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Anwar clashes with prosecution, judge

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KUALA LUMPUR, Thurs. - Datuk Seri Anwar Ibrahim today clashed with the prosecution and the judge as he tried persistently to testify about a political conspiracy against him.

Trying to show that the police and authorities had become hostile towards him because of his rift with the Prime Minister, Anwar said his misunderstandings with Datuk Seri Dr Mahathir Mohamad started over disagreements on project bail-outs.

When judge Datuk S. Augustine Paul said this was irrelevant, Anwar insisted that it was as "because of this, he (Dr Mahathir) was very angry with me".

Anwar claimed that the police conspiracy was the result of this rift as Dr Mahathir was also then the Home Minister who had jurisdiction over the police.

Anwar said before he was sacked on Sept 2, last year, he told Dr Mahathir that he had been very loyal to him.

"I said to him, if he continued these threats and fabrication, I have no option but to fight."

Anwar said the police had tried to vilify him last year by alleging that he had received RM60 million, accusing him of treason and being a foreign agent.

"These were found in the affidavits of (SAC I) Musa Hassan and the A-G!," he said, referring to affidavits filed in the trial of his former tennis partner Datuk S. Nallakaruppan.

"They were just the instruments of a political power which is totally corrupted," said Anwar, prompting prosecutor Azahar Mohamed to protest.

After the judge told Anwar to confine himself to relevant issues, counsel Raja Aziz Addruse reminded his client not to go too deeply into the matter.

Testifying under examination-in-chief, Anwar was elaborating on his letters to the Prime Minister dated Aug 25 and Aug 28, last year.

Anwar said he had to tell the Prime Minister about these things because of the involvement of the instruments of Government.

"I had to ask the PM whether he gave specific instructions to the police to frame and fabricate charges against me, because throughout the one year of the investigation by the Special Branch and the CID, they did not find anything incriminating against me," he said.

Anwar was referring to investigations in 1997, which he is charged with using his government position to stop. The investigations were into sex allegations against him by Ummi Hafilda Ali and Azizan Abu Bakar.

Anwar also said there was an attempt to poison his relationship with Attorney-General Tan Sri Mohtar Abdullah, by the suggestion that the Anti-Corruption Agency was investigating Mohtar who had purportedly gone on holiday in Italy with a "business tycoon".

Mohtar is now leading the prosecution team.

As Anwar gave this evidence, the judge kept stopping him to say that it was irrelevant and at one point, prosecutor Datuk Abdul Gani Patail protested that Anwar was making a speech.

"The poor accused should not be allowed to go in all directions, counsel should direct him," he said, to which Anwar replied that he was "poor indeed".

Abdul Gani later began cross-examining Anwar, often demanding a "yes or

no" answer which Anwar refused to give, saying he had to give the context.

This prompted Abdul Gani to ask the judge several times to record that Anwar was being "evasive".

At one point, Mohtar also joined in to say that Anwar was "going around the world" in his answers. Raising his voice, Anwar told the Attorney-General not to advise him how to answer questions.

The judge stopped the battle. He advised Anwar to give simple answers and avoid comments which might not be helpful to him.

Today's hearing began at 9.05am with Raja Aziz applying to ask Anwar some questions despite having completed the examination-in-chief yesterday.

Counsel wanted to ask him about his letters to the PM, sent following his meeting with Dr Mahathir. Questioned by counsel, Anwar said he had extensive discussions with the PM on issues unrelated to the economic crisis.

Anwar: I virtually had no choice because of the involvement of the instruments of Government which had complicated the case and what I've said in paragraph two ...

Before he could proceed, the judge asked him if the matter was in the letter and when he said yes, the judge told him not to mention it.

Anwar: But, My Lord, you have ruled that I should confine myself to the police conspiracy and I am now confining myself to that!

Asked by Raja Aziz why he brought the matter to the PM, Anwar said it was to inform him that police investigation was suspect and malicious towards him.

Anwar said there were contradictions between what the Inspector-General of Police had told him and the conduct of the investigations.

Anwar: I had to ask the PM whether he gave specific instructions to the police to frame and fabricate charges against me because throughout the one year of the investigation by the Special Branch and the CID they did not find anything incriminating against me.

Anwar said he, however, assured the PM that he would co-operate since at the time, he did not question the integrity of the IGP and A-G.

The judge asked Anwar again if these matters were in the letters, and when he answered "yes", Paul told Raja Aziz to submit on the matter later.

Anwar told the judge that he had to explain certain things for the court to know what had transpired.

He said after a week of investigating, the police did not confine itself to the issue of defamation, but there was an attempt to smear his character.

Anwar: I then became a suspect of the police, or the IGP or the A-G or the PM.

Going on to the next paragraph of his letter, Anwar said he told the PM that they were no longer concerned with the allegations made by Ummi and Azizan, the anonymous letter Talqin Terbuka Untuk Anwar Ibrahim and the book 50 Dalil Mengapa Anwar Ibrahim Tidak Boleh Jadi PM.

Asked by the judge who "they" referred to, Anwar said the police, A-G, IGP and PM.

Anwar: They have extended the web of deceit and were investigating into a new and uncharted area.

Anwar went on to another paragraph of the letter when he mentioned the case of Nallakaruppan. The judge told him that he had mentioned it yesterday.

Anwar: Yes. But to my mind, what is very serious is an attempt to force Datuk Nalla to work with the police against me.

"My Lord, the matter was not only confined to sexual allegations, but also allegations that I have received RM60 million, treason, working as a

foreign agent and these were found in the affidavit of Musa Hassan and the A-G!

Anwar said it was an attempt to vilify him and the police were unethical and had acted unprofessionally and "they were just the instrument of a political power which is totally corrupted".

Azahar objected, contending that it was just an opinion. Anwar said he had affidavits, the PM's Press reports and statutory declarations to substantiate his claim.

Raja Aziz urged the court to allow Anwar to continue his evidence on the letter, although it might hold it inadmissible later. The judge told Anwar to confine himself to relevant issues and he said these things happened to him.

Raja Aziz told Anwar not to go too deep into the contents of the letters and when Anwar wanted to say more about the Dalil book, Abdul Gani objected.

Anwar said the book made references to him and before he could elaborate, the judge said it was irrelevant and not everything in the letters was admissible.

Raja Aziz said the letters were written following his conversation with the PM. The judge, however, ruled that it was irrelevant.

Anwar said the issues related to the police conspiracy, and pointed out a paragraph of the letter which stated that the Dalil book had mentioned that he was involved in a murder.

Judge: If the book accused him (Anwar) of anything, what has it to do with the case? The Dalil book has nothing to do with the police conspiracy!

Raja Aziz said the book was the basis of the police investigation. The judge ruled that it was irrelevant.

Anwar said he was not going on to the book anymore, but the affidavits of Musa and the A-G also concerned the same things.

At this juncture, Abdul Gani said documentary evidence spoke for itself and there was no need for Anwar to go into it unless an explanation was sought. Abdul Gani also said he had never seen an occasion where a witness was allowed to expand on documentary evidence.

Anwar remarked that he had also not seen any such fabrication before.

Abdul Gani said Anwar should not make any remarks, to which Raja Aziz told Anwar not to make any comments, lest the prosecution "would raise its flag".

Counsel asked Anwar if he had any specific clarification on the letters; Anwar said he had about the DNA analysis. The judge said the DNA analysis was irrelevant.

Anwar: The PM said I need not do it!

Judge: That is not relevant.

Anwar had a short discourse with the judge and this prompted Abdul Gani to urge counsel to stop Anwar from conversing with the judge and "make a mockery" of the proceedings.

Raja Aziz said he could not do that since the judge entertained Anwar and this was followed by laughter in court.

The judge then told Anwar to go on relevant issues only.

Anwar spoke on the DNA analysis but his evidence was objected to by Abdul Gani. After an exchange between Anwar and Abdul Gani, the judge ruled that the matter was irrelevant and "let the dust settle on its own".

Anwar then spoke of the DNA test results which Science, Technology and Environment Minister Datuk Law Hieng Ding had conveyed to him by telephone and the PM was told about it by the police.

Before he completed his evidence, the judge said it was irrelevant.

Anwar: What I said to the PM was "How do you condone the continued

tapping the telephone of your own DPM".

Judge: The phone tapping has nothing to do with the case.

Anwar: If they can tap my phone, they can also tap anybody's phone, including the judges and the DPPs.

Judge: And mine also?

Going on the next paragraph of his letter, Anwar said the intention of the PM to villify him was abetted by the police and A-G, under his instructions.

He went on to the other paragraph and said as a Finance Minister, he had a police escort and as DPM, he had umpteen escorts.

Judge: What's wrong with having police escorts?

Anwar: There's nothing wrong, it's very good! But how is that they did not know about all those allegations ... my alleged rendezvous at hotels and apartments?

Anwar tried to elaborate, but the judge told him not to go into detail. He then spoke about the allegations that he had violated the Official Secrets Act by selling information and trade secrets to foreign countries.

On the next paragraph, he said there was also an attempt to get him to quarrel with the IGP and A-G with a suggestion that the ACA was investigating the A-G who had purportedly gone on a holiday in Italy with a "business tycoon".

The judge said it was irrelevant.

Anwar: But there was an heated argument that I was alleged to have encouraged the ACA to go after the PM ...

Judge: That's not relevant!

Anwar said because of the change in the attitude of the Home Minister towards him, the police had conspired against him. The judge said it was irrelevant.

Raja Aziz contended that the attitude of the Home Minister who was in charge of the police was in fact relevant to the defence. He said police conspiracy did not just stop at the IGP, it went higher to the Minister.

The judge told counsel to submit later.

Anwar then referred to a paragraph where he spoke about the ACA having additional powers under the ACA Act 1997. He said he received several complaints which he passed to the ACA for scrutiny.

Anwar: I told the PM that the undercurrent was strong against corruption and abuse of power.

Judge: Not relevant to our case.

Raja Aziz said it would be difficult for the defence to show conspiracy on the part of the police if the court ruled that the attitude of the Home Minister was irrelevant.

The judge told counsel go on to "something more concrete".

Anwar then spoke about his speech on creative destruction where the national convulsion and economic crisis had to be seen in a positive light, but before he completed, Abdul Gani said Anwar was giving a speech.

Abdul Gani: The poor accused should not be allowed to go on all he was poor indeed).

Abdul Gani said "let the counsel do their job, after all they were paid for it".

Anwar: Poor, I agree but to say that they were paid, that is not correct. I've not paid my counsel.

Anwar went on to allegations of corruption to which the judge said: "Let the whole country be corrupted or not transparent, but it is not relevant to the case."

Anwar said corruption had a lot to do with the case.

Anwar: Because of my view on transparency, there were differences between me and the PM!

Judge: Not relevant.

Anwar went on further but the judge ruled them irrelevant and after more evidence, Anwar said he did not expect them to go to such an extent of humiliating him and disregarding the law.

Asked by counsel about the letter dated Aug 5, 1997, which the PM gave him, Anwar said it was a shorter version of Ummi's allegations. He said the letter contained criticism against Ummi's brother Mohamed Azmin Ali. It was milder and more straightforward.

Asked about Sukma Darmawan Sasmitaat Madja's letter to him, Anwar said he had seen the original which Sukma threw close to his cell at the Bukit Aman lock-up three days before he was transferred to the Sungai Buloh prison.

Anwar said Sukma (his adopted brother who was sentenced to six months' jail for sodomy with Anwar) was also detained at Bukit Aman then. He threw the letter near his cell as he (Sukma) was taken out of his cell.

The court took a short break and when hearing resumed, Abdul Gani cross-examined Anwar. Anwar answered with explanations when Gani wanted a "yes" or "no".

Abdul Gani directed the court's attention to the fact that Anwar was being evasive, which Anwar challenged vehemently. The judge told Anwar to give a direct answer, either a "yes" or a "no" since any explanation could be done during re-examination.

One question which Anwar did not give a direct answer to was whether the sex allegations against him could have tarnished his image as Finance Minister and Deputy Prime Minister.

Anwar: I thank God! In spite of the allegations and conspiracy to humiliate me and cause hatred towards me, the people still love me! (some people in the gallery said "Yes!").

Abdul Gani continued with cross-examination until the lunch break at 12.30pm. When hearing resumed, Abdul Gani referred to a report sent by then Special Branch director Datuk Mohd Said Awang to the PM, which stated that the allegations were baseless.

Anwar was asked if it showed that the investigations were not complete and he disagreed, giving a long explanation.

Abdul Gani said he was not interested in that. The judge told Abdul Gani it was better to submit on the matter.

Abdul Gani: I put it to you that you did not want the case to be brought to court because you were worried about publicity.

Anwar: I do not agree for two reasons. First, I myself made a police report through Zull Aznam and second, I agreed with the A-G when he suggested that action be taken against the persons (Ummi and Azizan), but at that time, the PM did not agree. So, it is not true that I was worried about publicity.

Abdul Gani: I put it to you that on Aug 16, 1997, you told Mohd Said and Amir (Datuk Amir Junus, then the Special Branch deputy director) that if Ummi and Azizan were arrested, they were not to be detained too long.

Anwar: True, I did tell Mohd Said and Amir "don't detain Ummi and Azizan too long". My Lord, at that time, Mohd Said and Amir said to me: "Datuk Seri is too kind, you even sympathise with people like this." That was the context.

Abdul Gani: My Lord, I want to make an observation. The last answer was never put by the defence to prosecution witnesses (Mohd Said and Amir). (To Anwar) I put it to you that they never said it to you.

Anwar: They did. My Lord should know that at that time, they showed great sympathy to me. If I can add, when the A-G proposed prosecution ...

Abdul Gani: That is not my question.

He then put it to Anwar that he had, on Aug 18, 1997, about 12.30am,

directed Mohd Said and Amir to get retractions from Ummi and Azizan. Anwar denied it.

Abdul Gani then put it to Anwar that he asked for the retractions to be addressed to the PM. "This matter was never raised until June 1998. The information from Mohd Said and Amir were obtained in October after I was sacked," Anwar replied.

Abdul Gani asked him if he received Ummi and Azizan's first letters of retraction. Anwar said he believed he got them on the night of Aug 18, 1997. Both letters were addressed to the Prime Minister.

Asked if he had asked for the letters, Anwar denied it, saying the Special Branch sends him reports or letters which were necessary for his knowledge.

Abdul Gani: Datuk Seri, are you saying here that the SB will give you letters addressed to the PM, as personal?

Anwar: These letters are official letters, not personal letters. Up to now, I am not aware of any personal letters to the PM (being sent to me). Documents and reports which were sent to the PM have been also sent to me.

Abdul Gani: (Refers to Ummi and Azizan's apology letters) I put it to you that they were important and beneficial to you.

Anwar: The letters gave an explanation and information about the stand of the two. The question on benefit, I do not understand.

Abdul Gani: Are the letters important to you?

Anwar: I asked the police to investigate ...

Abdul Gani: You are not answering my question. My Lord, I want it recorded that the witness is being evasive.

Anwar: I don't want to be manipulated. I have to be careful. I know the prosecution's game. I want the right context. I will answer the question.

Abdul Gani: The question was simple. There is no catch. Whether the letters were to his benefit and important to him. I see nothing wrong with it.

Raja Aziz: I see something wrong with it. How is one to answer such questions. What the witness is seeking to do is in relation to the investigation he had asked for.

Judge: Can you answer the question or not?

Anwar: I only ask to put the context right. I did ask the police to investigate fully, establish the truth and the result is the letters.

Abdul Gani: I want to know if the contents were of benefit to him, anything to be explained can be done by his counsel.

Anwar: To me, what is important is the truth.

Judge: So, to that extent, the letter is important to you? Is that what you are saying?

Anwar: Yes.

Abdul Gani: Datuk Seri, I put it to you that on Aug 18, 1997, you had wanted to meet Azizan in the SB office but Amir did not agree.

Anwar: This was fabricated by Amir. If I really wanted to meet anyone, I would have met both Ummi and Azizan. But I don't really want to meet Ummi.

Judge: This conflicts. That's what I said, comments are no good.

Anwar: I understand their tricks. I have to put it in context.

Judge: Here, it is not a question of popularity. After two weeks, I may not know what you say is a joke or part of evidence.

The DPP referred him to Ummi's and Azizan's second letters of retraction, and asked if they were beneficial to him.

Anwar: For me, the question of benefit does not arise. What is important is the truth.

Abdul Gani: Please answer my question.

Anwar: That is my answer.

Abdul Gani: You agree that the letters were important to you?

Anwar: Truth is important to me.

Abdul Gani: Yes, Datuk Seri, truth is important. But my question was are these letters important to you?

Anwar: They were written by Azizan and Ummi ...

Abdul Gani: The witness is not answering.

Anwar: My Lord, the explanation of Ummi and Azizan about the allegations and slander, is a true statement.

Abdul Gani: May it be recorded that he is being evasive?

Raja Aziz objected. The judge told Abdul Gani that he had recorded and it was a matter for submission.

Gani: You agree that these letters were sent by you, together with your letter and all enclosures, to the PM?

Anwar: My Lord, the question is deliberately confusing because my letter to the PM was one year later (than Ummi and Azizan's letters), and I had included nearly all letters which were in my possession including the one which had the allegations against me.

Abdul Gani: My question was simple.

Anwar: My answer is more comprehensive.

Abdul Gani: You agree that you included Ummi and Azizan's letters with your letter to the PM to bring them to his attention?

Anwar: My letter to the PM was a follow-up to my discussion with him.

Abdul Gani: My question was not answered.

Anwar: I don't like to be told that I don't understand (your question). I had discussions with the PM and in response, the letters were sent. This is not a Standard Six exam.

A-G: I don't want to interfere. But my learned colleague's question is very simple. The letters were sent to the PM. For what reason? The letters were brought to his attention, not as wallpaper or to be put in his drawer. If they are for the PM to read, the answer is yes, if they are for the PM to put on the wall, the answer is no.

Anwar: That should be his advice to the PM. He is the legal adviser to the PM. But he should not advise me what to answer. The A-G has no business to advise me how to answer.

A-G: I request that the demeanour of the witness be recorded.

Judge: (To Anwar) Legal battles are fought this way, I don't know about political battles. The question is asked and the person who asks will say it is not answered. If you think you have answered, you can say that is your answer. Anything else, your counsel will explain. Give short as possible answers.

Abdul Gani: You agree that in your letter to the PM, you mentioned that Ummi and Azizan had denied the allegations?

Judge: If he has stated it in the letter, shouldn't that be for submission?

Abdul Gani: It goes to credibility.

Judge: He may deny that?

Abdul Gani: Yes.

Anwar: That's a bit presumptuous. It's my letter. Can I confirm this again. This is my letter to the PM to explain the conspiracy ...

Abdul Gani: I am asking if in his letter, he stated that Ummi and Azizan had denied the allegations.

Anwar: (replying) That's right.

Abdul Gani: Datuk Seri, I put it to you that you had brought Ummi and Azizan's letters to the PM's attention for your own benefit.

Judge: Is this question relevant? This is the subject matter of the second and fourth charges which states he wanted to save himself from criminal action. Why bother with the PM? The PM has nothing to do with stopping criminal action.

Abdul Gani: We are just going on the line of their (defence) story, the state of the mind of the accused, mens rea.

He argued that the evidence was to show that Anwar was consistent in his modus operandi, and had sent one letter to the CID to stop the investigations and another to PM to clear his name.

Judge: That's not part of the prosecution case that he sent to the PM. That's his case. Are you trying to strengthen his case? Are you trying to prove another advantage (other than the one in the charges)?

Abdul Gani: No, I am saying he did it because the letters were important to him.

Judge: The charges said they were used to stop criminal action. If you want to go into it (being sent to the PM), you will have to prefer different charges.

Anwar: I hope Your Lordship is not suggesting ...

(laughter in court)

Abdul Gani said he would not ask the question and asked Anwar if he was involved in the preparation of the letters.

Anwar: Not true.

Abdul Gani: A good (and short) answer.

Judge: Yes, keep it simple.

Anwar: When he's happy, I am not too happy! (laughter in court)

Abdul Gani: I will try to be sad!

Judge: (To Anwar) It's the safest.

Anwar: I trust Your Lordship.

Judge: I am sure your lawyers would have advised you.

Hearing adjourned to tomorrow.