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Judge: I will recall Azizan if defence makes 'proper application'

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KUALA LUMPUR, Fri. - High Court judge Datuk Arifin Jaka will allow alleged sodomy victim Azizan Abu Bakar to be recalled in the interest of justice if the defence makes a "proper application".

Arifin, however, also told the defence to make the application in order to tender certain documents as exhibits in the sodomy trial of Datuk Seri Anwar Ibrahim.

One of the documents is said to be a retraction letter by Azizan withdrawing his allegations against Anwar.

The documents are currently marked only for identification and not as exhibits.

Arifin said all documents must be produced by its "maker" after leading counsel Christopher Fernando sought to tender a document through Anwar as he (Anwar) was the recipient.

Anwar and his adopted brother Sukma Darmawan Sasmitaat Madja are charged with sodomising Azizan 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 of Anwar's wife Datin Seri Dr Wan Azizah Wan Ismail.

Speaking to reporters outside the court, Fernando said he would apply to recall Azizan in connection with the documents after Sukma completes his evidence.

Earlier, cross-examined by senior deputy public prosecutor Datuk Abdul Gani Patail, Anwar denied that on an evening between January and March 1993, he had gone to Sukma's apartment at Tivoli Villa.

He also disagreed that Azizan was already at the apartment that evening when he (Anwar) arrived there and that Sukma was also present then.

Anwar further disagreed with a suggestion by Gani that he had sodomised Azizan in a room at the apartment about 7.45pm between January and March 1993.

"This is not true. It is a malicious lie by my political enemies," he said.

Anwar denied that when Azizan was being sodomised by Sukma, he (Anwar) had stated "Sukma pun teringin juga" (Sukma too wants to participate).

"This is not true. I have never called Sukma by his full name. I call him Suk. This (the statement) is a lie," he said.

He also denied that he had told investigating officer SAC I Musa Hassan to close the investigations against him (Anwar) in 1997.

Anwar disagreed that he never received a letter from Sukma (on Sukma being forced to make a confession) when they were both being detained at the Bukit Aman lock-up.

After Gani finished his cross-examination of Anwar, he said he would reserve questions pertaining to documents until they are marked as exhibits.

Under re-examination by Fernando, Anwar was asked to explain how he had received the letter from Sukma in the Bukit Aman lock-up.

Anwar said Sukma was often taken out from his cell, and when he (Sukma) was coming out from his cell, he threw the letter towards his (Anwar's) cell.

To another question, Anwar said he wrote the words "setuju" and initialed the approval document of former Inspector-General of Police Tun

Hanif Omar's appointment as a director in Resorts World Bhd after being directed to do so by Prime Minister Datuk Seri Dr Mahathir Mohamad.

Anwar said he had no choice on the matter.

Fernando told the court he would reserve further re-examination until Gani completes his cross-examination.

After this, Sukma began making his defence by saying that he came to Malaysia from Indonesia around 1977 for his studies and stayed with Anwar's parents in Petaling Jaya.

To a question by his counsel Gobind Singh Deo, he said he studied at the Yayasan Anda Akademi at Jalan Hamzah in Kampung Baru.

He said in September 1998 he was arrested and detained in a cell in the Bukit Aman lock-up and this was when he wrote a six-page letter to Anwar.

Hearing continues on Tuesday.