

Sodomy trial: Anwar gets document, fails to cite doc for contempt
Malaysianmirror.com
24 November 2010

KUALA LUMPUR - The defence team in Anwar Ibrahim's sodomy trial on Wednesday failed in their bid to cite Hospital Kuala Lumpur (HKL) forensic pathologist Dr Siew Sheue Feng for contempt of court.

High Court Judge Datuk Mohamad Zabidin Mohd Diah, in rejecting Anwar's lead counsel Karpal Singh's application, said that Dr Siew's action to refer to HKL protocol form (pro forma), which he filled in, on Mohd Saiful Bukhari Azlan's medical history during the court break had not calculated to interfere with the course of justice.

Justice Mohamad Zabidin said that the provision under Section 159 of Evidence Act, in the course of cross-examination, a witness could refer to the notes to refresh his memory while the court break for recess.

On Tuesday, Karpal made the application for contempt after Dr Siew, under cross-examination by Karpal, said in his evidence that he had looked at Mohd Saiful pro forma.

This led Karpal to apply for contempt of court against Dr Siew, as before this he (Dr Siew) stood to his principle not to refer to the pro forma, eventhough Karpal had several times asked him to refer to the form.

However, Justice Mohamad Zabidin in today's ruling allowed the defence application to be supplied with the pro forma, and ordered the pro forma to be made available to the defence because Dr Siew had referred to it during the court break Tuesday.

Pro forma is a standard format document on handling victims of sexual abuse which has to be filled in by the doctors before an examination on the patient.

On Anwar's application to recuse the judge from continuing to preside his sodomy trial, the court set tomorrow to hear the matter as the notice of motion for the recusal application was only filed this afternoon.

Karpal said the defence would give the reasons in detail on Thursday when the matter came up for hearing.

Anwar, 63, is charged with sodomising Mohd Saiful, 25, his former personal aide, at Unit 11-5-1 of Desa Damansara Condominium in Jalan Setiakasih, Bukit Damansara, between 3.01pm and 4.30pm on June 26, 2008.

Anwar sought to recuse the judge on the ground that the judge had interpreted differently with 1993 Supreme Court ruling relating to the provision of Section 45 of the Evidence Act in his ruling on Monday.

Anwar in his affidavit to support his recusal application said that the judge had intimidated his counsel yesterday and therefore he had serious concern that he would not get a fair trial if the judge were to continue to preside the trial.

He said eventhough the judge had withdrawn the intimidation, Anwar said there was a real

danger of bias if the judge was to still hear his case.

Anwar claimed that the judge had told his counsel that his application to disqualify him could amount to contempt of court, to which his counsel said that the judge had intimidated the counsel. - Bernama

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