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No need for reply, court tells PM

KUALA LUMPUR, Wed. - The High Court today ruled that Prime Minister Datuk Seri Dr Mahathir Mohamad need not reply to Datuk Seri Anwar Ibrahim's response to his affidavit filed yesterday.

Judge Datuk Arifin Jaka said the court had sufficient material before it to consider the relevance of Dr Mahathir's evidence to the defence.

He said the prosecution had only to show Anwar's reply to Dr Mahathir. Anwar filed the reply this morning.

Arifin said that there should be an end to the filing of affidavits and replies and further replies.

Dr Mahathir filed an affidavit yesterday in reply to Anwar's affidavit which stated the relevance of his (the Prime Minister's) evidence to the defence.

Anwar filed the affidavit on March 31, following a court order that he should state his reasons for calling Dr Mahathir.

Meanwhile, the court adjourned Finance Minister Tun Daim Zainuddin's application to set aside a subpoena issued on him pending the court's decision on whether Dr Mahathir should testify.

Arifin fixed Daim's application for mention on Monday when it will continue to hear submissions on the relevance of Dr Mahathir's evidence.

The court heard part of the submission before postponing it last Friday to enable Dr Mahathir to file a reply by yesterday.

Anwar 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 wife Dr Wan Azizah Wan Ismail.

Among other things, Dr Mahathir said in his 14-page affidavit that Azizan had told him how Anwar had sodomised him the first time when he (Anwar) went to his (Azizan's) room for a massage.

Dr Mahathir said he was convinced that the sex allegations against Anwar were true after police investigation and listening to admissions by those involved, although he had not believed the allegations earlier.

The Prime Minister said he made a "big mistake" regarding Anwar when he made a Press statement based on his own perception.

(Dr Mahathir had cleared Anwar's name during a Press conference in August 1997.)

Dr Mahathir said his statement was not based on any proof that Anwar had not committed unnatural sex, and added that it was based on his belief that Anwar was a pious man and only a fool would believe the allegations.

Further, he said, police investigation then had failed to prove Anwar had committed the act because Anwar directed police officers to get retractions from businesswoman Ummi Hafilda Ali and Azizan.

Dr Mahathir said he would not have believed Anwar if he knew that Anwar was involved in getting the retractions.

He never expressed his regret to Anwar that his then political secretary Datuk Aziz Shamsuddin was involved in the allegations and that he had reprimanded Aziz.

In his 18-page reply filed today, Anwar said Mahathir was giving new evidence when he said that he (Anwar) went to Azizan's room and sodomised him.

Hearing continues on Friday.

(END)