

16 FEB 2000

Court-Anwar

PROSECUTION OBJECTS TO THE CALLING OF PM AS WITNESS IN SODOMY TRIAL

KUALA LUMPUR, Feb 16 (Bernama) -- The prosecution in the sodomy trial of Datuk Seri Anwar Ibrahim in the High Court here today objected to the defence's move to call Prime Minister Datuk Seri Dr Mahathir Mohamad as a witness.

Senior Deputy Public Prosecutor Datuk Abdul Gani Patail said he made the objection based on the question of relevancy of Dr Mahathir's testimony in the trial, under Section 136 of the Evidence Act 1950.

Justice Datuk Arifin Jaka said he would hear submissions from both sides pertaining to the matter tomorrow before deciding whether the Prime Minister should be called to the witness stand.

Anwar, 52, and his adopted brother, Sukma Darmawan Sasmitaat Madja, 39, are separately charged with sodomising Azizan Abu Bakar, 39, at Sukma's apartment in Tivoli Villa, Bangsar, here, at 7.45pm, between January and March, 1993.

Sukma, a businessman, faces another charge of abetting Anwar in sodomising Azizan, the former driver of Anwar's wife, Datin Seri Dr Wan Azizah Wan Ismail, at the same time and place.

Sukma applied to the court in October last year to subpoena Dr Mahathir to appear as his witness.

Earlier, Sukma's counsel, Gobind Singh Deo, told the court that the defence wanted Dr Mahathir to testify tomorrow afternoon after its current witness, DSP Zull Aznam Harun, finish giving his evidence.

Gobind Singh said he had asked Abdul Gani to inform Dr Mahathir about the necessity of his appearance in court tomorrow and Abdul Gani explained that he had already conveyed the request to the Prime Minister's office and it was duly noted by the officer there.

At this juncture, Abdul Gani raised his objections.

Anwar's leading counsel, Christopher Fernando, said Dr Mahathir had been subpoenaed in his personal capacity and he has to come to court.

When Gobind Singh insisted that the prosecution should give an assurance of the Prime Minister's appearance tomorrow, Abdul Gani said that Dr Mahathir will come for the afternoon session.

Arifin said Dr Mahathir would not have to come to court tomorrow morning and the court would indicate to him the time to come but Gobind Singh insisted that the Prime Minister should come in the afternoon as "he is like any other witnesses".

"Let me make the ruling first (after hearing the arguments). When the time comes, we'll inform him. Don't ask the Prime Minister to hang around here," he said.

He also reminded the counsel to be careful when making statements about the case, citing the issue of warrant of arrest against Dr Mahathir if he fails to comply with the subpoena.

The judge said if the Prime Minister did not come, then only the defence could apply for the next course of action.

Gobind Singh said the defence did not want to ask the court for the warrant of arrest.

On the number of witnesses to be called, Fernando said the defence was thinking of calling four more witnesses besides Dr Mahathir.

In the previous hearing, Fernando had informed the court that the defence would recall Azizan.

When Arifin suggested the defence call Azizan before calling Dr

Mahathir, Fernando said that the defence would choose the sequence and they would call Azizan in due course.

-- BERNAMA

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