

Anwar appeals against conviction, sentence

Ms 26 JUL 2001

KUALA LUMPUR, Wed. — Datuk Seri Anwar Ibrahim today filed a petition of appeal against his conviction and sentence by the High Court for sodomising former driver Azizan Abu Bakar.

The petition was filed in the Court of Appeal registry by the law firm of S.N. Nair and Partners.

Present at the filing was one of Anwar's lawyers S.N. Nair and Anwar's wife Datin Seri Dr Wan Azizah Wan Ismail.

In the petition which listed 24 grounds, Anwar is seeking to set aside the conviction and nine-year jail sentence by High Court judge Datuk Arifin Jaka.

Anwar was found guilty and sentenced to jail by Arifin on Aug 8 last year for sodomising Azizan at the Tivoli Villas apartment in Bangsar between January and March 1993.

Arifin had ordered the sentence to run consecutively with Anwar's six-year jail term for corrupt practices. (Anwar's appeal against this conviction and sentence is pending before the Federal Court.)

Anwar's adopted brother Sukma Darmawan Sasmitaat Madja, who was jointly charged with him, was sentenced to six years in jail and two strokes of the rotan for sodomising Azizan at the same time and place.

Sukma was also sentenced to another six years in jail and another two strokes of the rotan for abetting Anwar in sodomising Azizan at the same time and place.

Arifin had ordered the jail sentences to run concurrently. Both Anwar and Sukma had pleaded not guilty.

In his petition, Anwar said Arifin erred in law and in fact in calling for his defence when the prosecution failed to adduce

even the primary evidence required to support the charge.

Anwar contended that Arifin also erred when he held that Azizan was a credible, reliable and trustworthy witness despite the overwhelming evidence to the contrary.

He said the judge erred in failing to impeach Azizan when he (Azizan) was not able to explain or reconcile the glaring and obvious contradictions in his evidence despite being given the opportunity.

Anwar contended that the decision of the judge, his untenable rulings and findings were clearly and patently against the weight of the evidence.

He said Arifin erred in holding that he (Anwar) had not established his alibi despite the cogent evidence adduced to cover the entire relevant period.

Anwar said the judge also erred when he ruled that the Prime Minister (Datuk Seri Dr Mahathir Mohamad) was not a relevant witness.

He also contended that the judge failed to appreciate the charge against him was false and baseless from the very fact that it had to be amended several times.

On the sentence imposed on him, Anwar contended that it was grossly excessive and unconscionable in all the circumstances.

Meanwhile, Anwar also filed a separate petition of appeal against a decision by Arifin on June 16, 1999, rejecting a defence application to strike out the charge against him.

In this petition, Anwar said Arifin was wrong in law and in fact to have allowed the prosecution to indiscriminately make several amendments to the date of the charge.