

03/08/2000

Appeals by Anwar and Sukma dismissed

KUALA LUMPUR, Wed. - The Federal Court today dismissed appeals by Datuk Seri Anwar Ibrahim and his adopted brother Sukma Darmawan Sasmitaat Madja against the non-calling of Prime Minister Datuk Seri Dr Mahathir Mohamad as a defence witness in their sodomy trial.

Chief Justice Tun Mohd Eusoff Chin, the Chief Judge of Malaya Tan Sri Wan Adnan Wan Ismail and Federal Court judge Datuk Abdul Malek Ahmad made the decision after Anwar said he did not wish to proceed with his appeal for fear of partiality on the part of Mohd Eusoff.

The court also dismissed Sukma's appeal after his counsel Gobind Singh Deo said his client also adopted Anwar's stand.

Mohd Eusoff said the court had no choice but to dismiss the appeals since Anwar and Sukma did not wish to proceed.

He said Anwar and Sukma were free to raise the issue of the non-calling of Dr Mahathir in the event of a conviction in the sodomy case.

(Judgment in that case has been tentatively fixed for Friday.)

Anwar, who represented himself after discharging his lawyers yesterday, said he had no confidence in the Chief Justice in view of his (Mohd Eusoff's) relationship with the Prime Minister.

(Anwar discharged his counsel following a court order that he did so before addressing the court personally.)

"I am not withdrawing the appeal, but I am not participating in the proceedings since I have no confidence in Your Lordship, Tun," he said.

Yesterday, the court had dismissed Anwar's application to disqualify Mohd Eusoff.

At today's proceedings, Mohd Eusoff said Anwar could re-appoint his counsel since the appeal involved questions of law.

Anwar thanked the court and said that he did not wish to proceed in view of the circumstances.

The High Court hearing Anwar's sodomy case had cancelled a subpoena obtained by the defence to call Dr Mahathir as its witness.

The decision was later upheld by the Court of Appeal which struck out Anwar's appeal without going into its merits.

Anwar, 53, and Sukma, 39, are jointly charged with sodomising former driver Azizan Abu Bakar between January and March 1993.

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