



• Alleged offences include sodomy and perjury • All three claim trial Azmin, Sukma and Mior charged

By Carolyn Hong,
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KUALA LUMPUR, Fri. — Three men who are key figures in Datuk Seri Anwar Ibrahim's court cases were today charged with a total of five offences including perjury and sodomy.

They are his former private secretary Mohamed Azmin Ali, his adopted brother Sukma Darmawan Sasmitaat Madja and fashion designer Mior Abdul Razak Yahya.

All three claimed trial in the Sessions Court and were released on bail.

Azmin, a defence witness in Anwar's recently concluded corrupt practice trial, was charged with falsely testifying that he told a magistrate the police had forced him to make a confession implicating Anwar.

Azmin allegedly gave this evidence on March 9.

The charge under section 193 of the Penal Code carries a maximum sentence of seven years' jail and a fine. Hearing is fixed for June 28 to July 2, and the prosecution indicated it had 10 witnesses.

Sukma faces three charges. He was charged with sodomising, and abetting Anwar in sodomising, Azizan Abu Bakar at Tivoli Villa in May 1992.

Both charges carry a maximum sentence of 20 years' jail and whipping, and were transferred to the High Court on the prosecution's application.

Azizan was a prosecution witness in Anwar's trial and had testified about being sodomised in turn by Anwar and Sukma on one occasion. Azizan had worked as a driver for Anwar's wife as well as Azmin's wife.

The third charge against Sukma was for falsely stating in his affidavit last year that police had forced him to confess to sodomy with Anwar.

The maximum sentence is seven years' jail and a fine. Hearing was fixed for July 5 to 10, and 12 to 16, and the prosecution said it

Mior was charged with falsely stating in a statutory declaration that he had never been sodomised by Anwar, with the intention of the document being used in one of Anwar's cases.

If found guilty, he faces up to seven years in jail and a fine. Hearing was fixed for Aug 23 to 27, Sept 1 to 3 and 6 to 10. The prosecution indicated it had 10 witnesses.

Sukma, Mior and Azizan have each been named in three sodomy charges which were preferred against Anwar last year. The cases will come up for mention next Tuesday.

Sukma was also convicted in September after he pleaded guilty to committing sodomy with Anwar. He has since applied for a revision of his case and affirmed the affidavit to support his application. The revision is pending.

Azmin, Sukma and Mior were charged in separate courts today. The proceedings were brief except for a hitch in Mior's case when the charge had to be read three times before he claimed trial.

It began when Mior said he did not understand the charge. "I don't understand. Where did I give the false evidence?" he said.

His lawyer Jerald Allen Gomez then asked the prosecution to make clear under which limb of section 193 the charge was framed.

He also pointed out a difference between the charge and the sanction to prosecute signed by senior deputy public prosecutor Azahar Mohamed. After argument, the judge allowed the sanction to be amended.

The charge was read again to Mior who asked for clarification on the court case referred to in the charge. After some confusion, the prosecution said it was Anwar's charge for sodomising Mior.

The charge was read for the third time, and Mior claimed trial.

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Mior appointed our **Jerald Gomez** to be his lawyer. He was the only accused who was successful in getting a discharge amongst all the persons involved in the "Datuk Seri Anwar Ibrahim" trials.

NEW STRAITSTIMES

4TH JULY 2000 TUESDAY

Court discharges fashion designer

KUALA LUMPUR, Mon. — The Sessions Court today discharged fashion designer Mior Abdul Razak Yahya charged with fabricating evidence for use in a trial because his case has been pending for a long time.

Judge Akhtar Tahir granted the discharge not amounting to an acquittal after Senior Deputy Public Prosecutor Datuk Mohd Zaki Md Yassin applied for the hearing to be postponed to another date.

(The case had already been postponed three times.)

Akhtar said he was of the opinion that the court could not force the prosecution to continue with a case if it was not ready.

"However, as this case has been postponed for a long time, I order for the accused to be discharged not amounting to acquittal," he said.

The case had been fixed for hearing from today until July 14.

Mior was charged with fabricating evidence in a statutory declaration for use in the High Court trial of Datuk Seri Anwar Ibrahim for allegedly sodomising him.

The alleged false statement in the statutory declaration was: "Saya tidak pernah diliwat oleh DSAI sama sekali". (I had never been sodomised by DSAI).

Mior is accused of committing the offence at the Commissioner for Oaths' office, Suite 1.00, Level 6, Wisma Yakin, Jalan Masjid India here on Feb 8 last year.

Mohd Zaki, in applying for the postponement, cited as the reason the fact that the sodomy trial of Anwar and Sukma Darmawan Sasmitaat Madja at the High Court had not been concluded.

He said this was the same reason used when applying for postpone-

ments earlier before Sessions judges Datuk Ahmadi Asnawi and Mohd Zaki Abdul Wahab.

Mohd Zaki said although the defence in that case had closed its case, counsel had yet to submit their written submissions.

To Akhtar's question on when that case would be over, Mohd Zaki said the prosecution received a letter from the defence today saying that they (the defence) would not be sending a written submission and that they (the defence) might re-open the case.

Mior's counsel **Jerald Gomez**, in objecting to the prosecution's application for another postponement, said the case had been put on hold for a long time as his client was charged on April 23 last year.

Gomez said the prosecution's reason for a postponement was also defective.

He said the reason might be applicable if the High Court trial was still in the hearing stage where witnesses in Mior's case might be needed at the other hearing.

"This reason should not be accepted when the case is already at the submission stage," he said.

Gomez added that the court should also consider the wellbeing of his client who had suffered a loss in his business and embarrassment after being charged.

He also said that the prosecution had yet to furnish him with some documents which he had asked for.

In reply, Mohd Zaki said the arrangements made before Ahmadi and Mohd Zaki (Abdul Wahab) was that this case would commence after Anwar's case had been concluded.

"It is too bad that this case is not over so we have no choice but to ask for a postponement," he said.