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Azizan never drove Anwar alone, says Wan Azizah

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KUALA LUMPUR, Fri. - Datin Seri Dr Wan Azizah Ismail denied in court today that her former driver, Azizan Abu Bakar, had ever driven her husband Datuk Seri Anwar Ibrahim alone.

She said Azizan, who had accused Anwar of sodomising him, had only driven Anwar together with the rest of the family two or three times.

Dr Wan Azizah, the 21st defence witness, said when they went on outings, Anwar usually drove the family while Azizan drove the maid.

Under cross-examination by prosecutor Datuk Abdul Gani Patail, she denied that Anwar used Azizan as a driver many times after office hours and during the holidays.

"I put it to you that if you and your family were not with Anwar in the car driven by Azizan, you would not know," said Gani.

"My husband is always driven by Abdullah Sani. As a family, my husband usually drives us while Azizan would drive the maid," Dr Wan Azizah replied.

She said Azizan worked for her for a few years, resigned, and returned for a few months before resigning again suddenly.

She also denied that RM4 million went missing from the official residence, saying only about RM1,500 disappeared from an unlocked drawer in the "office" in the house.

Former Special Branch deputy director Datuk Amir Junus, a prosecution witness, had testified that Anwar had lost RM4 million and asked the Special Branch to tap his phone in an effort to track down the culprit.

She said SB officers questioned people in the house because they were worried about the security of the house, and denied Gani's suggestion that the officers were investigating the loss of a large sum of money from Anwar's safe.

Dr Wan Azizah also testified about finding a document, purported to be a second report to Anwar from the Special Branch dated Sept 3, 1997 and containing the names of prominent politicians.

She said Anwar gave her the report and she kept it in a cupboard. When the family had to move out of the official residence on Sept 3, 1998 in a rush, the report was stored in one of the boxes which were kept in relatives' homes.

She found it again about a month ago.

The defence later applied to recall former SB director Datuk Mohd Said Awang who purportedly wrote the report. It also applied to recall Amir and investigating officer SAC I Musa Hassan.

After hearing submissions, the judge allowed the application.

Besides the three recalled witnesses, the defence indicated that it had another five "short" witnesses.

It is also currently arguing the relevance of five witnesses - Manjeet Singh Dhillon, Datuk S. Nallakaruppan, Sukma Darmawan Sasmitaat Madja, Dr Munawar Ahmad Anees and Mior Abdul Razak Yahya.

Manjeet was counsel for Nallakaruppan who was Anwar's tennis partner. Sukma, Munawar and Mior are alleged to have committed sodomy with Anwar. All three now claim that police forced them to confess to the sodomy.

In arguing that their evidence should be allowed, defence counsel Sulaiman Abdullah submitted that they would testify about the "improper lengths" taken by the authorities, including several prosecution witnesses, to build a case against Anwar.

Sulaiman said although the witnesses would testify about matters outside the four charges before the court, the attempts to get them to "fabricate" evidence was part of the overall scheme against Anwar.

"Our contention is that the scheme of fabrication is a seamless transaction," he submitted.

The judge will hear the submission of defence counsel Gurbachan Singh and the prosecution before making a ruling.

Today's hearing began with Gurbachan calling Dr Wan Azizah, 46, who said she was a housewife.

She said Azizan was once her driver but could not remember exactly when, first saying it was 1992 to 1995 and then, changing it to 1993 to 1995. Anwar's driver at that time was Abdullah Sani who is still working for the family.

Gurbachan: In your knowledge, has Azizan ever driven Anwar and the family?

Dr Wan Azizah: Only two or three times, Azizan has driven the whole family including my husband.

Gurbachan: Has he ever driven Anwar without the family?

Dr Wan Azizah: Never.

Gurbachan then showed Dr Wan Azizah a document which was supposed to be a second report sent by the SB to Anwar. According to earlier testimony, the report is supposed to contain names of prominent politicians.

Dr Wan Azizah said the document was first shown to her by Anwar in early September 1997, and she read it. She then kept it in a cupboard until the family had to move from the official residence on Sept 3, 1998.

The document along with other letters were packed into boxes which were kept at the homes of their relatives.

Gurbachan: After that, when did you see the document again?

Dr Wan Azizah: I found the letter after our house was searched by the police on Sept 21, 1998 from 1am to 6am. I looked for the letter after retrieving the boxes kept in our relatives' houses.

She said she found it about a month ago in one of the boxes and gave it to the defence lawyers.

Gurbachan then asked her about the money which went missing from the official residence. Dr Wan Azizah said it was about RM1,500.

Gurbachan: What was the money for?

Dr Wan Azizah: For market expenses.

Gurbachan: Was there ever a sum of RM4 million lost from the house?

Dr Wan Azizah: No.

Gurbachan had no more questions and Gani cross-examined. Asked by Gani, she said other than the RM1,500, no other sums of money went missing.

She said the RM1,500 was kept in an unlocked drawer in an office room in the official residence, next to the library. The money was part of the money given to her by Anwar for household expenses.

Gani: Do you know if there was a loss of Anwar's money which was kept in a safe?

Dr Wan Azizah: What I know is that my husband wanted to check the security of the official residence.

Gani: My question was not about security. (Repeats the question.)

Dr Wan Azizah: What I know is that there was no loss of my husband's money.

Asked if SB officers went to the house to investigate the loss of a big sum of money, she said what she knew was that they were looking into the security of the house, not missing cash.

She said she remembered Mohd Said and Amir coming to the house.

Gani: I put it to you that there was a loss of a big sum of money from Anwar's safe.

Dr Wan Azizah: I do not agree.

She said SB officers had come to the house two or three times to talk to the residents "because there were many who went in and out of the house to repair the leaking roof, air-con, termites, and they (SB) were worried about the security of the house."

Gani: I put it to you that the SB officers came to the house to investigate the loss of a large sum of money.

Dr Wan Azizah: I don't agree.

Gani then asked her about Azizan. She said she was not sure when Azizan worked for her because he had worked for a few years and then resigned, only to come back later to work for a few more months.

She said Azizan resigned to join a company which paid him better and provided hospital benefits. He returned for a short time after Anwar became Deputy Prime Minister but stopped suddenly.

Gani: I put it to you that Azizan had driven Anwar.

Dr Wan Azizah: With me and the family.

Gani: I put it to you that Anwar had used Azizan as a driver many times especially after office hours and during holidays.

Dr Wan Azizah: If Azizan had driven my husband, we were also there as a family.

Gani: I put it to you that if you and your family were not with Anwar in the car driven by Azizan, you would not know.

Dr Wan Azizah: My husband is always driven by Abdullah Sani. As a family, my husband usually drives us while Azizan would drive the maid.

Gani then asked her about the SB's second report. She agreed that the letter contained the words "Secret/Personal."

She said when Anwar showed her the letter, she was a housewife. Asked why would Anwar show her a secret document, she said he entrusted it to her care.

Asked how could Anwar entrust her with a secret document, she said "he asked me to keep it, so I kept it."

To questions, Dr Wan Azizah said she had worked as a government doctor to repay her scholarship for 14 1/2 years.

Gani: As someone who had served the Government, surely you know about secret documents.

Defence counsel Christopher Fernando objected to the question. Gani said Dr Wan Azizah was no ordinary housewife who would not understand about such things.

Judge: Is she expected to say (to Anwar) this is an official document, don't give it to me. Her answer was reasonable. If anyone is to be blamed, it's him, not her! Although under the Official Secrets Act, the recipient is also liable. It's not necessary to go into this.

Gani: I won't pursue the questions. I have no further questions.

Dr Wan Azizah was released as Gurbachan had no re-examination.

Counsel applied to recall prosecution witnesses Mohd Said, Amir and Musa.

With regard to Mohd Said, Gurbachan said the defence wanted to put to him the evidence of Mohamed Azmin Ali on their conversation as well as to tender the purported second SB report.

The defence wanted to ask Amir about a conversation between him and ASP Zull Aznam Haron, and the evidence of Azmin about him (Amir) trying to get Anwar to open the Heartscan centre.

With regard to Musa, the defence wanted him to produce his affidavit affirmed for Nallakaruppan's case. Gurbachan said the defence only got a copy of the affidavit after the prosecution closed its case.

"In that affidavit, Musa made serious allegations against Anwar which were most damaging. The relevance (to this case) is that the investigating

officer was not independent and this shows his grave prejudice against Anwar," he said.

The judge then pointed out that Musa was extensively cross-examined about his affidavit and asked the defence why they failed to tender it at that time.

Gurbachan said the defence only obtained a copy of it later and urged the court to allow it, saying it would not be difficult as Musa was in court everyday.

Gani objected to the recall, reading out portions of the cross-examination of Musa where the witness was referred to specific paragraphs of the affidavit and in fact, asked to produce a copy.

Gani: But they didn't pursue it. They can't expect a witness to come and say "here's the affidavit".

Judge: There clearly emerges some lack of complete dedication to examining this witness. Some bit of slowness. If you were sharp enough, you would have asked from him.

The judge then asked the prosecution if they objected to the recall of Mohd Said and Amir.

Gani said he only wanted to point out that by the way witnesses like Umami Hafilda Ali were cross-examined, it was clear that the defence knew many things known only to Azmin and thus, could have asked the SB officers about Azmin's conversations with them when they were on the stand.

Fernando rebutted that the defence knew things from Azmin, saying their instructions were from Anwar and they learnt things from Azmin only after he was offered to them.

Sulaiman apologised to the court for the defence's mistake in not tendering Musa's affidavit while he was on the stand.

Sulaiman: We accept that as a lack of care on our part.

Judge: I can't allow counsel's lack of care to affect justice to the client. Application allowed but examination to be strictly confined to the grounds informed to the court.

The judge asked defence how many more witnesses they had.

Leading counsel Raja Aziz Addruse said the defence had earlier indicated that they intended to call Prime Minister Datuk Seri Dr Mahathir Mohamad, Finance Minister Tun Daim Zainuddin, former Inspector-General of Police Tan Sri Rahim Noor and Domestic Trade and Consumer Affairs Minister Datuk Seri Megat Junid Megat Ayob.

He said they would not be calling the four. (see accompanying story)

The judge asked again how many more witnesses the defence had. Fernando said he had one but when asked, refused to disclose the proposed evidence. He said "it would not be a good idea, there was still the weekend."

After arguing with the judge, he said the witness would testify about Umami not writing the letter containing the sex allegations against Anwar.

On his part, Raja Aziz said he had three witnesses - the chief editor of Nanyang Siang Pau and two assistant editors who had written an article on the PM's statement to the effect that there might be political instability if Anwar was not convicted but there would not be disorder if there was a conviction.

allowed to give evidence).

Sulaiman then began his submissions on the relevance of five proposed witnesses - Manjeet, Nallakaruppan, Sukma, Munawar and Mior.

Sulaiman: The temptation would be very great to say that the proposed evidence related to the sexual charges and not to the present four charges. This temptation must be firmly resisted in the light of the defence for which such evidence is required.

The defence is seeking to establish its defence of fabrication and proposes to adduce this evidence to show the various steps taken by

various persons in authority to carry out the scheme of fabrication of evidence in order to frame or fix the accused.

We are seeking to adduce evidence to support our stand that the prime motive for the prosecution against Anwar is that persons in authority wished to remove him from his positions as DPM and Finance Minister.

To that end, evidence has been fabricated to support a false case against him. This process of removing Anwar was a two-stage process. The first stage is the events of August 1997.

These events arose out of an attempt by persons in authority to use Azizan and Ummi in order to create false allegations of sexual misconduct against Anwar. This plan was not able to succeed since it came to the attention of the IGP and SB officers who then actively proceeded on their own and in the interests of security, to take the steps to end the plan to topple the DPM in 1997. The police kept both Anwar and the PM informed about the scheme.

Consequently, in 1997, the PM stated that the allegations were not true. As a consequence, nothing further happened in 1997.

The second stage occurred in 1998. It is our case that as a result of policy disagreements with persons in authority, it was decided to get rid of Anwar in 1998 and the old allegations were brought to life again.

In order to do that, an explanation had to be given as to why the police, Ummi and Azizan acted the way they were alleged to have done in the latter part of August 1997. The most convenient way to explain this is to say that Anwar directed the police to get retractions.

Because the accused didn't resign (from his positions), the authorities were put in a position of having to come up with charges and our contention is that they had to come up with any charges they could.

In the result, they came up with 10 charges and vis-a-vis the defence of fabrication, the charges cannot be viewed in isolation because the authorities would have succeeded in their purpose if they get a conviction on any charges whatsoever.

Our contention is that the scheme of fabrication is a seamless transaction made up of various steps. We are seeking to adduce this evidence to show what has been done to fabricate and put up a false case against Anwar.

Sulaiman then referred to a textbook and went on to say the defence was seeking to show, through the evidence, that the authorities had gone to improper lengths to secure a conviction and this would support the defence case that Anwar had not directed that the allegations be retracted.

Sulaiman said these witnesses would give evidence on what the authorities, including several prosecution witnesses, had done to them in order to build up a case against Anwar as part of the overall scheme.

After Sulaiman completed his submission, Gurbachan prepared to begin but as it was already past noon, the judge told him to submit tomorrow.

Sulaiman: I wonder if Your Lordship will reconsider (sitting tomorrow). It is our only day of rest and if we are to do good work, we have to be in top shape. It is a sober fact that we do need time off. And consider Your Lordship yourself, Your Lordship has to be in top physical and mental condition at every second of the trial. I am sure the learned prosecutors will join me in this appeal on humanitarian grounds.

After further discussion on the number of witnesses to be called, the judge agreed to postpone hearing to Monday.