

Date set for Anwar's appeal to recuse judge
Malaysiakini.com
June 22, 2011

Anwar Ibrahim's latest appeal to recuse Kuala Lumpur High Court judge Mohamad Zabidin Mohd Diah from playing any part in his ongoing sodomy trial will be heard at the Court of Appeal on July 6.

His solicitor, Sankara Nair, received notification of the matter yesterday from the Court of Appeal registrar.

Anwar is charged with sodomising his former aide Mohd Saiful Bukhari Azlan at the Desa Damansara condominium between 3.01pm and 4.30pm on June 26, 2008.

Justice Zabidin (left) had ordered the Opposition leader to enter his defence when the court determined he has a case to answer, and found Saiful to be a truthful and credible witness.

However, Anwar contends that Zabidin's lengthy judgment had gone overboard to prejudge him, demonstrating bias in his ruling.

In demanding a re-trial, Anwar contested the following wording from the judgment: "He (Saiful) had truthfully and without embellishment or exaggeration in his evidence narrated in minute detail how he was sodomised by the accused on the date and at the place stated in the charge. I find him to be a truthful witness and his evidence is reliable and if accepted would establish all the facts required to prove the charge against the accused."

Anwar's counsel Karpal Singh argued Zabidin's decision shows the judge made a prejudgment before the trial concluded, thus nullifying the calling of the defence.

However, on June 6 Justice Zabidin ruled that Anwar's application had no merits and it was dismissed.

Karpal, however, was successful in obtaining a stay from Zabidin pending this appeal.

This is the third unsuccessful attempt by Anwar to recuse Zabidin, after earlier efforts were made following the court's failure to reprimand Utusan Malaysia, not abiding by a Supreme Court decision and attempting to threaten Karpal with contempt.

Whatever the outcome of this appeal, Justice Zabidin has fixed July 13 for the case to be heard again at the High Court.