs Minister Datuk Megat Junid Megat Ayob to the Prime Minister in 1994.

The letter mentioned the A-G's purported role in a deal to resolve a corruption allegation involving International Trade and Industry Minister Datuk Seri Rafidah Aziz.

Gobind Singh said the A-G should have left the court like what Anwar's counsel Karpal Singh did when his name was earlier implicated by the alleged sodomy victim Azizan Abu Bakar.

The A-G protested that Gobind Singh need not tell him when to leave.

Mohtar said he had never seen the letter before and he did not know that his name was implicated until it was brought up by Anwar.

This was followed by an intense exchange which led to name-calling and pointing of fingers between Gobind Singh and Mohtar.

Arifin, who appeared frustrated with their antics, said he was embarrassed and advised them to behave themselves and adjourned for lunch.

Later (in the afternoon), senior deputy public prosecutor Datuk Azahar Mohamed denied that he had directed a derogatory remark at Gobind Singh.

Karpal Singh had raised the matter before Arifin, saying that he had been told that such a remark had been made.

Azahar, however, denied the allegation. He said he was merely mumbling something and Karpal Singh then replied: "Okay ... we accept that".

After this, Gobind Singh said if the need arose the defence would make the necessary application for Mohtar to stay out of the current proceedings.

Mohtar was not present in court during the afternoon session.

Karpal Singh said it would be better if Mohtar stayed out because his name had been mentioned by Anwar, who is making his defence.

He said based on Anwar's evidence, the A-G was becoming a material witness.

Senior deputy public prosecutor Datuk Abdul Gani Patail said he would discuss the matter with the defence.

Arifin said he hated to make unnecessary rulings and told Gani to sort it out.

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