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Azizan: My wife died in crash and was not murdered

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KUALA LUMPUR, Tues. - Azizan Abu Bakar today told the court that his wife had died in an "ordinary road accident", and not murdered as insinuated in the book 50 Dalil Kenapa Anwar Ibrahim tidak boleh jadi PM (50 Reasons why Anwar Ibrahim cannot become PM).

Azizan said his wife was then seven months' pregnant and his unborn child also died in the accident on Jan 21 this year, the second day of Hari Raya.

He said this when questioned by Anwar's lawyer Gurbachan Singh who wanted this evidence to show there was a conspiracy to topple Datuk Seri Anwar Ibrahim. According to Gurbachan, the book had insinuated that Anwar had a hand in the death of Azizan's wife.

Azizan had alleged that Anwar sodomised him, a claim which the defence also said was part of the conspiracy.

Hearing began at 9.15am with Azizan taking the stand. Senior deputy public prosecutor Datuk Abdul Gani Patail apologised for the absence of senior DPP Mohd Yusof Zainal Abiden while Gurbachan apologised for the absence of counsel Christopher Fernando.

Judge: Where is Zainur? (Zainur Zakaria, Anwar's lawyer whom judge Datuk S. Augustine Paul had found guilty of contempt of court. The Court of Appeal stayed the jail sentence pending an appeal.)

Raja Aziz: I was not sure that in view of the finding, it would be proper for him to be here. I asked him not to come.

Judge: It's perfectly in order. Why is he hanging around here (indicating the public gallery where Zainur was sitting yesterday) and all over? That's our judicial system. I accept the decision of the higher court with a free mind. Once corrected, I accept it as such. You can invite him to be here if he is still part of the defence team.

Gurbachan: He is.

Judge: The order I made was with some pain. I would be glad to see him here.

Gurbachan: (To Azizan) Did you meet the Prime Minister alone? (Azizan had testified that he met the Prime Minister on Aug 24, 1998).

Azizan: Yes, after I was brought there by the Special Branch director Datuk (Syed) Yusof (Abdul Rahman).

Azizan said Syed Yusof had told him that the Prime Minister wanted to meet him. They met at the Prime Minister's residence between 9.10pm and 10.10pm on Aug 24. Azizan said he was alone with the Prime Minister at their meeting.

He said Syed Yusof brought him to the house from Bukit Aman but he went home by himself. This was his only meeting with the Prime Minister. Ummi Hafilda Ali was not present and Azizan said he did not tell Ummi about the meeting.

(Ummi, the sister of Anwar's former private secretary Mohamed Azmin Ali, had sent to the Prime Minister Azizan's sworn statement alleging that Anwar had sodomised him.)

Gurbachan: Did the PM offer you any protection?

Azizan: The PM did say that if my safety was threatened, I should contact the nearest police station.

Gurbachan: You agree that after meeting the PM, you did not lodge a police report about your safety being threatened?

Azizan: No, but my house and office were always under police

surveillance.

Gurbachan: After meeting the PM?

Azizan: Yes.

Gurbachan: Was that all the PM advised you about?

Azizan: He also said he would tell the police to investigate the case in further depth and advised me to be careful.

Gurbachan: Be careful about making allegations against Anwar?

Azizan: No, he advised me to be more careful about my safety.

He said that was all the advice the Prime Minister gave him, adding that he did not tell the Prime Minister about the statutory declaration he had signed.

(Azizan had testified that the declaration dated Aug 10, 1998, which retracted the sodomy allegations was prepared by a lawyer, Sukhdev Singh, and he signed it because he was frightened.)

Azizan said he told the Prime Minister about his own sworn statement alleging that Anwar had sodomised him several times in 1992, while Azizan was employed as the driver of Anwar's wife.

Gurbachan: You only told him (PM) about your sworn statement?

Azizan: I confessed to the PM that my sworn statement is true.

Azizan said he did not tell the Prime Minister about any other document and also said the Prime Minister did not write down anything.

He said on that day, he was called by Special Branch officer ACP Mazlan Mohd Din and he went to Bukit Aman at 8.30pm. He said before he was taken to the Prime Minister's house, he met Syed Yusof and Mazlan.

Gurbachan: What were you told?

Azizan: That the PM wanted to meet me.

Gurbachan: Were you told why the PM wanted to meet you?

Azizan: ACP Mazlan said the PM wanted to know the true story.

Gurbachan: Did you bring any documents with you to Bukit Aman?

Azizan: No.

Gurbachan: Did you bring any documents to the PM's house?

Azizan: No.

Gurbachan: When you met the PM, did you have any documents?

Azizan: No.

Abdul Gani: My Lord, he already said ...

Judge: Maybe they (documents) fell from heaven. Ask him if anyone gave him any documents to bring there.

Azizan: (answering) No.

He also said the Prime Minister did not have any documents with him.

On his first meeting with Sukhdev at the end of June 1998, Azizan said he did not give the lawyer any instruction as he had not appointed him.

Gurbachan: You went there (Sukhdev's office) and kept quiet?

Azizan: It was Rahim King (Abdul Rahim Dahalan who brought him there) who talked a lot. I spoke only occasionally.

Azizan said Sukhdev asked if he (Azizan) had read the book 50 Dalil. He said he had not.

Gurbachan: What else did you say occasionally?

Azizan: I told him that I was involved in a road accident on the second day of the Hari Raya this year, in which my pregnant wife and unborn child died.

He said he gave his identity card which bore his old address in Selayang to Sukhdev. Gurbachan asked Azizan to produce the IC and asked for it to be marked as a defence exhibit.

Judge: How can you take away his IC?

Gurbachan: We can make a photocopy.

Judge: Just check his address from it.

Gurbachan: We want to mark it as a defence exhibit.

Judge: Photostat it or how is he going to move around town? If I mark it, it will be stuck here for years.

Gurbachan: Can we seek Your Lordship's assistance to get it photostated?

Judge: You want me to go and photostat it? You have so many deputies, ask one of them.

(Anwar's lawyer Kamar Ainiah Kamaruzaman went out.)

Gurbachan continues cross-examination. Azizan said when he met Sukhdev, he did not know the writer or publisher of the 50 Dalil book, and was not involved in the writing, printing, distribution or sale of the book.

Gurbachan: When did the police contact you?

Azizan: In July (1998), the Criminal Investigation Department contacted me to record a statement from me.

Gurbachan: Did the police show you the 50 Dalil book?

Azizan: No.

Gurbachan: They only asked you questions about the book?

Azizan: Yes, and about the road accident, the sworn statement I signed and the threats made by the SB before this.

Gurbachan: You agree that the police only asked questions about the book as far as it relates to you?

Azizan: Yes.

Gurbachan: My Lord, have the records to show this as it is of some importance.

Judge: How do you know I haven't recorded? I am faster than you.

Gurbachan: (To Azizan) Did the police refer you to parts of the book?

Azizan: They only told me. They didn't show me the book.

Gurbachan: You agree that the accident in which your wife died, was just an accident?

Azizan: Yes, it was just an accident.

Gurbachan: You do not suspect that anyone murdered your wife?

Azizan: Yes, she was not murdered, she died in the accident.

Gurbachan: You agree that in the 50 Dalil book, there is a part ...

Judge: What is the relevance?

Gurbachan: In the book, it is insinuated that Anwar was involved in the murder of his wife. It's part of the conspiracy and a fabrication. I assure you that I will not ask any irrelevant question.

Judge: That's what you say.

Gurbachan: You agree that a part of the book insinuates that Anwar was involved in the murder of your wife?

Senior DPP Azahar Mohamed: He said he had not read the book.

Judge: He already said his wife died in the accident, isn't that an answer?

Gurbachan: No. It's relevant for our defence of fabrication.

Abdul Gani: Is this part of the conspiracy? He said he was not involved in writing the book.

Judge: I am unable to see how this is relevant. Explain it to me.

Gurbachan: In the absence of the witness. He understands English and we can't reveal our defence.

Judge: I am not having this hide-and-seek.

Gurbachan: It's not hide-and-seek. Let him leave and we will explain.

Judge: I can't accept such conditions.

Gurbachan: We are not obliged to reveal all of our defence.

Judge: Ask him first if he had read the book.

Azizan: (answers) No, I have neither read nor seen the book.

He said he did not suggest to anyone that Anwar was involved in the accident, and that it was an "ordinary road accident". He said the police did not ask him if it was caused by Anwar's wrongdoing and said he told them that the report could be obtained from the Rawang police station.

A copy of the report was produced and Azizan confirmed he made it and that it was true. However, the prosecution objected as it was not certified. Gurbachan said he didn't have time to get it done but would do so.

Azizan was then referred to the 50 Dalil book and asked to read out two paragraphs. The first paragraph referred to an outline of points where Anwar and the police had co-operated to deceive Datuk Seri Dr Mahathir Mohamad, Umno and all Malaysians.

The second paragraph referred to Azizan's road crash on Jan 21. It said Azizan was driving with his wife who was six months' pregnant and two children, and his car was knocked by an unknown car. It also said Azizan's wife and unborn child died, while Azizan and his two children were saved by Allah.

The paragraph continued that it was strange that two weeks before, Ummi's house was splashed with blood which a test later showed to be from a dog. She had lodged a police report.

Judge: What has he to do with the book?

Gurbachan: I can't understand why Your Lordship cannot see the connection. The book says murder and here, he says it was an accident.

Judge: It (the insinuation) was made by the writer. Is he the writer?

Gurbachan: The accident involved him and his wife. He has not stated that the book insinuated murder.

Judge: That's for you to submit.

Gurbachan: If you are prepared to accept the insinuation ...

Abdul Gani: Where does the para say it's murder? Call the writer and ask him what he means.

Judge: I disallow the line of questioning. Submit later or call the writer and ask him what he means by it.

Abdul Gani: We have even charged the writer (Khalid Jafri) with false publication. Ask him to explain.

Court interpreter: My Lord, the witness is trying to draw attention to something which is not right.

Azizan: My wife was seven months' pregnant and suffered severe injuries. My eldest child's teeth were broken and the others had light injuries. The book says six months' (pregnant) and two children.

Judge: The book is wrong?

Azizan: Yes.

The court took a short break. Anwar left the dock and greeted people in the public gallery.

When hearing resumed, Gurbachan asked Azizan if he and Ummi went to the Prime Minister's office after court adjourned yesterday. Azizan said no,

Coming back to the meeting with Sukhdev, Azizan said at the first meeting, he told the lawyer that he did not know the writer or publisher of the 50 Dalil book and that he was not involved with it.

Azizan said he also told Sukhdev that he would be called to Bukit Aman soon to give evidence. He said he met Sukhdev for the second time in the morning before he went to Bukit Aman. Ma'amin Latib was with him. (Azizan yesterday described Ma'amin and Rahim King as "Anwar's people").

Gurbachan: You spoke to Sukhdev at the second meeting?

Azizan: After Rahim King called me and Ma'amin, because at that time, Ma'amin was always following me around, we went to his house in Kampung Nakhoda in Batu Caves.

Gurbachan: That's not my question. You met Sukhdev the second time?

Azizan: Yes, with Ma'amin.

He said he told Sukhdev that he was asked to go to Bukit Aman, and both he and Ma'amin wanted to go along although they were not invited.

Gurbachan: The third time you met Sukhdev was after you went to Bukit

Aman?

Azizan: Yes, after I was told by Rahim King that I was required to make a SD as requested by his boss, Anwar.

Gurbachan: This is hearsay.

Azahar: It is not, it shows that the conversation happened.

Judge: It is admitted to show that it was made.

Azizan agreed that he did not know personally if Anwar asked Rahim King to do anything, but that was what the latter said, that he was to make a police report and the statutory declaration.

Azizan said he did not lodge a police report because Rahim King told him that before he did that, he had to meet Sukhdev. He said he went with Ma'amin to see Sukhdev for the third time in the last week of July this year.

He said he met Sukhdev alone on Aug 10, 1998, after the lawyer and Ma'amin told him that he had to sign the statutory declaration which had been drafted.

Gurbachan: Were any changes made to the SD?

Azizan: At first, I did not want to sign it because there were sentences about my signing of my earlier sworn statement. Sukhdev made changes and I still did not want to sign it because I had been called to Bukit Aman to give evidence. Sukhdev told me that the SD was only in relation to the 50 Dalil book. At that time, because of constantly being contacted by Ma'amin and Rahim King, I was frightened and my work was disturbed.

Gurbachan: My question was: Were there any changes?

Azizan: Yes.

He said a change was made to paragraph five, and he read the rest before he signed it. He did not ask for further changes. However, he asked the lawyer to explain it to him and he was told that it was in relation to the 50 Dalil book.

He said he understood Bahasa Malaysia. He was taken by Sukhdev to a Commissioner of Oaths in Jalan Masjid India, before whom he signed the statutory declaration because he was afraid and forced to. He did not tell the commissioner that he was forced or that the declaration was not true, because Sukhdev was present.

He said the commissioner did not ask him if the contents were true. The commissioner, Ngui Kwee Heong, was brought in and identified.

Azizan also said he did not lodge any police report against Ngui because the latter did not do anything wrong.

Gurbachan: My Lord, we have an application to make because of the evidence on Rahim King, Ma'amin and Sukhdev. We propose to institute impeachment proceedings. We seek a chance to interview Rahim King and Ma'amin. We can't continue cross-examining until we interview them.

Abdul Gani: He can't do this at this stage.

Gurbachan: We are entitled, we only have to give notice to the prosecution.

Judge: Apply to impeach or whatever and we will decide. How can they give you the witnesses for this purpose? They will make it all available when they offer the witnesses to you, or else for now, you have to survive on your own. Unless you can show me some law ...

Court adjourned for lunch. When hearing resumed, Azizan said he was uncertain if he had gone to Sukhdev's office five times but said he did not go there after Aug 10 this year.

Azizan said ACP Mazlan questioned him and took his statement after he lodged a report on Sept 16 this year.

Gurbachan: Did Mazlan show you your SD?

Azizan: No.

Gurbachan: Can you say what is in the SD that is not correct?

Azahar objected, saying that the witness should be shown the statutory declaration before he could answer. Gurbachan said he could ask the question since Azizan admitted that he had made the declaration.

Paul asked Azizan if he could remember the contents of the declaration and the witness said he could not.

Gurbachan: Since you read it on Aug 10, can you say which part of it was not correct?

Azizan: From what I can remember, what was not correct was a sentence denying that I had signed a sworn statement dated Aug 5, 1997.

Gurbachan: Is that all?

Azizan said that was all he could remember.

He also denied telling anyone that the signature on the sworn statement was not his.

Gurbachan: I put it to you that you did deny that the signature on P14C (Azizan's sworn statement) was yours.

Azizan: It's not true!

Asked if the statement was the only document he made or signed and there was no other document, Azizan said the question was too long. Counsel repeated the question and Azizan said P14C was the only document he had signed.

To a question, he disagreed that he was not afraid anymore after meeting the Prime Minister.

Azizan: I was afraid that the accused might know about my meeting with the Prime Minister.

Gurbachan: Do you agree that you never lodged any police report on your fear of the accused?

Azizan: Yes. Because the accused was still in power then.

He said he knew that Anwar was sacked on Sept 2. When Gurbachan asked why he only lodged a report on Sept 16, Mohd Yusof objected, contending that the witness had answered the question.

When counsel said he had not asked the question before, Azahar said Azizan had given his answer when he was asked why he lodged a report 36 days after he signed the statutory declaration.

Paul said counsel should ask the witness why he did not report immediately after Anwar was dismissed.

Azizan: "After thinking that the accused ... I only lodged the report on Sept 16 because I thought the accused was not in power anymore, and since I was forced to sign the SD (the contents of) which were not true and against my will."

Gurbachan: Are you saying that the whole of the SD was not true?

Mohd Yusof objected and after much argument between him and Gurbachan, Paul allowed the question and told counsel to repeat it.

Azizan said the part on his particulars and that he was not involved in the publication and distribution of the 50 Dalil book were true.

Judge: Why can't this thing (the SD) be produced?

Gurbachan: We can't now since we have to prove its voluntariness.

Paul ruled that voluntariness was not necessary since Azizan was the writer of the statutory declaration and not the accused.

Mohd Yusof objected and Paul told him to object later. Gurbachan then showed Azizan a copy of it and he (Azizan) agreed that the signature on the document was his.

Counsel sought to tender the document as a defence exhibit and when Paul asked what happened to the original document, counsel said the defence did not have it and was still searching for it.

Gurbachan sought to tender the SD for identification. Mohd Yusof objected, contending that if the defence wished to tender "secondary evidence", they had to comply with procedure.

After some argument, Paul allowed the SD to be marked as IDD54.

Gurbachan referred to six paragraphs of the SD and Azizan said all were correct except for paragraph five. (The SD was not read in court).

Gurbachan: I put it to you that paragraph five was correct, that is why you signed it.

Abdul Gani objected, saying that the paragraph referred to the 50 Dalil book which Azizan had not read. Paul allowed the question and when counsel repeated it, Azizan denied he signed the SD because paragraph five was correct.

On paragraph six, Azizan said he did go to Bukit Aman to make a statement after being called by the police. He agreed that the paragraph was correct and the contents were true.

Asked why he did not tell Sukhdev to amend paragraph five since it was not correct, Azizan said he brought it up with the lawyer but was told to let the sentence remain as it was.

Gurbachan: You agreed?

Azizan: Yes, after I became frightened since my mind was disturbed - the fear was deep in my heart.

Azizan insisted that paragraph five was not true and he went on at length to explain why he signed the document. To a question, he disagreed that he paid RM10 for the SD. It was paid for by Sukhdev, he added.

He disagreed with Gurbachan that no one had forced him to sign the SD, contending that Ma'amin was always pushing him.

Gurbachan: I put it to you that the contents of the SD were prepared by Sukhdev after getting your instructions.

Azizan: Disagree.

Both Abdul Gani and Mohd Yusof objected and argued, but Gurbachan went on with his questions and Azizan kept on disagreeing with the counsel, saying that he was forced to sign the SD by Rahim King and Ma'amin.

The court took a five-minute break and when hearing resumed, Paul asked about the impeachment and Gurbachan said the defence was putting it on hold for the moment.

Continuing cross-examination, Gurbachan asked if Ma'amin stayed in Sungai Udang in Malacca to which the witness answered in the affirmative.

Azizan said he also stayed in Malacca since November 1997 and agreed that Ma'amin was an ex-commando.

He disagreed with Gurbachan that Ma'amin did not speak with Sukdhev or went into the lawyer's office when they (Azizan and Ma'amin) went there.

To a question, Azizan agreed with Ma'amin that he stayed in the latter's house.

Azizan: After he invited me, saying that I had to be with him all the time for my safety, as directed by Rahim King.

Gurbachan: So Ma'amin was protecting you?

Azizan: I don't think so.

To a question, Azizan said he could not remember the time that he stayed with Ma'amin, but it was for about a week and he had to commute to his place of work in Alor Gajah.

Asked if he had invited Ma'amin to his father's house in Jinjang, Azizan said Ma'amin had wanted to follow him there.

To another question, Azizan said he did not know where Ma'amin worked and he had travelled with Ma'amin to Kuala Lumpur several times in his (Azizan's) company car.

Asked if he had telephoned Ma'amin at home, Azizan said he had not.

Questioned by Gurbachan, Azizan said he did not ask Ma'amin to follow him to Sukdhev's office the day he went to Bukit Aman, but Ma'amin wanted to go with him.

Azizan said he and Ma'amin slept in his father's home in Jinjang the day

before they went to Bukit Aman.

Gurbachan: Is it true that on the way back to Malacca, you told Ma'amin that you were slandered?

Azizan: Yes, slander here meant.....

Gurbachan: Never mind what you meant.

When Azizan tried to explain what he meant by slander in this context, Gurbachan stopped him, saying that it was not necessary for him to explain.

Gurbachan: Ma'amin asked you by whom and you said the book.

Abdul Gani objected and argued on the issue.

When Paul told Azizan to answer, he said he could not remember.

Gurbachan: Did you tell him that it was the book 50 Dalil?

Azizan: I only told him that I was slandered in respect of the publication and distribution of the book.

Asked why he said that the book had slandered him, Azizan said it was his assumption.

Gurbachan: What specifically is your assumption?

Azizan: Because I was said to be involved in the writing and publication of the book.

To a question, Azizan said he knew that Khalid Jafri was the author of the book after reading about it in the newspaper.

Azizan said he told Ma'amin about his assumption.

Before the court adjourned, to a question by Paul, Gurbachan said he would complete his cross-examination of Azizan by tomorrow.

Hearing continues.