

Appeal adjourned, Anwar objects to Shafee's selection

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By Hafiz Yatim

The Court of Appeal has adjourned the prosecution's appeal against Anwar Ibrahim's acquittal in the Sodomy II case and fixed case management for Aug 1 before a registrar.

The three-member bench made the decision as the opposition leader's lead counsel Karpal Singh was hospitalised.

NONEMeanwhile, Anwar questioned the appointment of senior lawyer Muhammad Shafee Abdullah (right), who is in private practice, to represent the prosecution.

The opposition leader said he directed his lawyer Ramkarpal Singh to raise an objection over the matter.

Ramkarpal raised the objection in court but Justice Ramly Ali, who is leading the three-member Court of Appeal bench, said the matter should be raised during the hearing proper.

Ramkarpal showed to the court a letter stating that his father had been admitted to the Kuala Lumpur Hospital's orthopaedic institute since Saturday due to backache.

'Lack of resourceful personnel'

Met outside the court, Anwar who had returned from campaigning in Kuala Besut last night, asked if the Attorney-General's Chambers lacked resourceful personnel.

"Surely they can find someone else to represent the prosecution. He (Shafee) has been involved with proceedings against me and has been known to cast aspersions within and outside the court against me for whatever reason," he added.

Shafee has represented Umno in various cases.

"The AG did not appeal against the Altantuya Shaariibuu case (which saw political analyst Abdul Razak Baginda) acquitted, and also did not charge many corruption cases," continued Anwar.

"Yet he has decided to appeal in my case when there should not be an appeal filed in the first place. This is a malicious prosecution by the government since 1998 to

curb my political activities," he said.

Anwar claimed that the AG chose to do this on the instruction of Umno government leaders to frustrate him.

Not member of political party

Shafee said he received a letter on July 11 signed by Attorney-General Abdul Gani Patail on his appointment to lead the prosecution.

"This has been done before as in the Teoh Beng Hock case, where the AG appointed Tan Hock Chuan," he added.

Earlier, he disclosed in court that the AG had appointed him under Section 376 (3) of the Criminal Procedure Code, which allows the appointment of lawyers as deputy public prosecutors or senior DPPs.

NONEHe will lead the prosecution's case in this appeal and is seen as replacing solicitor-general II Mohd Yusof Zainal Abiden (right) who led the team throughout the trial, but who has gone into early retirement.

The senior lawyer also told reporters outside court there was nothing controversial over his appointment as although he has represented Umno, he is not a member of any political party.

He further asked reporters what were the political motives of those who questioned his appointment.

"I am not even a politician. I am not a member of any political party. Many people do not know that.

"I'll be insulted if I am appointed for political purposes, I would like to think that I am appointed because I am capable," said Shafee, who was once in the AG Chambers before going into private practice.

'Prosecution has strong case'

Shafee also denied there was conflict of interest for him to appear in this case.

"It can only be conflict of interest if I have acted for Anwar before in a case that has a relationship with the current case. Otherwise there is none," he explained.

Shafee said he had read the entire record of appeal and feels the prosecution has a strong case.

"I would like to believe that because the only reason for acquittal was apparently the issue of the exhibit of being possibly tampered. I found no evidence of that.

"There was a total misinterpretation and I would like to put the record straight during the appeal. It is a narrow issue. The appeal is very narrow and very focused.

"That brings back to the position how could there possible be a conflict when we are going to argue so clinically just on that issue."

He described his appointment as a prosecutor, as a public service which he would do even there is no emolument, adding the appointment to appear for this case at the Court of Appeal only.

Besides Justice Ramly, the others on the panel are Justices Tengku Maimun Tuan Mat and Mohd Zawawi Salleh.

Attorney-General Abdul Gani Patail when contacted about the controversy surrounding Shafee's appointment declined to comment on the matter.

"The matter is being argued as such it is prudent for me in the interest of justice not to comment at this time," Gani said in a text message.

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