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Inquiry-Submissions

INJURIES CAUSED BY CALCULATED ASSAULT ON ANWAR, SAYS ABU TALIB

KUALA LUMPUR, March 4 (Bernama) -- Injuries sustained by former Deputy Prime Minister Datuk Seri Anwar Ibrahim while in police custody resulted from a calculated assault by former Inspector-General of Police Tan Sri Abdul Rahim Noor against a defenceless person, the Royal Commission of Inquiry investigating Anwar's injuries heard today.

In his submission, former Attorney-General Tan Sri Abu Talib Othman said there was also no provocation from Anwar as claimed by Abdul Rahim in his testimony, but a calculated assault by Abdul Rahim, possibly to vent his anger.

Abu Talib, who is assisting the inquiry, said that some of the evidence adduced had conclusively proved that the responsibility must rest on Abdul Rahim who had assaulted Anwar while he was in a defenceless position.

He said the witnesses who related what they saw and did on the night after Anwar was arrested on Sept 20 last year had given the correct version.

Abu Talib urged the panel to accept the version of the police officers who had testified, particularly those of CID Director Datuk Yaacob Mohd Amin and his deputy, Datuk Ramli Yusof.

(Both had earlier testified that they had pushed and pulled Rahim away from Anwar during the assault.)

The commission had called 21 witnesses to testify.

The former Chief Justice of Malaya Tan Sri Anuar Zainal Abidin heads the three-member inquiry panel with former Court of Appeal Judge Datuk Mahadev Shankar and orthopaedic surgeon Datuk Dr Yeoh Poh Hong as the other two members.

Prime Minister Datuk Seri Dr Mahathir Mohamad announced the establishment of the commission last January following calls by various quarters that Anwar's injuries be fully investigated.

Its terms of reference are to investigate and examine the injuries sustained by Anwar while he was in police custody with the objective of establishing the reasons for the injuries and ascertaining who was responsible or conspired to cause the injuries.

It would then report to the Yang di-Pertuan Agong the appropriate action that should be taken against the officer or officers who conspired to cause the injuries.

Anwar, who was removed as deputy prime minister and finance minister on Sept 2 last year was arrested on Sept 20 for allegedly leading an unlawful assembly, appeared in court on Sept 29 with the infamous blackeye.

He alleged that he had been beaten unconscious while in police custody.

Abu Talib further submitted that it was Abdul Rahim alone who had caused the injuries sustained by Anwar by way of delivering punches, slaps and karate-chops on him.

He said the fact that the assault occurred while Anwar was blindfolded and handcuffed showed that he was totally defenceless and therefore there was no question of provocation.

Evidence adduced also showed that prior to his arrest, Anwar was very active during the public gathering by making speeches and shouted to the police but after he was arrested, he had remained silent and allowed the police to carry out their duties.

On Abdul Rahim's evidence that Anwar had uttered "ni...bapak anjing" to him which was denied by Anwar during his testimony, Abu Talib submitted

that it was highly improbable for a man who was handcuffed and alone in police custody would utter those words.

"Here is a man (Abdul Rahim) who came to unfold the handkerchief off Anwar. Is it acceptable that someone who came to do that is met with that abuse?," he said.

On the injuries, Abu Talib said medical reports from various doctors who examined Anwar stated that the injuries they found on Anwar were rather serious and consistent with Anwar's statement that he was being punched with a rather considerable force.

"The injuries found by these doctors are no mere minor, they are serious injuries. Even Dr Halim Mansar (Kuala Lumpur Hospital forensic expert) said that it was delivered within the lethal areas," Abu Talib said.

Abu Talib however did not submit on the second provision in the terms of reference, and left it entirely to the hands of the panel to recommend the appropriate action to be taken against Abdul Rahim.

Meanwhile, Karpal Singh, who represents Anwar together with four other lawyers, said that Abdul Rahim should not be let off lightly and suggested that the panel recommend a charge of attempted murder under Section 307 of the Penal Code against Abdul Rahim.

He said medical evidence by the doctors also stated that the injuries sustained by Anwar were serious and could even cause death.

"Assuming there was a provocation (from Anwar), will it be justified in landing the blow the way he did? If not for the intervention of Ramli, it could lead even to the extent of murder," he said.

Karpal Singh said that what have been revealed before the inquiry was not an attack by an ordinary police officer but the IGP himself who entirely supervised the country's police force and the victim was also not an ordinary person but someone who was one step away from becoming Prime Minister.

He said by going to see Anwar in his cell that night, Abdul Rahim had contravened Rule 45 of the Lock-up Rules which states that no police officer can enter the cell at night, except accompanied by other police officers.

Karpal Singh further submitted that Abdul Rahim was not sincere in giving his testimony before the inquiry as he could not even remember the number of blows that he delivered to Anwar apart from slapping Anwar's face.

"The decision to arrest Anwar under the ISA which was made in a meeting chaired by Rahim was to cover up the assault as Anwar will be detained for 60 days during which the injuries he sustained would heal," he said.

Anwar also submitted his handwritten submissions to the inquiry through Karpal Singh.

Meanwhile, Teh Poh Teik, for Abdul Rahim, said there was no basis for Karpal Singh to suggest that a charge of attempted murder be framed against his client because the circumstances of the case did not warrant so.

Teh said it was important to determine the kind of injuries sustained by Anwar whether they were grievous or simple.

He said under Section 320 of the Penal Code, grievous hurt means "any hurt which endangers life, or which cause the sufferer to be during the space of 20 days, in severe bodily pain, or unable to follow his ordinary pursuit."

He said even when Anwar was produced in the Kuala Lumpur Sessions Court on Sept 29, he was not in a state of suffering bodily pain.

Teh later urged the commission to give all benefits of the doubt to Abdul Rahim as there was no evidence adduced on why Abdul Rahim would want to assault Anwar.

There was also no evidence adduced that Abdul Rahim was briefed of the injuries sustained by Anwar, except being told that Anwar had requested for medical attention, Teh said.

Before adjourning, Anuar said the panel definitely had come to the conclusion of the inquiry and they would endeavour to come up with a report and possibly the recommendations in not a distant future.

"As you all can see, we try to carry out our duty as fast as possible. Our report will also come out as fast as possible," he said.

He thanked everyone who had diligently, fairly and truthfully assisted the commission in its difficult task of finding the facts and the truth behind the facts.

"We have evidence adduced before us which require careful consideration before we could arrive to any conclusion." he added.

-- BERNAMA

ROS RYN