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Court to decide if PM should be called

Satwant Singh

KUALA LUMPUR, Wed. - The High Court will hear submissions tomorrow on the relevancy of the evidence of Prime Minister Datuk Seri Dr Mahathir Mohamad at the sodomy trial of Datuk Seri Anwar Ibrahim.

Judge Datuk Arifin Jaka said he would make a ruling after hearing arguments on the matter but said that the Prime Minister would not be required tomorrow morning.

Dr Mahathir is being called as a defence witness by co-accused Sukma Darmawan Sasmitaat Madja, who is the adopted brother of Anwar.

The issue arose when Sukma's counsel Gobind Singh Deo said he planned to call Dr Mahathir as the next witness (after the current witness DSP Zull Aznam Harun finishes his testimony).

This led to several exchanges between Arifin and Gobind Singh, who wanted an assurance that the Prime Minister would come tomorrow.

Arifin then asked Senior Deputy Public Prosecutor Datuk Abdul Gani Patail whether the prosecution would be objecting to the calling of the Prime Minister.

Anwar's leading counsel Christopher Fernando said Dr Mahathir was being called in his personal capacity and the prosecution had no right to object.

Gani said they were objecting on the question of relevancy - whether his evidence would be relevant to the trial and the court had the discretion to decide.

Gobind said he had told Gani to inform the Prime Minister to appear in court tomorrow and Gani replied that this had been conveyed to the Prime Minister's office.

Arifin, however, said that the Prime Minister need not come tomorrow morning and the court would let him know when to come if it ruled that his evidence was relevant.

Anwar and Sukma are on trial for allegedly sodomising Azizan Abu Bakar at 10-7-2, Tivoli Villa, Jalan Medang Tanduk, Bangsar, about 7.45pm between January and March 1993.

Sukma, a businessman, is also facing a second charge of abetting Anwar in sodomising Azizan, who was the driver to Anwar's wife Datin Seri Dr Wan Azizah Wan Ismail.

Earlier, Zull Aznam, who is Anwar's former aide-de-camp, said that Azizan went to Anwar's residence to meet him (Anwar) one night in June 1998.

To a question by Fernando in examination-in-chief, he said Azizan's meeting with Anwar lasted about 20 minutes but he did not know what was discussed.

Zull Aznam, who is now the Jerantut Deputy Police Chief, said he met Azizan after he (Azizan) came out of Anwar's house.

He said Azizan told him that during the meeting with Anwar, he (Azizan) denied his involvement in the writing of the book 50 Dalil Kenapa Anwar Tidak Boleh Jadi PM.

Zull Aznam said he had also asked Azizan that if he was denying his involvement regarding the book, what about his (Azizan's) sworn statement (on allegedly being sodomised).

He said Azizan replied that he had been promised money and that he (Azizan) had to do it as he had no choice.

To another question on whether Azizan mentioned businesswoman Ummi

Hafilda Ali, Zull Aznam said Azizan stated that she was responsible for dragging him into the matter.

Cross-examined by Senior Deputy Public Prosecutor Datuk Azahar Mohamed, Zull Aznam agreed that in a statement to the police on Oct 30, 1998, he, among others, mentioned Anwar's meeting with Azizan in June 1998.

At this juncture, Arifin asked Azahar why he was questioning the contents of the statement to which Azahar replied he wanted to show inconsistencies. The judge told him to lay the foundation first.

To another question, Zull Aznam said he was at Anwar's house that night because he had arranged the meeting between Azizan and Anwar.

Zulal Aznam agreed that in the police statement, he had stated: "I also do not know anything about what was discussed by both of them."

Azahar then applied to impeach Zull Aznam's credibility.

Arifin, however, said that this was a general statement and told the prosecution to carefully consider its move.