

Counsel laments over Anwar trial 'special treatment'
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Initially the Court of Appeal had last month fixed Jan 24 as opposition leader Anwar Ibrahim's appeal date on the recusal of sodomy trial judge Mohd Zabidin Mohd Diah, while the High Court had scheduled Jan 21 for mention.

Then in an unprecedented move the appellate court had yesterday sprung a surprise by bringing forward the appeal hearing to Jan 14 while the High Court followed suit with the mention now set for Monday, Jan 17.

Anwar's lawyer Sankara Nair (right) describing the events as unusual, pointed out that the Court of Appeal usually acts independently of the High Court in setting hearing dates.

He said the appellate court normally fixes its own hearing dates depending on volume and sequence.

"Note that when we asked for a stay at the High Court many times before, at the beginning of the trial pending appeal to the superior courts which was not granted, we personally went to see Court of Appeal president Alauddin Md Sheriff and Chief Judge of Malaya Arifin Zakaria.

"We were told all three tiers of the courts acted independently in fixing hearing dates and so they cannot expedite the dates for the appeals.

"Mysteriously, now there appears to be cognisance of dates between the tiers and it's amazing how the court system can now coordinate the many thousands of cases," he said.

Anwar had called for justice Zabidin's recusal after the judge was said have not abided by a Supreme Court decision in disallowing an expert witness supply documents related to the medical examination of Mohd Saiful Bukhari Azlan.

Another reason Anwar is making the application is that Zabidin had threatened Karpal with contempt, despite the judge withdrawing it later.

Justice Zabidin in dismissing Anwar's application ruled there was no threat of bias in his conduct.

KPI or special treatment?

Anwar (left) is charged with sodomising his former aide Saiful allegedly at the opposition leader's Desa Damansara condominium on June 26, 2008.

A fascinating aspect of Anwar's ongoing sodomy trial at the superior courts (Court of Appeal or Federal Court) is that a special panel or court has been formed specifically for the hearing.

Sankara said such scenario has set Anwar's lawyers pondering whether this unique arrangement is for the judges to improve their key performance indices (KPIs), or was

Anwar being accorded "special treatment".

The controversial KPI system introduced by Prime Minister Najib Abdul Razak and implemented in the judiciary by Chief Justice Zaki Azmi.

It has been widely criticised by lawyers who feel that judges are rushing some cases simply to meet their KPIs.

Earlier this week, Sankara had also complained about the dubious decision by the Kuala Lumpur High Court when it allowed Foreign Minister's Anifah Aman's application to strike out the RM100 million defamation suit filed by Anwar.

Sankara had described the decision as absurd as it would mean that minister's cannot be subject to defamation suits.

Many quarters, especially the Inter-Parliamentary Union (IPU), an international legislators body, had complained about the conduct of the sodomy trial raked with procedural irregularities following an observation made by independent Queen's Counsel Mark Trowell.

The IPU had in 2009 also observed that the prosecution's case was riddled with defects.

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