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Defence given copy of Said's report to Prime Minister

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KUALA LUMPUR, Fri. - The prosecution in the Datuk Seri Anwar Ibrahim trial today gave the defence a copy of a report to Prime Minister Datuk Seri Dr Mahathir Mohamad made by the outgoing director of Special Branch, Datuk Mohd Said Awang.

The report, dated Aug 20, 1997, became an issue yesterday when Mohd Said was cross-examined by defence counsel Christopher Fernando who contended that the names of several personalities were mentioned in the report.

Fernando had applied for the report and judge Augustine S. Paul ruled that a formal application be made to enable the defence to look at the document first to ascertain if they still wished to tender it.

Senior Deputy Public Prosecutor Datuk Abdul Gani Patail told the court that he would try to locate the document.

Today's proceedings started at 9.05am. Anwar arrived two minutes earlier and, as usual, kissed his wife and daughters before taking his seat in the dock. Mohd Said, who is giving evidence on the fourth day, took the stand.

Paul began by asking about the report and Gani told him that there was still no news about it then.

The judge then told the defence not to make the application for the report yet, pending further information.

Continuing the cross-examination of Mohd Said, defence counsel Gurbachan Singh asked when Domestic Trade and Consumer Affairs Minister Datuk Megat Junid Megat Ayob gave Ummi Hafilda Ali's letter and Azizan Abu Bakar's sworn statement to the IGP.

Mohd Said: If I am not mistaken, I was told that it was on Aug 8, 1997.

Abdul Gani objected, saying that it was hearsay since the witness had no knowledge.

Judge: It is only to establish that it was handed over (to the IGP) and not to (establish) the truth of it.

To another question by counsel, Mohd Said said the IGP then gave the letter and sworn statement to the Special Branch on Aug 11, 1998.

Gurbachan: Who gave it to the Prime Minister?

Mohd Said: I do not know.

He said he briefed Anwar about the letter when he met him on Aug 12, 1997 and, to another question, Mohd Said said he was not sure if investigations into the matter started on Aug 11, 1997.

Mohd Said agreed that he updated Anwar on the letter and he later could have said that he was surprised as the allegations were false.

When asked if the Prime Minister got the letter through Megat Junid, Mohd Said said he did not know.

At this juncture, Paul asked if the Press could hear well from the gallery as there was a Press report stating that he talked about a fishing trip.

(Newspapers reported today that Paul had said he did not want the defence to go on a fishing expedition, when Fernando asked for a copy of Mohd Said's report to the Prime Minister.)

Judge: Please report accurately and if you cannot hear us please say so.

To this, a foreign journalist said he could hear the judge well, but not Gurbachan.

In jest, Paul said the counsel was too tall and the microphone was too far away from him. A technician, who was on standby in court, then adjusted the equipment to suit Gurbachan's height.

Gurbachan then showed a Press report saying that Paul had ticked him off when in fact there was no such incident.

Paul said "ticking-off" was quite regular in court and this was followed by laughter. When Gurbachan said he wanted the matter to be corrected, the judge said there was no ticking off so far.

Judge: I am happy with the conduct of the proceedings, the prosecution is happy and so is the defence.

He then asked counsel to continue.

Gurbachan then told Mohd Said that he had said the letter was not widely circulated when in fact it was.

Mohd Said: It is not a poison-pen letter, it was signed and I do not know if it was widely circulated.

Asked if he knew that some people were involved in circulating the letter, Mohd Said said there could have been.

Mohd Said: I do not remember if there was any circulation, but there could have been.

On the letter entitled, Talqin Terbuka Untuk Anwar Ibrahim (Last Rites For Anwar Ibrahim), Mohd Said agreed it was an anonymous letter as it was unsigned.

Gurbachan: Is it not correct to say that none of the organisations were the author of the letter.

(Talqin Terbuka Untuk Anwar Ibrahim carried the names of six organisations, including Angkatan Belia Islam Malaysia (ABIM))

Mohd Said: I only said that we believe the organisations did not write the letter.

When asked if the police had tried to find out if the organisations were involved, Mohd Said said they could have.

Gurbachan asked Mohd Said to explain the meaning of Talqin.

Mohd Said: I think it is an eulogy ... a sermon given by a religious person at the burial site for a dead man while burying him.

He agreed with counsel that it was an evil, vicious and malicious thing to do to a living person.

To another question, Mohd Said said Anwar told him that Ummi Hafilda was the sister of his private secretary, Mohd Azmin Ali.

Mohd Said agreed that one of the things he gave to Anwar during his meetings with the former Deputy Prime Minister was the information that Megat Junid got the letter from his wife, Ziela Jalil.

When counsel said Ziela was Megat Junid's second wife, Paul interjected, asking what difference did it make whether it was the first or second.

Gurbachan: It has, My Lord.

Mohd Said: Yes, I referred to his second wife.

To a question, Mohd Said said the word gempar (which was mentioned in an earlier hearing) was a northern colloquial term and it was also in the dictionary, but he did not know that it was used for children.

At this juncture, Paul told counsel that he would refer to Anwar as the accused instead of Datuk Seri Anwar Ibrahim.

Judge: It is not meant to be disrespectful, you can refer to him as Datuk Seri, but I will record it as the accused.

To another question, Mohd Said disagreed that gempar means a slight caution.

Gurbachan: The word has a similar meaning with acah (teasing).

Judge: It sounds like Punjabi ... acha.

This was followed by laughter.

Mohd Said: The word means to surprise and put a little fear.

Gurbachan said the letter was then compiled in a book entitled, 50 Dalil Kenapa Anwar Ibrahim Tidak Bolih Jadi Perdana Menteri (50 Reasons Why Anwar Ibrahim Cannot Be A Prime Minister).

Mohd Said: I am aware that the letter found its way into the book and I am also aware that Khalid (Jafri), the author, was charged with printing false news.

To another question, Mohd Said said he did know that police did a DNA test on Azmin and his wife, Shamsidar Taharin, since it was a Criminal Investigation Department investigation.

When asked by counsel if it was true that Azizan was prepared to meet Anwar, Mohd Said said: "After the `turning over' and following Anwar's request, Azizan was taken to the accused's house."

Gurbachan: I am instructed that actually the Special Branch told the accused that Azizan wished and requested to meet him. By Special Branch, I did not mean you.

Mohd Said: I do not know that.

The witness agreed with counsel that Azizan, Ummi Hafilda and Dr Ristina Majid (in whose house the two were arrested on Aug 17, 1997) were not related.

To a question, Mohd Said said he did not lodge any report on the letter and agreed with counsel that a report should be lodged if he knew of any crime being committed.

Mohd Said, who is on leave prior to retirement on Nov 17, said he started his leave on Sept 22 and a statement was recorded from him some time in September or October.

To another question, Mohd Said said the letters of apology from Ummi Hafilda and Azizan were not fabricated by the police.

It was handwritten by them after the "turning over" operations, he said.

When counsel suggested that Azizan bowed when he met Anwar because he was apologetic, Mohd Said said the gesture could mean a lot of things.

Gani objected to this, saying it was an opinion.

Gurbachan: So was the evidence led by the prosecution, saying that he (Azizan) bent down in a respectful manner.

Judge: You can submit on that later.

Asked by counsel, Mohd Said said Ummi Hafilda and Azizan were not under arrest when they wrote the apologies.

Gurbachan: I am instructed that the accused did not tell you to post the their revised letters of apologies to his (Anwar's) office.

Mohd Said: The instruction to me was that they (the letters) be posted to the Deputy Prime Minister's office.

To a question, Mohd Said agreed that the apologies had no initial on the rubber-stamp marks.

When shown a New Straits Times report dated Sept 3, 1997, stating that police investigations showed that the allegations against Anwar were false, Mohd Said agreed that the report appeared after he briefed the IGP.

Mohd Said also agreed that the contents of the report were similar to a report attributed to the Prime Minister who said that the allegations were false.

To another question, Mohd Said named two persons, Taib Salamon and B.K. Tan, as "imposters" who were subsequently arrested.

Gurbachan: Arrested by the Special Branch? Then there should be a report number ... Can you give us the number?

Mohd Said said he would try to give counsel the number later.

On whether his report to the Prime Minister was made after the two were arrested, Mohd Said said he could not remember, "but probably before the arrest".

At this juncture, Abdul Gani said he was told Mohd Said's report to the Prime Minister, which the defence had sought earlier, was available and "in the interest of justice the prosecution has no objection to give it to the defence" and passed it to Gurbachan.

Paul told him to read it and expressed his appreciation to the prosecution for releasing the report to the defence.

When shown the report, dated Aug 20, 1997, Mohd Said agreed that it was his report and signed by him.

Gurbachan said he would let Anwar's other counsel Christopher Fernando deal with the matter.

Hearing was adjourned for a short break.

After the break, Fernando, who yesterday had questioned Mohd Said on the report, continued where he left off and asked the report to be marked as a defence exhibit.

Counsel asked Mohd Said to read paragraph four of the report, which was in Bahasa Malaysia and asked him what he meant.

Judge: I think it's all there.

Fernando asked Mohd Said to give a summary of the paragraph.

Mohd Said: Through our sources, the allegations do not contain any proof and the sequence of events appear to be something deliberately created.

"Apart from that there are indications that there exists a certain group that may have its own agenda and is playing a role behind the scene to urge Ummi Hafilda and Azizan to smear Datuk Seri Anwar Ibrahim.

"One of them (in the group) is Muhamad Taib (Salamon) who claims to be a Special Branch officer to the Prime Minister.

"Muhamad Taib Salamon was an ex-police inspector who was sacked from the force.

"Based on the inquiry, at this juncture, my office does not propose to scrutinise this case further."

To a question, Mohd Said said the title of his report was Tohmahan Terhadap Y.A.B. Datuk Seri Anwar Ibrahim (Allegations regarding Datuk Seri Anwar Ibrahim).

Fernando: Yesterday, you said there could have been one or two reports to the Prime Minister and I asked you about the certain personalities - Datuk Megat Junid and his wife, Tan Sri Rahim Tamby Chik, Datuk Aziz Shamsuddin and Tun Daim Zainuddin - which you admitted.

Mohd Said: I said I may have mentioned their names.

Abdul Gani: Don't put words in the witness' mouth!

Fernando: When I asked you in what context these names were mentioned, you said you cannot remember the names of imposters you said you may have mentioned, but B.K. Tan's name is not in your report.

Mohd Said: But he was arrested.

Fernando said there was another report made by Mohd Said and a copy given to Anwar.

Mohd Said: I do not think there is such a report, but I do not deny.

Fernando: I put it to you there is another report dated Sept 3, 1997, in which you mentioned all those personalities.

Mohd Said: I do not think there is any such report. reports to the Prime Minister every day, do you?

Mohd Said: Yes, I do not, but I give him reports regularly.

To a question, Mohd Said said as far as this case was concerned he was certain that probably he gave only one report to the Prime Minister and there was no report in which he mentioned the names of the personalities.

Mohd Said: Now, that I have the report, I am saying that I do not think there is another report.

Fernando asked Mohd Said if he could go back to his office and look for the second report.

Mohd Said: I have no office now.

Abdul Gani said Mohd Said was no longer with the Special Branch and he had no authority to take any document out, but perhaps the new director of the unit could look for the report "instead of (the counsel) harrassing

this witness".

Fernando said he would put the matter on hold pending the search.

He then referred to the paragraph read out by Mohd Said and asked more questions.

When Fernando said he would stop cross-examining the witness pending the second report, Gurbachan took over.

Gurbachan: About the imposters, did you find out that Muhamad Taib was used by Aziz Shamsuddin (who is the Prime Minister's political secretary)?

Mohd Said: I don't remember.

He said Muhamad Taib and B.K. Tan were remanded, but he could not remember for how long, "because it was CID's investigation".

Abdul Gani: He is with the Special Branch ... get the answer from the CID.

To a question by Gurbachan, Mohd Said said he did not know if his deputy, Datuk Amir Junus, had ever met Anwar without his presence.

Asked about the letters of apology from Ummi Hafilda and Azizan, Mohd Said said he did not brief the IGP about it, "maybe I could have said that we had it".

To another question, Mohd Said said he would have investigated the allegations against Anwar even without the accused's directive since the IGP had told him to do so.

Mohd Said: "If there is no direction or interference from the accused, I would have carried out the investigation."

Mohd Said agreed that Anwar had told him to the effect that he did not want to lodge a police report and have the matter brought to court as he did not want any adverse publicity which could affect his political career.

To a question, Mohd Said said he could not remember if there was a letter of apology from Aziz (Shamsuddin).

At this juncture, Abdul Gani interjected saying that leading questions could not be raised in cross-examination if the matter was not established.

To counsel's suggestion, Mohd Said disagreed that Anwar did not instruct him to arrest Ummi Hafilda and Azizan.

Mohd Said: In the early stage he asked us to look for them.

Judge: That's different from arrest.

Mohd Said: Earlier, he told us to look for them ... later, there were more instructions.

Gurbachan: The accused had no power to instruct you to arrest anybody.

Mohd Said: He was the DPM.

Paul: So?

Gurbachan: So the DPM can order you to arrest anyone?

Mohd Said said in this case, if he had to follow Anwar's instruction, he had to arrest the two.

Gurbachan: Do you agree that the accused as the DPM had no power to order you to arrest anyone?

Mohd Said: I do not know.

To another question, Mohd Said said it was a matter of interpreting Anwar's request which, to him, was a direction since it came from a Deputy Prime Minister.

After hearing was adjourned, Anwar told the Press that the reports in the local newspapers were biased.

Hearing continues on Monday.