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Decision on Friday if PM is to be a witness

KUALA LUMPUR, Tues. - The High Court hearing Datuk Seri Anwar Ibrahim's sodomy trial will decide on Friday whether to allow the defence to call Prime Minister Datuk Seri Dr Mahathir Mohamad as its witness.

Judge Datuk Arifin Jaka deferred decision today after hearing submissions by defence counsel Karpal Singh, Gobind Singh Deo and Senior Deputy Public Prosecutor Datuk Abdul Gani Patail.

Arifin had ordered the defence to show the relevance of Dr Mahathir's evidence before deciding whether he should be called.

Anwar had filed an affidavit giving reasons for calling the Prime Minister, who has since filed a 14-page affidavit-in-reply.

The sacked Deputy Prime Minister and his adopted brother, businessman Sukma Darmawan Sasmitaat Madja, are charged with sodomising former driver Azizan Abu Bakar at Tivoli Villas apartment in Bangsar between January and March 1993.

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

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

Karpal was one of Anwar's lawyers while Gobind was one of Sukma's.

Earlier, Abdul Gani said Dr Mahathir's response was irrelevant because the prosecution was not interested in either the response or the alleged conspiracy.

Abdul Gani said whatever Dr Mahathir told the Press conference in 1997 which cleared Anwar of sex allegations was hearsay since the Prime Minister had based his comments on a report by the police.

"The Prime Minister's statement on what Azizan had told him was irrelevant and hearsay ... in fact whatever the Prime Minister told the Press, or anybody else (on the issue) was hearsay," he said.

Dr Mahathir was not involved in the investigations of the case and "did not know anything about it", Abdul Gani said, adding there was evidence that Anwar had ordered investigations to be closed and that this led to a recommendation to the Public Prosecutor for "no further action" to be taken on the case.

On businesswoman Ummi Hafilda Ali's letter (containing sex allegations against Anwar) to the Prime Minister, Abdul Gani said it made no difference whether Dr Mahathir received it or not.

"What has the transaction got to do with our case?" he asked, adding there was no evidence Ummi, Azizan and the Prime Minister had conspired to fabricate evidence against Anwar.

Abdul Gani said Dr Mahathir's affidavit contradicted Anwar's contention and he failed to understand the defence's reasons for calling the Prime Minister as its witness.

He said the defence would "kill itself" by bringing a witness who would contradict its contention.

Abdul Gani said even if there was a conspiracy it did not implicate the Prime Minister.

The DPP urged the judge to dismiss the application and not to allow the court "to be used as a political forum by Anwar or anybody else".

In reply, Karpal said Dr Mahathir should be brave enough to come to court since he has been telling people at home and abroad he was prepared to testify.

Counsel said Dr Mahathir should follow the example of US president Bill Clinton who admitted openly he had lied about his involvement with Monica Lewinsky.

"Why should the Prime Minister be sheilded?" Karpal asked, adding that after all Dr Mahathir had filed an affidavit in response to Anwar's contention.

Karpal said there were several issues which the defence wished to clarify with Dr Mahathir and if the defence was not allowed to call him, it would be deprived of the opportunity.

Gobind, among other things, submitted that Sukma had a witness who could testify that Azizan had told Dr Mahathir he was not sodomised by Anwar.

"The witness is the Prime Minister," he said, adding if Sukma was not allowed to call Dr Mahathir, the defence would be denied the opportunity to challenge the prosecution's case.

Gobind said the prosecution knew Azizan had told the Prime Minister Anwar had not sodomised him and they should have resolved the matter during its case, but they had not done so.

As such it was crucial for the defence to call Dr Mahathir, Gobind said. Hearing continues.

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