

Recusal bid 'frivolous and vexatious'
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The prosecution in Anwar Ibrahim sodomy trial today submitted in reply to the defence application to recuse High Court judge Mohamad Zabidin Mohd Diah from hearing the controversial case.

Solicitor-general II Mohd Yusof Zainal Abiden (right), who was hurt in minor accident yesterday, did not appear in court this morning. Deputy public prosecutor Mohd Hanafiah Zakaria argued on behalf of the prosecution.

Yesterday, lead defence lawyer Karpal Singh, in his application to recuse the judge, said there was a danger of bias committed by the judge for threatening to cite him for contempt of court.

The senior counsel also stated that the world was watching the sodomy trial closely and thus the judge should be seen to be fair and impartial.

Karpal was also not in court today as he has gone to the Court of Appeal for another case.

LIVE REPORTS

8.33am: Both the prosecution and defence lawyers enter judge Mohamad Zabidin Mohd Diah's chambers.

8.40am: All parties emerge from the judge's chambers. There is no sign of solicitor-general II Mohd Yusof Zainal Abiden.

8.42am: Court begins hearing.

DPP Mohd Hanafiah Zakaria stands up to submit on behalf of Yusof.

8.46am: Hanafiah describes Anwar's application to recuse the judge as frivolous and vexatious.

Citing case laws, he says the applicant cannot disqualify the judge simply because the court has made a ruling against his application.

8.53am: "You cannot disqualify the judge because he has made a decision on a point of law," says Hanafiah.

"This application is tantamount to mala fide (bad faith) as it is directed to delay the trial."

9.10am: Hanafiah says there is no basis to include any part in the role of the judge to intimidate the defence counsel in the application.

"Since Yang Arif (Your Honour) had granted access to the proforma form (in the medical examination of complainant Mohd Saiful Bukhari Azlan), it shows you are not bias," he adds.

9.21am: In arguing for the application to be dismissed, Hanafiah says, "There is no iota of evidence that Yang Arif has committed a real danger of bias."

After Hanafiah has ended his submission, defence counsel Param Cumaraswamy informs the judge that Karpal is at the Court of Appeal.

"This is a written submission and as such we need time to reply," he says, referring to the written submission by Yusof, which was read out by Hanafiah.

Justice Zabidin says he will made his decision on Dec 6. He orders the defence to submit their written reply by Tuesday.

Court hearing will resume on Dec 6.

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