

'Calling PM is abuse of court process'

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KUALA LUMPUR, Fri: Justice Datuk Ariffin Jaka said today the defence argument that Prime Minister Datuk Seri Dr Mahathir Mohamad changed his opinion about the sexual allegations against Datuk Seri Anwar Ibrahim because of rumours that his former deputy planned to contest the Umno presidency is irrelevant to Anwar's sodomy trial.

In any event, Mahathir had explained that although many (people) informed him of the planned contest, it did not cause any fear, according to his affidavit, he added.

He said Mahathir stated that the change was due to recent police investigation and former driver Azizan Abu Bakar's confession.

"I accept the explanation. The answer is explicit and need no clarification to call Dr Mahathir to give further evidence," he said when ruling that Mahathir need not be called to testify.

He added: "On this fact, to my mind, it tantamounts to having a confrontation with

No need for clarification from Dr M, says judge

your own witness which can lead to indecent questions or intention to insult or annoy.

"This assertion hits the nail to the coffin and if your own witness says this, it's obvious to me that the calling of Dr Mahathir is definitely an abuse of the court process and the court has the duty to restrain this abuse."

Referring to defence counsel Karpal Singh's argument Mahathir must explain the new evidence (in his affidavit) relating to the confession by Azizan who gave details on his first sodomy experience with Anwar, Ariffin said the evidence is not only prejudicial to Anwar but it is "crystal clear" that the evidence is hearsay as it is merely based on what Azizan told Mahathir.

"It's intended that this is relevant to test Azizan's cred-

ibility Azizan has given evidence on the sodomy charge himself and his credibility can be assessed on his own evidence. For this reason, it will serve no purpose to call Dr Mahathir to testify on this issue," he added.

Another issue raised by Karpal was that Mahathir must explain the letter dated Aug 15, 1997 written by Ummi Hafida Ali addressed to Mahathir who told Anwar to disregard the allegations in the letter and to destroy the letter after reading it.

Ariffin said Mahathir had stated in his affidavit his statement was based on the report by the Special Branch given to him as the Home Minister, which stated that the sodomy allegations were baseless.

He believed, the allegations were false because he

was of the opinion that Anwar was a pious and good Muslim.

To defence arguments that there were press reports where Mahathir announced that the allegations were baseless, the judge said the Prime Minister explained that it was reported before police investigations which showed that he made a big mistake for not believing the allegations.

He said Mahathir was entitled to his own opinion based on the police investigations but his opinion is irrelevant to the charge which was initiated by the Attorney General as the public prosecutor.

"Under this circumstances it is futile exercise to call Dr M on this issue which is not relevant," he said.

Ariffin said other allegations of disputes of decision-making between Anwar and Mahathir were irrelevant as they related to political and economic discussions while Anwar was in the government.