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Karpal: A-G in contempt for sanctioning prosecution

Satwant Singh

KUALA LUMPUR, Tues. - Lawyer Karpal Singh told the High Court today that the Attorney-General was in contempt for having sanctioned his prosecution over an alleged seditious statement he made in court.

Karpal, who is one of Datuk Seri Anwar Ibrahim's counsel, said it was the prerogative of the court alone to act against him or take cognisance of the alleged offence.

He told judge Datuk Arifin Jaka he was not seeking a ruling on the issue but merely wanted to put on record that he had been charged with making a seditious statement in his (Arifin's) court.

Karpal raised this at the sodomy trial of Anwar and his adopted brother Sukma Darmawan Sasmitaat Madja which resumed today after being adjourned on Nov 10.

Anwar and Sukma are charged with sodomising former driver Azizan Abu Bakar in 1993.

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

On Jan 4, Karpal was charged with making a seditious statement by claiming that "people in high places" were trying to get rid of Anwar.

He is alleged to have said this in his submissions on the purported arsenic poisoning of Anwar in Arifin's court about 9.10am on Sept 10 last year.

Karpal said the A-G (Tan Sri Mohtar Abdullah) was seated next to him which was "less than a foot away" when he was alleged to have made the seditious remark.

"As the A-G, did he not know I had committed sedition, if at all, in response to my application to send Datuk Seri Anwar to a medical examination," he asked.

Karpal said Mohtar went even further and accused Dr Wan Azizah of trying to poison her husband.

"If I can be charged for what I said, that man can be sued for defamation for what he said. That man is the A-G ... I thought he knew some law," he said.

Subsequently, Karpal said the Prime Minister was on record as having said that he (Karpal Singh) was hiding behind the immunity of the court.

When asked by Arifin whether there was such a thing as immunity, he replied there was and it would be raised at his trial.

Karpal said the Prime Minister also added that a law would have to be introduced for the purpose of ensuring that the immunity was not abused.

"As lawyers, we are duty bound to stand up and defend our clients without fear or favour and judges in this country have said this time and again," he said.

Further, Karpal added, he was perhaps the first lawyer in the Commonwealth to have been charged for what he had said in court.

Senior Deputy Public Prosecutor Datuk Abdul Gani Patail said the A-G had to wait for a full and fair investigation before deciding to charge anyone and this principle also applied in Karpal's case.

He went on to read from the record what Mohtar had said on Sept 10 when Karpal allegedly made the statement.

Gani said the A-G had at that time cautioned Karpal not to jump to conclusions and start pointing fingers at anyone.

He said the A-G's act of charging Karpal was not in contempt of the court as he was acting under the powers vested in him under the Constitution.

Gani said the alleged false accusation was a separate matter from the issue before the court.

He said while counsel had a right to defend without fear or favour, this did not extend to falsely accusing anyone of an act which was of no relevance to the on-going trial.

He added that what was said must be relevant to the defence of the client and it should not go further.

Arifin then said the matter referred to by counsel was of concern not only to Karpal but the entire legal profession in the country.

He said it was a question to be deliberated and looked into at the trial of Karpal and in the court in which he would be tried.

"Let this be tried by the court...It will be a landmark case in this country," he said.

Later, Anwar, continuing his defence, said in 1997 the A-G was annoyed with the malicious allegations made against him (Anwar).

He said Mohtar strongly urged him to consider allowing him to proceed to prosecute businesswoman Ummi Hafilda Ali and Azizan.

"Then, one to two weeks after he came to me again and informed me of the progress of the investigation...that there were personalities close to the Prime Minister, but not the Prime Minister himself, who were involved," he said.

To another question by Karpal, Anwar said he sent two letters to the Prime Minister in August 1998 to clarify some of the issues after he was convinced that Dr Mahathir had agreed with the "conspirators".

He said in one of the letters he pledged his support and loyalty to the Prime Minister.

Anwar said he stated in the letter that the conspiracy to topple him began in 1997 and related the events after the circulation of poison-pen letters against him.

He said he also stated in the letter that he suspected there was malice towards him, judging from the conduct of the investigations by the police.

Arifin adjourned the case after Karpal said the defence would be going into a new aspect involving the defence of alibi and they needed some time to sort out the documents. Hearing continues.