

**Court hears defence's bid to disqualify judge**  
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The Kuala Lumpur High Court today hears defence lawyer Karpal Singh's submission to disqualify the judge from continuing to sit in the sodomy trial.

azlanThis follows Opposition Leader Anwar Ibrahim's bid to recuse justice Mohamad Zabidin Mohd Diah for not abiding by a Supreme Court decision in not allowing an expert witness supply documents which was used during a medical examination of the sodomy complainant.

Another reason Anwar is making the application is because Zabidin had made a threat of contempt against Karpal, despite that the judge had withdrawn it.

Karpal and solicitor-general II Mohd Yusof Zainal Abiden will argue over the matter before the judge.

**LIVE REPORTS**

8.54am: Anwar arrives with his wife, Dr Wan Azizah Wan Ismail. All parties - both lawyers from the defence and prosecution - are in court.

9.07am: However, lead defence lawyer Karpal Singh has yet to arrive in court. The public gallery is still half empty. Unlike yesterday, there are not many Anwar supporters.

9.12am: Karpal is wheeled into the courtroom. But solicitor-general II Mohd Yusof Zainal Abiden, who is the lead prosecutor, is not in court.

The public gallery is slowly filling up.

NONE9.14am: Karpal and the prosecuting team, minus Mohd Yusof, enter judge Mohamad Zabidin Mohd Diah's chambers.

9.23am: Judge Mohamad Zabidin enters. The court is in session.

9.24am: DPP Mohd Hanafiah Zakaria is the lead prosecutor and he is assisted by CK Wong and Noorin Badaruddin

Karpal begins his submission. He argues his judge recusal is a serious application.

9.31am: Karpal says judges and magistrates must be impartial and must be seen to be fair and impartial.

He cites the case of former High Court judge KC Vohrah recusing himself voluntarily in hearing a trial in line with accepted norms.

Referring to the Judges Code of Ethics, Karpal argues that judges should perform duties without bias and prejudice.

He says under the code, judges can be subject to disciplinary proceedings if he is found to

be bias.

PKR secretary-general Saifuddin Nasution Ismail arrives and takes a seat in the public gallery.

9.35am: Karpal also refers to the Judges Ethics Committee Act, where judges should perform their duty without prejudice.

He also refer to the Bangalore Principal 2002 on judicial integrity, where such principles of impartiality and the performance of duty without prejudice should be applied.

9.44am: Karpal refers to the defence's application for recusal of justice Zabidin for not abiding the Supreme Court decision in denying Anwar access to the clinical notes, and for threatening counsel (Karpal) with contempt.

9.50am: Karpal reminds the court that according to Article 5(1) in the federal constitution, all Malaysians are entitled to have a fair trial in an open court.

Karpal says judge Mohamad Zabidin must reflect on the contempt threat made by him yesterday against the counsel (Karpal), bearing in mind its effect on his client (Anwar).

NONE" There is necessity for us to insist that your lordship recuses yourself. There is a real danger of bias (following the contempt threat by the judge)."

Karpal ends his submission.

10.05am: DPP Hanafiah says the prosecution needs some time to prepare its reply to the defence's submission.

"Datuk Yusof (right) is not well and we need time to prepare," says Hanafiah.

Following this, Mohamad Zabidin adjourns the court hearing to tomorrow.

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