

Anwar applies to disqualify sodomy trial judge, again

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Anwar Ibrahim, who has been ordered to enter his defence on a sodomy charge, will apply to have Justice Mohamad Zabidin Mohd Diah disqualified for the third time.

"(We are applying to recuse him) for pre-judging the case at the prosecution stage," defence lawyer Sankara Nair (left) said in a brief statement today.

The defence will file the application before the Kuala Lumpur High Court tomorrow.

Contacted later, Sankara said details of the application would be made available to reporters tomorrow.

"The procedure requires us to file the motion with a certified copy of the ruling. We wrote to the judge on May 18 asking for it and we received it only yesterday," he said.

The defence hopes that the application can be heard on Monday, before the defence stage of the trial begins.

Justice Zabidin ruled last month that the prosecution had succeeded in making a prima facie case against Anwar.

The judge (left) ruled that Mohd Saiful Bukhari Azlan, who has complained that he was sodomised by his former employer Anwar, is a "credible and truthful witness".

He also said the evidence of expert witnesses, such as doctors and chemists, had corroborated Saiful's testimony.

This is Anwar's third attempt to get Zabidin to recuse himself.

The first application against Zabidin was made in February last year for not issuing a warning to Malay daily Utusan Malaysia after complaints were raised by the defence team.

Another was filed last November following allegations that the judge had threatened lead counsel Karpal Singh with contempt.

This was after the defence lawyer had said the judge was out of line with a Supreme Court decision by not allowing an expert witness to supply documents.

Anwar withdrew the first application, while the court threw out the second.

Anwar is charged with sodomising Saiful at the Desa Damansara condominium between 3.01pm and 4.30pm on June 26, 2008.

This is his second sodomy trial since 1998, although he was acquitted of the earlier charge on appeal.