

27 JAN 1999  
Court-Anwar (Complaint)  
NO COMPLAINT AGAINST ANWAR

KUALA LUMPUR, Jan 27 (Bernama) -- The High Court here was told that until today there is no complaint or police report lodged by anyone against Datuk Seri Anwar Ibrahim for bribery, corruption or abuse of office.

Defence counsel Gurbachan Singh submitted that even former Special Branch director Datuk Mohamed Said Awang, his deputy Datuk Amir Junus and investigating officer SAC 1 Musa Hassan did not make any complaint against Anwar.

"Surely there cannot be any investigation into any alleged crime without a complaint. P56 (police report by Mohamed Azmin Ali, Anwar's former private secretary) and P16 (police report by ASP Zull Aznam Haron, Anwar's former ADC) are not complaints against Datuk Seri Anwar Ibrahim," he said.

He said that in fact the police report by Zull Aznam was made on behalf of Anwar on the advice of Mohamed Said and Amir, therefore, he was the complainant.

Counsel said the report by Azmin was also not a complaint against Anwar but a complaint of criminal defamation against the author of the book, "50 Dalil Mengapa Anwar Tidak Boleh Jadi PM" (50 Reasons Why Anwar Cannot Be PM).

"The police have clearly misused the police report P56 to investigate Datuk Seri Anwar Ibrahim and to launch this prosecution," he said.

He said it was worth noting that the investigation of P16 was closed in August or September 1997 and reopened on June 23 1998, just after the Umno general assembly and the statement from Mohamed Said and Amir under Section 112 of the Criminal Procedure Code (CPC) was taken in September 1998.

"Datuk Seri Anwar Ibrahim was dismissed from office on Sept 2, 1998. all the above smack of political and ulterior motives," he said.

Gurbachan Singh was submitting on no case to answer in the trial of Anwar on four charges of corrupt practice in that he used his public position to interfere in police investigations into allegations of sexual misconduct against him.

Anwar, 51, the former deputy prime minister and former finance minister, is charged under Section 2 (1) of the Emergency (Essential Powers) Ordinance 1970 which carries a maximum 14 years imprisonment or RM20,000 fine, or both, upon conviction.

Today is the second day of the defence submission on the 48th day of the trial before Justice Datuk S. Augustine Paul.

Gurbachan Singh read out his written submission after counsel Christopher Fernando ended his. Another defence counsel, Haji Sulaiman Abdullah, will submit when the court resumes at 9am tomorrow.

The judge will decide whether to call Anwar to enter his defence after hearing the submissions from both sides after the prosecution closed its case.

On another point, Gurbachan Singh submitted that Musa's evidence clearly showed that he, as the investigating officer, did not conduct the investigation from all angles and probabilities.

"Absolutely no investigation was carried out from the angle that the allegations could have been actuated by malice and fabricated for political motive, especially in view of the timing of the allegations and the obviously political purpose of including the allegations in the Buku 50 Dalil, which was produced for distribution at the 1998 Umno general

assembly," he said.

During his two-hour submission, Gurbachan Singh was interrupted by Paul several times when he touched on the same issues or points already covered by his two colleagues, Fernando and Raja Aziz Addruse.

To save the court's time, Paul promised to read through Gurbachan's 63-page submission which counsel earlier admitted overlapped Fernando's and Raja Aziz's.

On another point, Gurbachan Singh said the evidence of Mohamed Said, Amir and two of his officers was "shocking" because they could remember such details even without their pocket diaries.

"Is it humanly possible to remember such exact details as to the time and the conversations? It is submitted that the evidence of the said witnesses with such exact and minute details is impossible and incredible. It is submitted that they must all have been coached to give such detailed evidence," he said.

Gurbachan Singh said the secret was revealed when ACP Mazlan Mohamed Din said that he was given his 112 CPC statement by Musa who had denied giving any statement to witnesses as the statements were privileged.

He said the 112 CPC statement was a privileged document and no witnesses should be given it to refresh their memory and by giving it to them, it would amount to coaching.

He said there was ample evidence from Mohamed Said that Prime Minister Datuk Seri Dr Mahathir Mohamad, after the police investigation, dismissed the allegations as absurd.

"He (Dr Mahathir) said only a stupid person would believe the allegations. So inherently incredible are the allegations that no right thinking person would believe them," he said.

He submitted that Anwar should be accorded the time honoured legal principle of benefit of the doubt and asked the court to hold that the prosecution had failed to make out a prima facie case against Anwar.

Gurbachan Singh also submitted that at the time Mohamed Said and Amir gave their evidence, they were on leave prior to retirement and had not received their gratuity and pension yet.

He said Amir had admitted that if they did any wrong, disciplinary action could be taken against them and that the pension was an eligibility and not an entitlement.

"The said witnesses are actuated by the desire of self-preservation and whenever possible to overstate things against the accused. They have every motive to exculpate themselves at the expense of Datuk Seri Anwar Ibrahim," he said.

He added that they, thus, had their own purpose to serve and to save their own skin. Clearly they could all be charged for aiding and abetting at least, he added.

-- BERNAMA

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