

31 MAR 2000

Court-Anwar

COURT TO HEAR BID TO SET ASIDE SUBPOENAS IN SODOMY TRIAL ON TUESDAY

KUALA LUMPUR, March 31 (Bernama) -- The High Court here will hear on Tuesday the applications of Finance Minister Tun Daim Zainuddin and Deputy Education Minister Datuk Aziz Samsuddin to set aside subpoenas issued to them to appear as defence witnesses in Datuk Seri Anwar Ibrahim's sodomy trial.

Justice Datuk Arifin Jaka fixed the date to enable counsel Ng Aik Guan, who appeared for both, to consider whether to reply to the affidavits filed by Anwar in reply to the ones filed by Daim and Aziz to support their applications.

Arifin also reminded counsel for both parties to ensure that all documents submitted to or filed with the court are proper after he was informed by Ng that Anwar's affidavits were not dated.

The judge then directed the defence to fill the date in the affidavits.

Anwar, 52, and his adopted brother, Sukma Darmawan Sasmitaat Madja, 39, are being tried separately for sodomising Azizan Abu Bakar, 39, at Sukma's apartment in Tivoli Villa, Bukit Bandaraya, Bangsar here, between January and March 1993.

Sukma, a businessman, is also charged with abetting Anwar to sodomise Azizan, the former driver of Anwar's wife, at the same time and place.

Today, the court was supposed to continue hearing senior deputy prosecutor Datuk Abdul Gani Patail's submission on whether Prime Minister Datuk Seri Dr Mahathir Mohamad should testify at the trial.

However, Arifin ordered the defence to serve the affidavit on the relevancy of Dr Mahathir's evidence immediately to enable the prime minister to reply, if he wished to.

Dr Mahathir is given until 4pm this Tuesday to file his reply.

"I am of the view that the allegations and facts (on the relevancy of his evidence in the trial) have to be brought to the attention of Dr Mahathir, therefore the affidavit must be served on him," Arifin said after counsel Karpal Singh confirmed that the affidavit had not been served on the prime minister.

He then directed Abdul Gani to assist the defence to serve the affidavit.

The court also fixed Monday to continue with the main trial as counsel Gurbachan Singh was not in court to examine witnesses called by him to support the defence case.

-- BERNAMA

NHD/SBB JK