

Anwar Fails In Final Bid To Disqualify Muhammad Shafee As Lead Prosecutor

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PUTRAJAYA, Feb 11 (Bernama) -- Datuk Seri Anwar Ibrahim on Tuesday once again failed in his final appeal to disqualify Tan Sri Muhammad Shafee Abdullah from leading the prosecution team in the prosecution's appeal against his acquittal on a sodomy charge.

A five-member Federal Court panel chaired by Chief Judge of Malaya Tan Sri Zulkefli Ahmad Makinudin unanimously dismissed Anwar's second application to disqualify Muhammad Shafee.

With this ruling, Muhammad Shafee will be the lead prosecutor in the prosecution's appeal against Anwar's acquittal, which is scheduled for hearing in the Court of Appeal tomorrow.

Anwar's first application was dismissed by the Court of Appeal on Sept 17 last year, following which he appealed to the Federal Court, but was also dismissed.

Justice Zulkefli in his ruling said the court could not accept the contents in the statutory declaration (SD) made by former Kuala Lumpur CID chief Datuk Mat Zain Ibrahim against Muhammad Shafee as the statement was made out of court.

On Jan 9, 2012, the High Court in Kuala Lumpur acquitted and discharged Anwar on a charge of sodomising his former aide Mohd Saiful Bukhari Azlan, 26, at a Desa Damansara condominium unit in Bukit Damansara between 3.10 pm and 4.30 pm on June 26, 2008.

Muhammad Shafee, a senior lawyer, was appointed by the Attorney-General by fiat (authorization) under Section 376 (3) of the Criminal Procedure Code (CPC) and Article 145 (3) of the Federal Constitution to conduct the appeal at the Court of Appeal.

Earlier, counsel Tommy Thomas, representing Anwar, among others had submitted that Muhammad Shafee as a lawyer had a duty to decline his appointment as lead prosecutor in the appeal as it would be breach of the Legal Profession (Practice and Etiquette) Rules 1978.

Muhammad Shafee countered that the defence should have written a complaint by way of a letter to the Attorney-General to reconsider his decision in appointing him as lead prosecutor in the team.

Later, after the decision, Anwar told the media that he was disappointed with the court ruling but he had to deal with it.

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