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Court-Anwar

JUDGE RAPS KARPAL FOR ACCUSING HIM OF BEING AFRAID OF PM

KUALA LUMPUR, Oct 28 (Bernama) -- Datuk Arifin Jaka, the High Court judge presiding over the sodomy trial of former deputy prime minister Datuk Seri Anwar Ibrahim, today said Anwar's counsel Karpal Singh has gone overboard by accusing the court of being afraid of the Prime Minister.

The judge ordered counsel to retract the remarks Karpal made at the outset of today's hearing of the sodomy case.

Karpal said: " This court is now subservient to the executive and the impression I get is that the court in particular you, Your Lordship, is afraid of the Prime Minister (Datuk Seri Dr Mahathir Mohamad)."

To this Justice Arifin replied: "It hurts me when you say I'm afraid of the Prime Minister."

The judge repeatedly gave Karpal a chance to retract his remarks but the counsel refused to do so.

Arifin then said he might consider initiating contempt proceeding against Karpal at the end of the trial as he did not want to delay the sodomy hearing.

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

Sukma, a businessman, is also charged with abetting Anwar to sodomise Azizan at the same place and time.

"I'm not afraid of the prime minister," said Arifin and asked Karpal to make proper application for contempt proceeding against those commenting on the sodomy trial, including Dr Mahathir.

Today's warning to initiate contempt proceeding against Karpal was the second after Arifin warned him on Tuesday that action would be taken against him if the counsel continued to say that the High Court did nothing to prevent the public from commenting on the sodomy trial.

Also at the outset of today's proceedings, Karpal drew the court's attention to Dr Mahathir's public statements on the subpoena issued to him by the High Court.

Counsel described the statements as "never ever happened in legal history".

Karpal said by laying down conditions that he would only give evidence in the trial on sodomy issue, the prime minister had step on the judge under Section 136 of the Evidence Act.

The counsel said only the court could decide the admissibility and relevancy of the evidence and Dr Mahathir's statements showed that "he is acting like a judge and that amount to contempt of court proceeding".

The High Court had issued a subpoena to Dr Mahathir ordering him to appear in court on Nov 1 on Sukma's request.

Karpal also informed the court that Umno Youth acting chief Datuk Hishammuddin Tun Hussein had accused him of using fabricated evidence, and about Tan Sri Vincent Tan expressing agreement with Umno executive secretary Tengku Datuk Adnan Tengku Mansor's statement that Karpal "is kurang ajar" (lack of breeding).

Tan's and Tengku Adnan's statements were reported separately in a local newspaper this week.

The judge told the counsel that the court did not want to hear oral application and asked him to make proper application to cite them for

contempt of court.

Karpal then again raised the issue of the prime minister laying conditions but the judge said: "Bring him to court...and if he does not want to come, you can apply for warrant of arrest. Bring him to my court then you ask him why he say this."

Arifin said he did not want to take any action as his stand was clear that newspaper report was hearsay and told Karpal to go ahead and call them for contempt but in a proper procedure.

Arifin: I insist you follow the proper procedure.

Karpal: Proper procedure takes time, it takes two months.

Karpal then again asked the court to take action against them for the dignity of the court or the court would be the laughing stock of the world.

He said Arifin should do like what he did in the case of Keadilan (national justice party) deputy president Dr Chandra Muzaffar who was asked to show cause why action could not be taken against him for making comment on the case on the Internet.

Arifin said in Dr Chandra's case, he issued the show cause notice based on a statement allegedly made by the politician on the Internet and he subsequently set aside the notice on Dr Chandra's application.

The judge said he set aside the notice on the ground that it was hearsay evidence as contended by the applicant.

As a result, Arifin said, he took the stand that all oral applications based on newspaper reports would be hearsay evidence and should not be used as a basis of an application for contempt of court proceeding.

-- BERNAMA

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