

Anwar wants gay reference expunged from judgment

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By Hafiz Yatim

Opposition leader Anwar Ibrahim has filed a review application to expunge a paragraph from former Federal Court judge Justice Abdul Hamid Mohamad's written judgment which acquitted the former's acquittal of sodomy charges in 2004.

Justice Abdul Hamid, who later rose to become Chief Justice before retiring in 2008, had, along with former Court of Appeal judge Tengku Baharuddin Shah Tengku Mahmud, ruled in acquitting Anwar of sodomy, with Federal Court judge Rahmah Hussin dissenting.

NONEIn acquitting Anwar (left) over the inconsistencies of the prosecution in determining the dates of the alleged sodomy, Abdul Hamid had made the following observation: "the court found evidence to confirm that the appellants (Anwar and his adopted brother Sukma Darmawan) were involved in homosexual activities and we are more inclined to believe that the incident at Tivoli Villa did happen sometime..."

PKR legal bureau chairperson Latheefa Koya said Anwar has made the application to clear his name before the May 5 general election, as politicians were allegedly using this portion of the judgment to slander him, despite his acquittal.

"When Anwar sued them for defamation, they relied on this judgment. This judgment is on the acquittal and the judge is only making a passing remark, which is baseless," she said.

Lawyer Mohd Radzlan Jalaluddin, whose firm Abu Bakar and Yong filed the application, said the motion was only to expunge the offending remarks as politicians have been using it and this had affected Anwar's reputation.

"We sought a review to remove the paragraph and this application has been fixed for hearing on Nov 13 at the Federal Court," Radzlan said.

NONEYesterday, the Court of Appeal allowed a motion by lawyer Karpal Singh (right) to remove Court of Appeal judge Tengku Maimun Tuan Mat from hearing the sodomy case appeal, as she had struck out Anwar's suit against former premier Dr Mahathir Mohamad at the Kuala Lumpur High Court when she was a judicial commissioner.

Karpal's reasons was that Tengku Maimun had asserted the paragraph from the Federal Court judgment as a finding of fact in her High Court judgment, to strike out the claim against the former premier.

Justice Tengku Maimun then decided to recuse herself yesterday.

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