

09/09/1999

Fernando: No record of Anwar's movements

KUALA LUMPUR, Wed. - The prosecution's claim of having records of Datuk Seri Anwar Ibrahim's movements from 1992 to last year is "an empty claim", the High Court heard today.

Anwar's leading counsel Christopher Fernando said it was a bold statement but not credible.

"If indeed Anwar's movement's had been monitored so closely, why is the charge framed in such a vague manner?" he submitted at the end of the prosecution's case.

On Aug 19, Attorney-General Tan Sri Mohtar Adullah had said that the prosecution had records of Anwar's movements inside and outside the country from 1992 to September last year.

He said the prosecution did not require any further evidence in respect of the alibi given by Anwar and co-accused Sukma Darmawan Sasmitaat Madja.

Mohtar said with the records, it was unnecessary for the police to verify Anwar's alibi through the alleged victim Azizan Abu Bakar.

Fernando said if the records were in the prosecution's possession, it would have been able to easily identify at least the time or dates Anwar was at Tivoli Villa.

"Where are the records? Where is the evidence that the movements of Datuk Seri Anwar Ibrahim is in its possession right from 1992?"

He said the prosecution should have adduced evidence to show that Anwar and Sukma were at Tivoli Villa at least one night in the three months they were alleged to have committed the offence.

"The prosecution is unsure of its case ... it is riddled with doubts and inconsistencies. How can a charge like that ever be sustainable?"

He said Azizan was not a witness with a low IQ but instead a shrewd and cunning witness as could be seen by the way he had answered questions by the defence.

Fernando also contended that the so-called confession of Sukma could not be used against Anwar as the law was very strict and highly technical on the matter.

He said before the confession of one accused could be used against the co-accused, the court must be satisfied that there was cogent evidence against the co-accused.

"There is absolutely no doubt whatsoever that there is no cogent evidence against Datuk Seri Anwar Ibrahim here in this case," he said.

Instead, he said, the only evidence before the court was weak, shaky, contradictory and doubtful.

Later, Anwar's other counsel Karpal Singh submitted that the failure to call Prime Minister Datuk Seri Dr Mahathir Mohamad and former Inspector-General of Police Tan Sri Rahim Noor had left two serious gaps in the prosecution's case.

He said Azizan had made a "belated complaint" in the form of a sworn statement that was sent to the Prime Minister.

"In other words, the Prime Minister was the first person to whom the complaint was made ... mustn't the Prime Minister be called?" he said.

Karpal contended that the Prime Minister was a material witness who was not called by the prosecution, adding that "no special treatment ought to be given to anyone".

He said Azizan's statement contained allegations of sodomy and questioned why the Prime Minister did not refer the matter to the police

immediately.

"The Prime Minister should have lodged a report," he said.

Karpal also questioned why no statement was recorded from Rahim although he had made a statement that the allegations were baseless.

He said statements should have been recorded from both Rahim and the Prime Minister.

(END)