

**Anwar's application to recall former cop thrown out
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The Court of Appeal today dismissed an application by Datuk Seri Anwar Ibrahim (pic) to recall the investigating officer in his sodomy case.

Judge Datuk Aziah Ali, who chaired a three-man bench, said Anwar has failed to satisfy the requirements under the law to recall witnesses.

Aziah said the prosecution's case would have remained intact even if former police officer Superintendent Jude Blacious Pereira's testimony was excluded.

She said the trial judge had accepted the evidence of the complainant (Mohd Saiful Bukhari Azlan), medical doctors and two chemists.

"So by recalling the investigating officer, it will not have any effect on the prosecution's case," she said.

Lawyer Karpal Singh then asked the court to adjourn the sodomy appeal as Anwar wanted to take this matter to the Federal Court.

"The decision of this court is only a legal opinion and it must be taken to the Federal Court for a final and conclusive decision," he said.

The veteran lawyer said every opportunity must be given to Anwar to exhaust his legal avenues.

"The investigating officer is a material witness because the integrity of samples taken, including those from Anwar for DNA purpose, is being questioned," he said.

However, deputy public prosecutor Tan Sri Muhammad Shafee Abdullah objected on grounds that Anwar could include the refusal of the Court of Appeal to allow his application to recall Pereira to the Federal Court later.

He said the appeal (of Sodomy II) had been delayed for a long time.

Aziah then allowed the application to stay proceedings but urged Karpal to file the notice of appeal in the Federal Court tomorrow. She then fixed case management for the sodomy appeal on February 28.

Anwar last week applied to recall the retired police investigating officer to the witness stand.

Pereira had failed in his attempt last month to be admitted as a lawyer after the Bar Council filed a preliminary objection in the High Court in Kuala Lumpur.

The Bar Council argued that the Human Rights Commission (Suhakam) had found the former police officer to be not a credible witness in its hearing into the arrest of five lawyers in 2009 at the Brickfields police station.

The Suhakam inquiry which found Pereira to be an untruthful witness was chaired by Shafee, who was then a commissioner.

Earlier in the day, Karpal, during submission, took a swipe at Shafee for appearing as deputy public prosecutor in the sodomy case and said the Umno lawyer's role was clearly a conflict of interest.

"His continued presence is in violation of the Legal Profession (Practice and Etiquette) Rules 1978," said the veteran lawyer.

He said Shafee was also not a fit and proper person as he was fined RM5,000 by the Advocates and Solicitors Disciplinary Board for professional misconduct as a result of breaching the publicity rules.

Karpal said the High Court last month had dismissed Shafee's appeal to overturn the board's ruling.

Shafee then rose to object to Karpal's line of submission and said the senior lawyer was again attacking his qualification.

"They must file a fresh application if they want to disqualify me. They are resorting to back door

entry," said Shafee.

Karpal shot back and said: "As an elder counsel, I am advising Shafee to decline as a DPP," he said, urging the court to allow Anwar's application.

Yesterday the Federal Court dismissed Anwar's second application to disqualify Shafee based on a statutory declaration by former Kuala Lumpur CID chief Datuk Mat Zain Ibrahim. – February 12, 2014.

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