

21/08/1999

Defence drops application for police to investigate alibi

Ruslaini Abbas; Satwant Singh

KUALA LUMPUR, Fri. - The defence in the Datuk Seri Anwar Ibrahim sodomy trial today abandoned its application for the police to investigate Anwar's alibi.

Anwar's counsel Karpal Singh stopped pursuing the matter after judge Datuk Arifin Jaka said it would benefit the defence if the prosecution failed to challenge the alibi.

Arifin said the alibi would stand if the prosecution could not counter it with the records of Anwar's movements from 1992 to September last year.

Karpal had said the defence wished to go beyond that by ascertaining the truth of the alibi.

However, he dropped the issue following Arifin's observation.

Earlier, Karpal directed the court's attention to the consequence of a witness's failure to carry out an undertaking made under oath.

(Yesterday, investigating officer SAC I Musa Hassan said he was prepared to investigate Anwar's alibi.

(However, after a short break, Attorney-General Tan Sri Mohtar Abdullah said there was no necessity for any further investigation since the prosecution had records of Anwar's movements.

(Mohtar said he had advised Musa not to investigate further and this was strongly criticised by Karpal who undertook to provide authorities that a witness could not fall back on his words made under oath.)

Karpal said failing to fulfil the undertaking was a breach which would amount to an obstruction and frustration of the administration of justice.

Karpal: When the charge was amended to include from January and March 1993, we had asked for a postponement to enable us to file a fresh notice of alibi. However, this was objected to by the A-G who said that the earlier notice was sufficient.

Karpal said the notice dated May 27 lapsed when the charge was amended and he failed to understand the prosecution's reason for not wanting the second alibi verified.

(The second alibi was put through the cross-examination of alleged sodomy victim Azizan Abu Bakar.)

Karpal: The A-G had said from the bar that Anwar's movements from 1992 to September 1998 have been recorded. A recording of a person's movements does not amount to investigation and verification of the movements. The records are static, we want to give flesh and blood to what is static.

Karpal said the prosecution was afraid to verify the alibi and submitted that neither the A-G nor the court could advise Musa not to investigate when he had promised to do so under oath.

In reply, Mohtar said as a public prosecutor, the A-G had the right under the Federal Constitution to give any advice to the police on the conduct of any investigation.

Later, Musa went back to the witness stand to complete the cross-examination and re-examination.

Questioned by Karpal, Musa said the Prime Minister Datuk Seri Dr Mahathir Mohamad was not mentioned in Azizan's statement and he did not know if Azizan had met the PM over the allegations against Anwar.

Musa said he read newspaper reports that Azizan and businesswoman Ummi Hafilda Ali had met the PM over the allegations.

He, however, did not record any statement from the PM as he did not feel it was necessary.

To another question, Musa said Azizan did not mention Domestic Trade and Consumer Affairs Minister Datuk Seri Megat Junid Megat Ayob or his (Megat Junid's) wife Ziela Jalil.

When Karpal completed his cross-examination, Senior Deputy Public Prosecutor Datuk Abdul Gani Patail re-examined Musa.

Among the questions asked by Abdul Gani was why Musa said that Azizan did not make any false statement.

Musa: All his statements on the sodomy incidents involving Datuk Seri Anwar and Sukma were consistent.

On why he did not send Azizan for any medical examination, Musa said he considered the offence old and to him any incident over 10 days was old.

Musa said he would have sent Azizan for a medical examination if the incident was less than 10 days old.

When re-examination was completed, Mohtar said he had no further witness and the prosecution would close its case.