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PM: I'll testify if asked to do so

Ramlan Said; Satwant Singh

KUALA LUMPUR, Thurs. - Prime Minister Datuk Seri Dr Mahathir Mohamad said today that he would testify at the trial of Datuk Seri Anwar Ibrahim if required but hoped it would be relevant to the case.

"If I am required at the court and it is relevant, I suppose I will have to go. That is the law. There is nothing I can do about it," Dr Mahathir said.

The Prime Minister told reporters this when asked to comment on a defence request for his testimony in the landmark trial.

"But I wouldn't like it to be a kind of political stunt," Dr Mahathir said.

"I hope it is relevant to the case. If they just want to make a political show of it, I don't think it is being very fair."

He said this when approached by reporters after opening the Air Freight Asia 2000 Conference at the Palace of the Golden Horses in Seri Kembangan.

On whether his taking the stand was necessary, Dr Mahathir said he did not think so but "I don't know much about the case".

Meanwhile the High Court will decide tomorrow whether it can examine the relevance of the proposed evidence of Dr Mahathir without an application by him to set aside his subpoena.

Judge Datuk Arifin Jaka reserved decision on this preliminary issue after hearing submissions from the prosecution and defence at the sodomy trial of Anwar and his adopted brother Sukma Darmawan Sasmitaat Madja.

They are charged with sodomising Azizan Abu Bakar 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 to Anwar's wife Datin Seri Dr Wan Azizah Wan Ismail.

Arifin said he would have to decide whether the application was necessary. If he ruled that it was, Dr Mahathir could either file the application or come to court to give evidence.

However, Arifin said if he ruled that the application was unnecessary, the parties should be ready to submit on the relevance of the proposed evidence.

Arifin, who was supposed to hear arguments on the relevance of the evidence today, instead heard submissions on whether an application to set aside the subpoena was necessary, following a preliminary objection by Anwar's counsel Karpal Singh.

Dr Mahathir was subpoenaed by Sukma and it was served on him last year.

Karpal said today that Anwar had also applied for a subpoena against Dr Mahathir, adding that both Anwar and Sukma required his evidence.

When senior Deputy Public Prosecutor Datuk Abdul Gani Patail objected to Dr Mahathir being called, Karpal asked if Gani had the "locus standi" to defend the Prime Minister who was being subpoenaed in his personal capacity.

Karpal said a person must apply himself to set aside the subpoena if he felt that his evidence would be irrelevant.

He said there should be an application to set aside the subpoena before the court could decide the question of relevance.

Gani replied the court was duty-bound and had the power to look into the question of relevance even without the application.

"In Sukma's case, there is no evidence that connects the Prime Minister to the accused ... there is no evidence to show that the Prime Minister is a material witness," he said.

Karpal retorted that it was not for the prosecution to state from the Bar what evidence the Prime Minister was expected to give.

"The defence has every right to adduce any evidence and it is not for the court to ask the defence at this stage what evidence the Prime Minister is going to give.

"That is between us and Dr Mahathir ... it is not for the prosecution to say that Dr Mahathir cannot give any material evidence," he said.

Karpal argued that investigating officer SAC I Musa Hassan had testified that no statement was recorded from Dr Mahathir.

"So, how does my learned friend (Gani) know it is not material?" he asked.

Further, Karpal said Musa also testified that Azizan had met the Prime Minister and Azizan confirmed this.

This alone was sufficient material to require that the Prime Minister be called, he said.

"But why this fight?" he asked, questioning whether it was to ensure that the Prime Minister did not attend court.

Hearing continues.