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Lawyers ordered to serve affidavit on Dr M

KUALA LUMPUR, Fri. - The High Court today ordered Datuk Seri Anwar Ibrahim's lawyers to serve his affidavit on Datuk Seri Dr Mahathir Mohamad "immediately" to enable the Prime Minister to reply.

Judge Datuk Arifin Jaka said he was not ordering Dr Mahathir to reply, "but I am giving him the privilege to do so if he wishes". Dr Mahathir has until 4pm on Tuesday to reply.

The affidavit details reasons why Anwar wants to call Dr Mahathir, who has been subpoenaed, as a witness.

It was filed after the court ordered the defence to show the relevance of Dr Mahathir's evidence since the prosecution had contended that the Prime Minister's testimony was not relevant.

Arifin said it was only proper for the "allegations and facts" in the affidavit to be brought to Dr Mahathir's attention since Anwar's lawyer Karpal Singh had referred to it when submitting on the relevance of the Prime Minister's evidence.

Anwar has also issued subpoenas to Finance Minister Tun Daim Zainuddin and Deputy Education Minister Datuk Aziz Shamsuddin who have applied to set them aside.

The applications were to be heard today but the court adjourned the matter to Tuesday after lawyer Ng Aik Guan, acting for Daim and Aziz, said he received Anwar's reply to Aziz's affidavit only this morning and required time to reply.

Karpal said he also required time to reply to Daim's response to Anwar's reply which was served on Anwar this morning.

Before Arifin adjourned the applications, he ticked off the defence when he noticed that Anwar's affidavit was undated and told one of his lawyers to "regularise" the document.

Karpal said Anwar filed the affidavit himself because his lawyers feared that they could be cited for contempt or prosecuted for filing the document.

(One of Anwar's lawyers, Zainur Zakaria, was jailed three months for filing his (Anwar's) application to disqualify two members of the prosecuting team in the sacked Deputy Prime Minister's corruption trial.)

"Datuk Seri Anwar is represented by several lawyers who can assist him in making the application, and surely the prosecution will not object if one of them regularises the affidavit by including the date," Arifin said.

Senior Deputy Public Prosecutor Datuk Abdul Gani Patail said the prosecution had no objection.

Later, Anwar's other lawyer, S.N. Nair, said he had personally served Anwar's affidavit on an officer at the Prime Minister's office at Putrajaya.

The officer, whom Nair identified as Mohd Elias, had received the affidavit about 4.40pm on behalf of Dr Mahathir.

Anwar and his adopted brother, businessman Sukma Darmawan Sasmitaat Madja, are charged with sodomising former driver Azizan Abu Bakar at a Tivoli Villa 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 wife, Datin Seri Dr Wan Azizah Wan Ismail.

The trial proper did not proceed today and was put off to Monday after Karpal said his further submissions on the relevance of Dr Mahathir's

evidence would depend on developments regarding the affidavits of Daim and Aziz.

(Parties were in the midst of submitting on the relevance of Dr Mahathir's evidence before hearing was adjourned last Tuesday.)

(END)