

30 MAR 1999

Court-Anwar

COURT URGED TO REJECT POLICE WITNESSES' EVIDENCE

KUALA LUMPUR, March 30 (Bernama) -- The High Court here was today urged to reject the evidence of police witnesses in Datuk Seri Anwar Ibrahim's corruption trial including the two key witnesses as "they were spooks" and could not be trusted.

Anwar's defence counsel, in their submissions, said that the testimonies of Datuk Mohamed Said Awang, the former Special Branch director, and his deputy then, Datuk Amir Junus, should not be accepted by the court.

"PW1 (Mohamed Said) told the court that he would lie. It is significant because he would lie to achieve whatever intelligence he thought would be necessary to achieve the national interest or to save their skin," said Sulaiman Abdullah, one of Anwar's nine lawyers.

He began the defence's submissions today in the trial which entered the 75th day. The trial opened on Nov 2, last year.

The trial judge, Datuk S. Augustine Paul, allowed the defence's application to submit and fixed today to hear submissions after he dismissed Anwar's application to disqualify him from hearing his corruption case, last Saturday.

The defence last Tuesday refused to submit, saying that it was not proper while the defence's application was pending.

Justice Augustine Paul, on the same day, set April 6 to deliver his judgment and the date remains.

Anwar, 51, faces four charges of corrupt practice with using his position to interfere in police investigations into allegations of sexual misconduct against him.

The former deputy prime minister and former finance minister is charged under Section 2(1) of the Emergency (Essential Powers) Ordinance No 22 of 1970 which carries the maximum sentence of 14 years imprisonment or RM20,000 fine or both upon conviction.

In his submission, Sulaiman, who called the police witnesses "spooks", said "spooks are such they have shadowy connections to the real world which we live in. In the shadowy world of espionage and intelligence, they might have lost their bearings."

He said that Mohamed Said, who headed one of the most sensitive departments in the government, testified in November that he would lie if he was told by superiors to do so and also described a secret technique to get witnesses to change their stands. He said the evidence showed no respect for the law and the truth.

Another counsel, Gurbachan Singh, submitted that the court must reject in toto the evidence of Mohamed Said, Amir and another two SB officers, DSP Abdul Aziz Hussin and ACP Mazlan Mohamed Din, as regards the methods of investigations allegedly adopted by them.

"For otherwise, to accept such evidence from the most unscrupulous and unprincipled police officers who shamelessly and proudly state the lawful methods adopted would at least imply and be construed to mean that the court would tolerate such utter misbehavior on the part of the police investigation agency," he said.

He said their evidence had also contradicted as Mohamed Said and Amir testified that they never asked the two officers to use any inducement, threat or promise to get the retraction letters from Ummi Hafilda Ali and Azizan Abu Bakar.

Ummi Hafilda is the writer of the letter "Perihal Salah Laku Timbalan Perdana Menteri" (The Matter Of The Misconduct Of The Deputy Prime Minister) addressed to the prime minister, attached with Azizan's sworn statement in which he alleged that he was sodomised by Anwar.

Gurbachan Singh submitted that the court should hold that the letter had not been proved beyond a reasonable doubt to be the very letter of Ummi Hafilda and Azizan sent to the prime minister as the prosecution did not call Inspector-General of Police Tan Sri Abdul Rahim Noor and Domestic Trade and Consumer Affairs Minister Datuk Seri Megat Junid Megat Ayob.

Gurbachan Singh said Anwar's evidence that he did not instruct Mohamed Said and Amir to get retractions from Ummi Hafilda and Azizan regarding the letter to the prime minister was confirmed by the former SB director.

"This fact alone completely destroys and demolishes the prosecution's case and renders the allegations of Mohamed Said and Amir that Datuk Seri Anwar gave instructions to retract to be completely untrue and again materially corroborates Datuk Seri Anwar's defence in a very cogent manner," he said.

He said the evidence was also corroborated by two defence witnesses, Anwar's former aide-de-camp, ASP Zull Aznam Haron, and Anwar's former private secretary, Mohamed Azmin Ali, who is Ummi Hafilda's brother.

Gurbachan Singh said Anwar had no part in all the wording or drafting of Ummi Hafilda and Azizan's retraction letters but Mohamed Said gave it to Anwar because it concerned him.

"Therefore, the retractions obtained by ACP Mazlan have no connection with Datuk Seri Anwar and if Amir and Mazlan employed unlawful methods of investigations, it had absolutely nothing to do with Datuk Seri Anwar," he said.

Gurbachan Singh contended that the letters were not obtained by the police as allegedly directed by Anwar.

Gurbachan Singh submitted that there was police conspiracy involved in the case because in 1997 the senior police officers prepared and submitted written reports to the prime minister and briefed the IGP that there was nothing wrong with Anwar but everything turned around in 1998.

He said even statements were taken from the police after Anwar was dismissed from his cabinet post on Sept 2, last year.

The counsel said that there was a newspaper report that stated that Datuk Seri Dr Mahathir Mohamad had given Anwar an ultimatum whether to resign or to face the charges and he was also advised to do so by First Finance Minister Tun Daim Zainuddin which corroborated Anwar's evidence.

He said if Anwar was not guilty, the ultimatum did not arise and the prosecution should call Dr Mahathir to confirm this.

Earlier, Sulaiman said that prosecution had been unfair and prejudiced against Anwar, who has been in detention for five months.

"What it shows is the prosecution was carried out with a sense of animosity against the accused. This is not a question of two even sides. The prosecution and the prosecution witnesses were all tainted with the same virus," Sulaiman said.

He said even if Anwar was defended by 100 senior counsel and the prosecution was represented by a fresh graduate counsel, the new counsel would win the case as he was backed up by the state.

"Datuk Seri Anwar Ibrahim didn't get an impartiality and fairness of prosecution that he is entitled to. In normal course, an accused can expect that prosecution would be fair, impartial and not overly concerned about conviction," Sulaiman said.

He said in this case, Anwar suffered an "abnormal prosecution".

Sulaiman urged the court to acquit Anwar, saying that it had established Anwar's innocence.

Hearing continues tomorrow at 9am.  
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NHD RM