

13 MAR 2000

Court-Anwar

ANWAR IBRAHIM SODOMY TRIAL RESUMES ON MARCH 22

KUALA LUMPUR, March 13 (Bernama) -- The sodomy trial of former deputy prime minister Datuk Seri Anwar Ibrahim and his adopted brother Sukma Darmawan Sasmitaat Madja, which was adjourned since Feb 21, will resume on March 22.

The High Court will hear then the issue of the relevancy of Prime Minister Datuk Seri Dr Mahathir Mohamad's evidence to the hearing.

Judge Datuk Arifin Jaka fixed the date after allowing an application from Anwar's leading counsel Christopher Fernando who cited three reasons for resuming hearing on March 22.

"It will be on the issue of whether Dr Mahathir will come to court. That is the issue we have to resolve on Wednesday (March 22)," Arifin told the court during a 30-minute session today.

Anwar, 52, is being jointly tried with businessman Sukma, 39, on a charge of sodomising Azizan Abu Bakar, 39, a former driver of Anwar's family.

In his application, Fernando said the defence wanted to deliver an affidavit filed by Anwar to Dr Mahathir on his personal capacity to enable the prime minister to reply to it.

The 10-page affidavit, citing 19 grounds for the relevancy of Dr Mahathir's evidence to the hearing, was filed on March 9.

Last Feb 18, Arifin directed the defence to provide the grounds for relevancy before subpoenaing Dr Mahathir as a defence witness.

When enlightening the court on the affidavit issue, Fernando said the defence would want to settle the issue before hearing continues.

"The issue whether Dr Mahathir is required to attend court as a witness has to be resolved first because if he (Dr Mahathir) does attend, other witnesses like (Finance Minister) Tun Daim (Zainuddin) may not be called," counsel said.

However, Arifin said the court had not received any application to subpoena Tun Daim but did receive that for former attorney-general Tan Sri Abu Talib Othman, former Anti-Corruption Agency director-general Datuk Mohamed Shafee Yahya and former Domestic Trade and Consumer Affairs Minister Datuk Seri Megat Junid Megat Ayob.

When the defence applied last Feb 21 to postpone the Anwar-Sukma sodomy trial saying it needed time to prepare submissions for Anwar's appeal against his conviction at the Court of Appeal, Arifin fixed today to resume hearing.

Anwar has been convicted on four counts of corrupt practice and is serving a six-year jail sentence.

Sukma is also facing another charge of abetting Anwar to sodomise Azizan.

In his application for adjournment, Fernando also told the court that Anwar was also required to attend tomorrow's trial of former inspector-general of police Tan Sri Abdul Rahim Noor who is charged with causing greivous hurt to Anwar while in police custody.

Fernando said Anwar is a key prosecution witness in the case.

As a third reason for its application to resume the sodomy trial on March 22, counsel said the defence team would be involved in a March 21 case in the Appeal's Court involving Zainur Zakaria, one of Anwar's counsel.

Zainur is appealing against his conviction and three month's jail

sentence passed by the High Court for contempt on Nov 30, 1998.

Last week, after nine days of hearing, the Court of Appeal deferred decision on Anwar's appeal against conviction on the corruption charges and the six year jail term.

Before adjourning today's hearing, Arifin wished Anwar and counsel and Senior Deputy Public Prosecutor Datuk Abdul Gani Patail, who is leading the prosecution, "Selamat Hari Raya Aidil Adha" which will be celebrated on Thursday.

-- BERNAMA  
NHD SBB RYN