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Court stays proceedings pending appeal against ruling on witness

KUALA LUMPUR, Wed. - The High Court today stayed Datuk Seri Anwar Ibrahim's sodomy trial pending an appeal against a ruling that Prime Minister Datuk Seri Dr Mahathir Mohamad need not testify for the defence.

Judge Datuk Arifin Jaka fixed the case for mention on Friday and told the defence to file a notice of appeal immediately.

Later, when contacted, Anwar's counsel S.N. Nair said the notice was filed at the High Court registry at 3.30pm.

Arifin, when allowing the defence's application for a stay of the hearing, said his decision on Dr Mahathir was "final" as far as Anwar's right to call a witness was concerned.

Arifin made the decision after submissions by Anwar's lawyers Christopher Fernando and Karpal Singh and Senior Deputy Public Prosecutor Datuk Abdul Gani Patail.

Anwar and his adopted brother, businessman Sukma Darmawan Sasmitaat Madja, are charged with sodomising Azizan Abu Bakar at Tivoli Villas in Bangsar between January and March 1993.

Sukma is facing a second charge of abetting Anwar in sodomising Azizan at the same time and place.

Azizan is the former driver of Anwar's wife Datin Seri Dr Wan Azizah Wan Ismail.

Earlier, speaking from the dock, Anwar asked Arifin to review his ruling which was made last week.

Arifin said he could not review the matter and told Anwar's counsel to address him.

Fernando said the court's ruling had put the defence at a disadvantage.

Arifin said he was not going to change his decision and told Fernando not to waste time and asked the counsel what he was actually asking for.

Fernando said the defence wished to apply for a stay of the trial pending an appeal against the ruling.

Karpal said under the circumstances, the court could refer the matter to the Federal Court to decide whether disallowing Anwar to call a witness contravened the Federal Constitution.

Abdul Gani argued that the court's ruling had no element of finality and was, therefore, not appealable.

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