

Feb 11 set for Anwar's bid to recuse Shafee

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Opposition leader Anwar Ibrahim's appeal to recuse lawyer Muhammad Shafee Abdullah from representing the prosecution will be heard at the Federal Court on Feb 11.

The date was decided today as Anwar's lawyer Tommy Thomas wrote to apply for a postponement last Friday as they had filed the memorandum of appeal on the same day.

Anwar was represented by lawyer Afiq M Noor while DPP Noorin Badaruddin appeared for the prosecution. They met the Federal Court registrar today.

The prosecution's appeal against Anwar's acquittal of sodomising his former aide Mohd Saiful Bukhari Azlan at the Court of Appeal proper has been fixed on Feb 12 and 13.

This is the second application by Anwar to recuse Muhammad Shafee who was appointed by Attorney-General Abdul Gani Patail (right) to head the prosecution team in July last year.

It was reported last Dec 20, that the Court of Appeal rejected Anwar's application to remove Shafee from leading the prosecution.

Justice Aziah Ali who led a three member bench, said the statutory declaration (SD) by former Kuala Lumpur CID chief Mat Zain Ibrahim, which was used as a premise for the application, could not be admitted as evidence.

"We are in agreement with the submission of Shafee (right) that the contents are hearsay evidence and Mat Zain was not available for cross-examination," she said.

SD defective

The court also agreed with Shafee's argument that the SD was defective due to discrepancies in Mat Zain's personal details.

Anwar's lawyers identified three grounds for his application to remove Shafee namely the lawyer knows serious misconduct and criminal actions on the part of

Gani; the lawyer may have made compromises to get the fiat from the AG to lead the prosecution, and the politician's right to a fair trial (hearing of the appeal) could be greatly prejudiced.

The opposition leader was acquitted by the Kuala Lumpur High Court last year, of sodomising Mohd Saiful at a Desa Damansara condominium unit between 3.15pm and 4pm on June 28, 2008.

The trial judge, Justice Mohamad Zabidin Mohd Diah, ruled that the specimen retrieved from Mohd Saiful could not be accepted as there could have been tampering and the court therefore acquitted Anwar.

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