

Sodomy II: Judge sets Dec 6 for decision on recusal bid
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The Kuala Lumpur High Court judge in the Anwar Ibrahim sodomy trial will decide on Dec 6 whether or not to recuse himself from hearing the case.

It is expected that after judge Mohamad Zabidin Mohd Diah announces his decision on the defence's recusal bid, the court will then proceed to determine when the trial will continue. The court had initially fixed the whole week of Dec 6-10 for hearing.

DPP Mohd Hanafiah Zakaria had this morning argued in court on behalf of the prosecution that Anwar's application was "frivolous and vexatious".

Lawyer Param Cumaraswamy for Anwar said the defence would respond to the prosecution in a written submission as lead counsel Karpal Singh was in the appellate court this morning for another case.

This is the second time that Anwar is making his application to recuse Zabidin, the first being when the judge refused to cite contempt against Utusan Malaysia for contempt for carrying a report considered by the defence to be prejudicial to its case.

Frivolous, actuated by mala fide

Hanafiah submitted the applications before the court were made after rulings against them handed down.

"It is preposterous to apply the recusal of your lordship merely because the judgment or ruling was given not in the applicant's favour," he said.

"It was an interpretation of the law and had nothing to do with the conduct of Your Lordship in handling the trial."

DPP Hanafiah said what had happened on Tuesday was clearly the judge dispensing advice and providing a reminder only.

"There is no shred of any intimidation whatsoever. If at all any intimidation could be found, it must have come from the brazen conduct of the learned counsel (Karpal) insisting Your lordship to 'step down' from hearing this case."

"It is abundantly clear that the grounds put forward by the applicant to recuse Your Lordship are not only inconsistent but frivolous. This application indeed is actuated by mala fide to delay the trial ."

DPP Hanafiah said there is nothing to substantiate the allegation the judge would not decide the case based on evidence.

"On the contrary, your Lordship in the latest ruling had ordered the whole set of proforma form referred by Dr Siew Sheue Feng to be supplied to the defence," he said.

"Furthermore, there is no allegation of any pecuniary or proprietary interest against Your Lordship to justify any recusal."

In applying that Karpal's application be dismissed, DPP Hanafiah said the allegation of intimidation was clearly misconceived and unwarranted.

"There was not an iota of evidence which could be said to have give rise to any real danger of bias in this case."

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