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Anwar's appeal: Hearing continues

KUALA LUMPUR, Wed. - Three days into his appeal hearing, Datuk Seri Anwar Ibrahim caught the Court of Appeal by surprise today when he suddenly stood up to voice his fear that one of the judges may be prejudiced against him.

He said this judge, whom he named, could be prejudiced because of an incident which had occurred at the Council of Rulers meeting which he (Anwar) had attended on behalf of the Prime Minister. Sounding nervous, Anwar stood up in the dock after the lunch break to relate the incident. The stunned judges said this was the first time they had heard of this.

The judges hearing the appeal are Court of Appeal President Tan Sri Lamin Yunus and Court of Appeal judges Datuk Ahmad Fairuz Sheikh Abdul Halim and Datuk Mokhtar Sidin.

Asked by Lamin why he did not tell his counsel earlier, Anwar said he was cautioned by his previous experience when his lawyer Zainur Zakaria was cited for contempt for filing an affidavit for him.

(Zainur was ordered to be jailed three months and has filed an appeal which is scheduled to be heard on March 9).

"These things I have to say personally, so I bear the consequences," he said.

He said he did not raise it earlier because he did not recognise the judges and he also wanted time to think the matter over.

Lamin ordered a short adjournment which stretched to 40 minutes. When hearing resumed, the judges recorded Anwar's statement.

Leading counsel Raja Aziz Addruse left the matter to the court to decide.

Senior deputy public prosecutor Datuk Abdul Gani Patail also left the matter to the court but said he was concerned that Anwar's disclosure may be in breach of the Official Secrets Act.

Anwar replied that he had not disclosed details of the discussions but only the conclusion which was minuted.

He also said it was not a secret because it was known to the judiciary, the Cabinet and the Attorney-General.

Lamin said the court wanted some time to think about it and adjourned hearing to tomorrow morning.

"In view of what Datuk Gani said (about the Official Secrets Act), perhaps the Press would like to take note," he said.

Today was the third day that Anwar's lawyers were submitting in his appeal against his conviction by the High Court last April for corrupt practices.

Anwar, who is currently on trial for sodomy, was sentenced to six years' jail for using the Special Branch to force Ummi Hafilda Ali and Azizan Abu Bakar to retract their allegations of sodomy and adultery against him.

In the submissions in the morning, defence counsel Gurbachan Singh argued that main prosecution witnesses - former SB director Datuk Mohd Said Awang and his deputy Datuk Amir Junus - were driven by a desire for self-preservation as they could also be charged if they did not shift the blame to Anwar.

He also urged the court to draw an adverse inference against the prosecution for failing to call material witnesses including Prime Minister Datuk Seri Dr Mahathir Mohamad.

Gurbachan said without Dr Mahathir's evidence, there was no proof that Ummi's letter about the alleged sodomy and adultery had actually been sent to him.
Hearing continues.

(END)