

**Court Rejects Anwar's Third Bid To Recuse Judge**  
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KUALA LUMPUR -- Anwar Ibrahim today failed in his third attempt to have High Court Judge Mohd Zabidin Mohd Diah to recuse himself from hearing his ongoing sodomy trial.

Initially, today the court is scheduled to hear the defence case and Anwar would be the first defence witness expected to be called. However, the court had to hear Anwar's application first before it would proceed with the defence's case.

Mohd Zabidin in dismissing Anwar's application found that there was no merit in the application.

He also allowed Anwar's application through his counsel Karpal Singh to stay the trial pending the appeal over today's ruling and set July 13 for mention.

Karpal said he would file a notice of appeal this afternoon.

Solicitor-General II Mohamed Yusof Zainal Abiden earlier objected to the stay application, saying that the Court of Appeal had made a ruling that the decision made in the course of trial was not appealable.

This was Anwar's third application to recuse Judge Mohd Zabidin after the previous two during the prosecution's case were dismissed by the judge.

Anwar, 63, pleaded not guilty in the Sessions Court on Aug 7, 2008, to committing carnal intercourse against the order of nature at Kondominium Desa Damansara in Bukit Damansara between 3.10pm and 4.30pm on June 26, the same year.

The charge comes under section 377B of the Penal Code which carries a sentence of up to 20 years' jail and whipping.

Earlier, Karpal in his submission to persuade the judge to allow the application, submitted that there was clear evidence of prejudgment and bias by him (the judge) when he ruled complainant Mohd Saiful Bukhari Azlan to be a truthful witness at the end of the prosecution's case.

Karpal said the court had misdirected itself on the standard of proof on the prosecution in relation to the application of the maximum evaluation test to the evidence by Mohd Saiful, and therefore, the judge being guilty of prejudgment and bias.

Mohamed Yusof replied that Anwar made the application to delay the trial.

"He must seize the opportunity. This is your chance to give your version to the public, this is your chance to give your defence under oath, after all," said Mohamed Yusof to which Anwar who was in the dock interjected "when...when".

Mohamed Yusof also said this was Anwar's third application and it might enter into the Malaysia Book Of Records as he had not known of any other case where the defence had consistently applied to recuse the judge.

He said that there was nothing wrong in the judge ruling that Mohd Saiful was a truthful witness as his evidence was corroborated by other expert witnesses.

Mohamed Yusof submitted that the defence only relied on one paragraph out of 180 paragraphs in the judgment, to say that the judgment was prejudgment and if the paragraph had been read wrongly, it might give the interpretation that the judge had made his decision.

Karpal countered that the defence had not been delaying the trial, saying that only five witnesses had been interviewed by the defence and they were not material witnesses.

"Anwar is not afraid to go into the box (to take the stand) but what he is concerned is whether he is getting a fair trial," said Karpal.

He said the prosecution had yet to produce Prime Minister Najib Tun Razak and his wife Rosmah Mansor as witnesses for the defence to interview them.

(Bernama)

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