

Anwar makes third try to disqualify Shafee, citing conflict of interest and unsuitability
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Opposition leader Datuk Seri Anwar Ibrahim (pic) has not given up hope of disqualifying Umno lawyer Tan Sri Muhammad Shafee Abdullah from leading the prosecution team in Putrajaya's appeal against his acquittal on a charge of sodomy.

He has filed a third application to knock out Shafee on grounds that the senior lawyer was not a fit and proper person to accept the appointment as he was found guilty of violating the Legal Profession Publicity Rules 2001.

The appointment is further tainted as Shafee would be in conflict of interest as he was chairman of a three-man Suhakam inquiry panel which found the investigating officer in the sodomy case, Jude Blacious Pereira, to be an untruthful witness.

The latest application was filed on Tuesday at the Court of Appeal registry and Anwar affirmed an affidavit in support of the application.

Lawyer Karpal Singh told The Malaysian Insider the application was filed out of necessity due to events that came to public knowledge only last month.

On January 10, he said the High Court had dismissed Shafee's appeal against the Advocates and Solicitors Disciplinary Board which had fined him RM5,000 for breaching the publicity rule under the Legal Profession Act 1976.

Judge Datuk Zaleha Yusof had ruled it was unnecessary to "disturb" the findings of the board which found Shafee guilty of professional misconduct.

On September 27, 2009, The Star newspaper had featured an article about Shafee which was said to be "laudatory" of the Umno lawyer.

In 2010, then Bar Council chairman Ragunath Kesavan reported the matter to the board following the publication of the article.

Shafee was hauled up before the board and was fined RM5,000 on October 5, 2012, for misconduct.

The lawyer has since filed an appeal against the High Court ruling in the Court of Appeal.

Attorney General Tan Sri Abdul Gani Patail appointed Shafee as ad hoc deputy public prosecutor last July.

Anwar said since Shafee was found guilty of misconduct, he was not a fit and proper person to be made a DPP as his salary was paid by taxpayers.

"The AG, who is also the public prosecutor, and the government must ensure only those with clean slate are appointed to instil public confidence," Anwar said.

The de facto Parti Keadilan Rakyat leader said Shafee had also breached the Legal Profession (Practice and Etiquette) Rules 1978 under the LPA for conflict of interest.

On January 15, Pereira failed in his attempt to be admitted as a lawyer after the Bar Council filed an objection in the High Court.

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.

A three-man Suhakam inquiry panel led by Shafee found Pereira to be an untruthful witness.

The Kuala Lumpur High Court has allowed the Bar Council's objection against admitting Pereira as an advocate and solicitor in the High Court of Malaya as he was not a fit and proper person.

Anwar said as DPP, Shafee would have to support the evidence of Pereira given in the sodomy trial when he (Shafee) had also found the investigating officer was not truthful during the Suhakam inquiry.

On January 9, 2012, Anwar, 66, was acquitted by the High Court on a charge of sodomising his former aide Mohd Saiful Bukhari Azlan at a condominium unit in Bukit Damansara in 2008.

The Court of Appeal is scheduled to fix the appeal date to hear the government's appeal on Friday (February 28).

Anwar had first challenged the legality of Shafee's appointment under the Criminal Procedure Code but this was dismissed by the Federal Court on November 20.

His second application to disqualify Shafee, based on a statutory declaration (SD) by former Kuala Lumpur Criminal Investigation Department chief Datuk Mat Zain Ibrahim, was also dismissed by the Federal Court of February 11

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