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`IGP ordered probe into Umami Hafilda's allegations'

Ruslaini Abbas; Carolyn Hong

KUALA LUMPUR, Wed. - The Inspector-General of Police had ordered that Umami Hafilda Ali's allegations against Datuk Seri Anwar Ibrahim be investigated, the court was told today.

ACP Mazlan Mohd Din from the Special Branch said the IGP had told him to continue to investigate the letter after the IGP was briefed on the letter written by Umami Hafilda to the Prime Minister and Operation Solid Grip.

Umami Hafilda's letter is entitled Perihal Salahlaku Timbalan Perdana Menteri (The Matter of the Deputy Prime Minister's Misconduct) and Operation Solid Grip is a 1992 investigation into Anwar's alleged sexual misbehaviour.

Mazlan testified in the afternoon of today's hearing. Senior deputy public prosecutor Datuk Abdul Gani Patail began the day by raising an objection to Anwar's comments as reported in The Star newspaper today.

Abdul Gani: I wish to draw Your Lordship's attention to The Star newspaper dated Nov 11, 1998, that is today. I refer to page four, the article with the headline "Anwar gets message across despite clamp".

The report said while munching his food, Anwar said: `No eating in court, according to Justice Paul' and smiled at some policemen who appeared to be chewing gum.

The report also said Anwar talked about his trial and that of his former tennis partner Datuk S. Nallakaruppan.

It said Anwar picked up a headline in a newspaper which read "Said: I won't lie" and said in jest "He has given six versions already. I'm counting."

(Said refers to the first witness, outgoing Special Branch director Datuk Mohd Said Awang).

My Lord, if these matters really happened, the implications are very serious.

Judge: Does Raja Aziz (Addruse, Anwar's leading counsel) wish to say anything?

Raja Aziz: I have received instructions from my client that there has apparently been a misunderstanding with regard to what he said.

(On the quotes about eating), my instructions were that he never said "according to Justice Paul". He only said "No eating in court".

If taken in this light, there is nothing wrong with the statement.

Judge: I don't think I mentioned anything about eating. If you ask me, when the court is in recess, he can eat but subject to the prison rules.

Raja Aziz: He is not in prison here (when in court).

Judge: Sungai Buloh rules. If it says you can't eat, then you can't eat. I don't know what it says.

But otherwise, he can eat. His wife may have brought some special food for him, and I remember during the bail application hearing that he must have regular food. So long as it doesn't litter the court.

Raja Aziz: (on the Mohd Said's six versions) He said he mentioned this to his family. The report said he meant to be heard by the Press.

He assured me that this was not his intention. He was just speaking to his family.

Judge: We will end the matter here. Please advise your client to avoid making statements relating to the case.

It's better to avoid it. Everything which is said might be picked up by the Press.

Sometimes, the reports make it sound more glamorous or sensational than the event.

The whole idea of the order not to make statements is to ensure that the case is decided according to evidence adduced in court. I suggest it be stopped in the interest of justice.

Raja Aziz: I have conveyed this to him.

Judge: Apart from this, everyone happy? All happy and have no complaints, happy with the conduct of the case so far?

Raja Aziz: Yes.

He then picked up cross-examination of Special Branch officer DSP Abdul Aziz Hussin, from where it left off yesterday.

He asked Abdul Aziz whether Umami Hafilda's retraction letter was drafted, written and signed by her. Abdul Aziz said she did so after he gave her guidelines.

Sulaiman Abdullah then took over cross-examination.

He asked Abdul Aziz if his work as an interrogator required him to know the target's background and he replied yes.

Abdul Aziz said it was not necessary to observe the person first and it was sufficient for him to receive a briefing from the investigating officer.

He also said it was not part of his job to arrest people and in his 20-year career as an interrogator, he had never taken part in arrests.

Sulaiman: But in the case of Umami Hafilda and Azizian (Abu Bakar, Anwar's former driver who made allegations in a sworn statement), you were at the place where they were arrested?

Abdul Aziz: Yes. This case was very odd and was conducted outside the norms of our usual work. I acted on specific instructions of ACP Mazlan (Mohd Din).

Abdul Aziz said he was told on Aug 15, 1997 that he would have to interrogate a woman and that was why he picked a woman constable to be on his team.

He said on Aug 17, 1997, he received instructions at 5.30pm to follow Mazlan in a car to a house.

They arrived at a bungalow in Bangsar at 5.50pm and the arresting officers arrived about 6pm.

He said at that time, he was not told anything about the case or the target, or whether the suspects were armed.

He said he entered the house compound after the arresting team had gone in to get the suspects.

(The court heard yesterday that Umami Hafilda and Azizian were arrested in a house belonging to Dr Ristina Majid.)

Abdul Aziz said it was quite late by then and many people had arrived at the house.

He was then referred to a police report on the arrests of Umami Hafilda and Azizian which said they were picked up at 11.25pm.

Abdul Aziz: Based on this report, the arrest was at 11.25pm and I do not propose to dispute it. However ...

Sulaiman: That's enough. Let the prosecution re-examine you. Now, I want you to confirm that the arrest took five hours and 25 minutes.

Abdul Aziz: If calculated from the time we arrived there to the time they were arrested, this is correct.

He said there were no problems with the use of firearms and said he was aware that under the Criminal Procedure Code, the police can use force to break into buildings where suspects are hiding.

Sulaiman ended his cross-examination and Abdul Gani did not re-examine.

The next witness was called: Rohani Ismail, the clerk and recorder in the Special Branch office who typed Umami Hafilda's second retraction

letter.

She said about 5.30pm on Aug 29, 1997, she was told by Abdul Aziz to type a draft of a letter.

She finished typing it before 6pm and gave the copy to Abdul Aziz.

She confirmed that the letter she typed was ID22 (the retraction letter written by Ummi Hafilda after she was interrogated for the second time).

She also confirmed that she typed Hafilda as HAFILZA, but said it was not she who corrected the Z to D.

Under cross-examination, she said it was normally she or Mohd Said's personal assistant Omar Othman who typed confidential letters for him, but could not remember if anyone else had been asked to do the same job.

She also said she could not remember if the retraction letter was the only document she typed pertaining to this case but said she had no way of checking now because she was no longer working in the Special Branch.

Rohani said Mohd Said had his own computer but she had never seen him typing his own reports. There was no re-examination.

Abdul Gani then asked for a short adjournment which the judge granted.

Rohani: May I go?

Judge: (Indicating the witness stand) You can sit there. (Smiling) No, no, you can go home or back to your office.

During the 20-minute break, Anwar was seen eating biscuits and when spotted by reporters, he laughed and put a finger to his lips.

Court resumed at 11.20am with a fourth witness Datuk Alias Ali, 50.

He is the deputy secretary-general of the Cabinet, in the Prime Minister's Department.

Among his duties are to assist the Chief Secretary to the Government in organising the weekly Cabinet meetings, and to process and keep records of appointments to administrative posts.

He was then referred the appointment letters of Anwar as Deputy Prime Minister, signed by Prime Minister Datuk Seri Dr Mahathir Mohamad on Dec 1, 1993, and as Finance Minister signed by the Yang di-Pertuan Agong.

He was also referred two Government gazettes - PU(A) 203 and 118 - which carried lists of Federal Ministers including Anwar.

He said Anwar held his posts until Sept 2, 1998.

Under cross-examination by Fernando, Alias said Anwar's duties as Deputy Prime Minister were to assist the Prime Minister.

Alias traced Anwar's career profile from Deputy Minister in the Prime Minister's Department to Deputy Prime Minister.

He said the first appointment might have been in 1982 and agreed that in the time span of 10 to 11 years, Anwar had become Deputy Prime Minister.

Fernando: Do you agree that this was a meteoric rise, climb up the political ladder?

Alias: This could be one opinion.

Fernando: How long have you known Anwar?

Alias: Since 1990 when I became the deputy secretary-general of Cabinet.

Fernando: Would you say he was a capable and responsible leader?

Judge: What's the relevance?

Fernando: I am adducing evidence of good character through this witness.

Alias: From my observations, the statement that Anwar was a capable and responsible leader can be accepted.

Abdul Gani: I would like to give notice that as evidence of character has been brought up (by defence), I may bring up evidence of bad character.

(Under the Evidence Act, the bad character of an accused person cannot be brought up unless the defence adduces evidence of his good character either in their own case or in cross-examination of prosecution witnesses).

Fernando: We don't mind if you want to adduce evidence of bad character, if you have proof. We are willing to face that.

Judge: Proceed, proceed.

Fernando: (To witness) Anwar was a friendly, affable, jovial and caring person, from what you know?

Alias: Yes.

Fernando: From your association with him, was he also a humble person?

Alias: I don't understand the meaning of "humble".

Fernando: A person who merendahkan diri?

Alias: It is difficult to say.

Fernando: From what you know, don't be shy.

Alias: It's difficult to say because my relationship with him was restricted to official business and the business of the Cabinet.

Fernando: Did the dismissal of Anwar receive the consent of the Yang di-Pertuan Agong?

Judge: What's the relevance? I am trying to be liberal but you have to limit it. What is relevant for the purpose of the charge is that at the time of the offence, he was holding the post.

Fernando: He was also relieved of his posts. That's very important. We want to know whether his dismissal was consented to by the King.

Judge: I don't think it is relevant.

Fernando: In fact, it was the prosecution who opened the doors.

Judge: But admissibility is the discretion of the court. Tell me the relevance of this to the charge.

Fernando: It is relevant because it's part of the defence case that there was a conspiracy. Against this background, this question is relevant.

Judge: Conspiracy of what, to bring about the charges?

Fernando: To bring about the charges and to remove him from the positions he held.

Abdul Gani: I won't delve into the conspiracy and what nots. That's the allegation of the defence.

We asked questions on his appointment solely to establish that at the time of the offence, he was the Deputy Prime Minister.

I object strenuously. It's going out of the charges and politicising the matter. It's wrong for the court to consider the matter.

Fernando: Allow me to submit a little further. I'm stating here that it's the prosecution which adduced evidence of his dismissal. this matter.

And further, the defence of the accused is that there was a political conspiracy. In the interests of justice ...

Judge: Conspiracy to do what?

Fernando: We are saying that there are trumped-up charges to remove him and to destroy him politically.

Judge: What are you saying? It sounds more of a political speech. It should be addressed to a different forum.

Fernando: It is not a political speech. It's the defence.

We will not be deprived of any facility that will enable us to establish these matters I stated earlier.

Abdul Gani: My questions did not delve into the dismissal.

Judge: Cross-examination can go out of (the scope) of your questions.

Abdul Gani: But the issue here is about counsel making political speeches.

It should be made in Parliament. Counsel should not abuse his position in court.

Fernando: I am surprised that he says we are abusing the forum.

Judge: I am unable to see the relevance of what you have raised. If you

manage to lead evidence to show that the charges were politically motivated and instituted on bad faith, I still have to go on the evidence adduced in court.

My job is to see if there is sufficient evidence to support the charges. Your issue should be raised at a different place, not here.

Fernando: We are saying that there is a conspiracy and in pursuant to it, the charges were brought.

We will endeavour to show that the witnesses, or at least the crucial witnesses will be giving perjured evidence.

The witnesses for the prosecution, they will be lying in court.

If Your Lordship does not allow the question, we will be deprived of a fair opportunity to get at the truth of the matter.

We urge Your Lordship to allow. It is an innocuous question, I am surprised there's so much objection to it.

Judge: You must understand that this is a court of law. You are not sitting at some public forum.

If you are going to establish witnesses' perjury, as far as I remember, no such question was directed at the first witness (Mohd Said) who is a major witness as he was the one who followed the directives of the accused.

Fernando: The questions will be directed at the relevant witnesses as the case unfolds.

Judge: I honestly do not think there is any bearing between your line of questioning and the charges.

Fernando: Fair enough. Can my objection be recorded?

Judge: (Lifting up his notes) Do you want to see this book? I have recorded three times and each time, you speak again and I allowed it.

Fernando: I thought maybe you had not recorded.

He then asked Alias if he brought along Anwar's record of service. Alias had not and was asked if he could produce them.

He said he could if told what was wanted. Fernando wanted everything pertaining to Anwar's service.

Judge (to Fernando): You should be cautious of section 54 (of Evidence Act which allows bad character evidence to be adduced if defence brings in evidence of good character).

This may not be a safe course to follow but if you have instructions ...

Fernando: We realise this.

Alias said he can only bring the records tomorrow morning and his cross-examination was put on hold.

When hearing resumed at 2.30pm, Alias produced the records and Fernando said he would not ask any questions on the records after reading them, but he wanted to ask two questions on positions held by other ministers.

Paul hoped they would be short questions and there was laughter in court.

Fernando asked who the Home Minister was in 1997. Alias said he had to refer to certain documents and after looking at the records, he said he did not have the document with him.

Judge: What document? Who held the position ... to your knowledge.

Alias: To my knowledge, it was Datuk Seri Dr Mahathir Mohamad.

Paul (to Fernando): "Second question?"

(laughter in court)

Fernando: Who was the Minister of Domestic Trade then?

Alias: If I am not mistaken, Datuk Seri Megat Junid Megat Ayob was the Minister of Domestic Trade and Consumer Affairs.

Fernando said he had no more questions and Abdul Gani said he did not wish to re-examine Alias who was released subject to recall.

Following Abdul Gani's application, Abdul Aziz was also released subject

to recall.

The fifth prosecution witness was ASP Abdul Aziz Ahmad who was with the Special Branch.

He said about 6.15pm on Aug 29, 1997, he met deputy Special Branch director Datuk Amir Junus who gave him a sealed envelope which had a stamp on it.

(Amir was called in for identification.)

Abdul Aziz: Datuk Amir told to me cancel the stamp and I rushed to the General Post Office at Daya Bumi where a staff cancelled it and returned the envelope to me.

He returned to Amir's office between 6.30pm and 6.45pm and gave him the envelope.

Abdul Aziz said he saw that the envelope was addressed to Datuk Seri Anwar Ibrahim at the Prime Minister's Department in Jalan Dato Onn.

Abdul Gani said he had no further questions and Fernando did not want to cross-examine. Abdul Aziz was released.

The next witness was a junior general assistant in the Prime Minister's Department, Suhaime Yunus who said his duties included receiving in-coming mail.

Suhaime said he would open the letters, mark them with a serial number and record them in a mail register.

When shown some marks on ID20, 21 and 22, and asked if they were similar to the ones he used to make, Suhaime answered in the affirmative.

(ID20, 21 and 22 are Azizan's retraction letter, a cover letter for Umami Hafilda's letter of apology and Umami Hafilda's apology respectively.)

Questioned by Abdul Gani, Suhaime said the documents shown to him did not bear any serial numbers.

Abdul Gani showed Suhaime a certified copy of the register and the DPP told the court that he would produce the original register if the defence objected to the copy.

Paul said the prosecution had to comply with the law and asked what was the question.

Abdul Gani: Is this a certified copy of the register?

Suhaime: Yes.

Abdul Gani: Look at the writing (in respect of an entry) on Aug 30, 1997. Is that your writing?

Suhaime: Yes.

Abdul Gani: Look at ID20, 21 and 22, was the receipt of the letters recorded in the register?

Suhaime: No.

To a question, Suhaime said he did not read the letters.

The seventh prosecution witness was ACP Mazlan Mohd Din who was the Special Branch assistant commissioner of operations in August last year.

His examination-in-chief was done by Senior DPP Azahar Mohamad.

Mazlan said in the morning of Aug 9, 1997, Amir telephoned him and asked if he knew anything about the letter Perihal Salahlaku Timbalan Perdana Menteri.

Mazlan: Apart from that, Datuk Amir also asked me if I had any information on Datuk Seri Anwar Ibrahim's alleged sex scandal.

Azahar: What was your answer?

Mazlan: I told him that I had no such information then, but I would check with my sources.

Mazlan said he checked with his sources and about 2pm that day, he told Amir he had some information on Perihal Salahlaku Timbalan Perdana Menteri.

Azahar: What was the information?

Judge: Where did you get the information?

Gurbachan Singh (Anwar's counsel): Objection.

Judge: I objected before you.

(laughter in court.)

Azahar: What else did you tell him?

Mazlan: I also told him about Operation Solid Grip.

Judge: I think we should not go into that.

Azahar: I am not going into detail, My Lord. (turning to Mazlan) what was Amir's order after you gave him the information?

Mazlan: Amir told me to be at the Subang (Sultan Abdul Aziz Shah) Airport the following day to brief Mohd Said, who was returning from abroad.

Mazlan said he and Amir went to the airport about 10pm on Aug 10, 1997 where they met Mohd Said and briefed him on the letter.

He also briefed Mohd Said on Operation Solid Grip and the latter told him to prepare detailed information for a briefing the next day, and later to also brief the Inspector-General of Police.

Mazlan said he gave detailed information to Mohd Said on Aug 11, 1997.

Azahar: Why did you brief Mohd Said on Ops Solid Grip ... what is the connection?

Fernando: Objection.

Judge: That is a valid objection ... what is the connection? Such activities are not the subject matter of the charges and it is highly prejudicial.

Azahar: It is relevant as to why he raised the issue with his superior.

Paul said Mohd Said was not in the Special Branch when the operation was conducted in 1992.

Azahar said he would abandon the question to which Paul said he would record the question if the prosecution wanted it.

Azahar said it was not necessary for the court to record the question.

Questioned by Azahar, Mazlan said he was directed to brief the IGP on the matter and, later, he went to see the IGP with Amir.

Mazlan: I briefed the IGP on the letter Perihal Salahlaku Timbalan Perdana Menteri and Ops Solid Grip which were connected.

Judge: (looking at Fernando) No need to object, he is just mentioning it.

Mazlan: After briefing the IGP, he told us to continue to investigate the letter and asked about the extent of its circulation. He also gave a copy of the letter to Amir for our action.

Azahar: Did you see the letter?

Mazlan: Yes, I saw it personally ... it was given to Datuk Amir by the IGP.

He said on Aug 12, 1997, he went to see the IGP with Mohd Said and Amir and the IGP told them to report the extent of the circulation of Perihal Salahlaku Timbalan Perdana Menteri.

Mazlan: I told him that it was not widely circulated and I also said that the writer of the letter, Ummi Hafilda, was in the process of extending a copy of it to the Prime Minister.

Azahar: Did the IGP order anything else?

Mazlan: The IGP directed me to monitor the situation and report to him.

At this juncture, Paul asked if proceedings could stop since he was feeling "very, very warm". There was laughter in court.

Hearing was adjourned at 3.50pm.