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Anwar-Judgment

ANWAR'S ACT OF SELF-DESTRUCTION CAUSES DOWNFALL, SAYS JUDGE

KUALA LUMPUR, June 14 (Bernama) -- High Court judge Datuk Arifin Jaka who sentenced Datuk Seri Anwar Ibrahim to nine years' jail for sodomy in August last year, said it was indeed pitiful and sad that the former deputy prime minister indulged himself in an act of self-destruction which led to his downfall.

"It pains me to impose a custodial sentence on a former deputy prime minister of the country but I have no choice.

"I would be failing in my duty if I do not impose a sentence commensurable with the offence," he said in his 206-page judgment released today.

Arifin said he had tried his very best to look for mitigating circumstances in favour of Anwar, who was found guilty of sodomising his former family driver, Azizan Abu Bakar.

"...and with all humility, I found one that deserves recognition and consideration. This is the fact that he had served the country as a politician for 17 years," he said.

Anwar, 53, and his adopted brother, Sukma Darmawan Sasmitaat Madja, 39, were convicted for committing the offence at the latter's apartment in Tivoli Villa, Bangsar here, one night between January and March 1993.

They were respectively sentenced to nine years and six years' imprisonment with four strokes of caning. However, Anwar was spared the cane as he was above 50 years old.

Sukma, a businessman, who also faced another charge of abetting Anwar to sodomise Azizan at the same time and place, was slapped with another six years' jail for the offence, but was ordered to serve them concurrently.

Meanwhile, Anwar was ordered to serve the sentence after the completion of his current six-year jail term for corruption.

The sodomy trial lasted 117 days over a 14-month period with the court hearing evidence by 40 witnesses including former Inspector-General of Police Tun Haniff Omar.

Arifin said the factors that were against Anwar were that he had committed a serious crime and one which was "despicable and unacceptable to our society."

"He was a very high-ranking officer being the number two in the hierarchy of the country's administration and he has not shown a high moral standard by committing sodomy, an offence which demands outright condemnation," the judge said.

He said Anwar did not show any remorse at all, instead, had displayed "an attitude of arrogance and disrespect to the bench and levelling against his former Cabinet colleagues and political allies allegations of corruption and malpractices," which were not relevant to the issues before the court.

"His purpose of making all these allegations against those people when he testified and repeating these allegations emphatically in his so-called mitigating address is to tarnish the image of all those people in the eyes of the public at a wrong forum when those people have no opportunity to defend themselves," Arifin said.

The judge said before imposing the sentence on Anwar and Sukma, he had granted the former deputy prime minister's request to address the court personally in his mitigation, which subsequently turned into a political speech.

Arifin said Anwar took the opportunity given to him to mitigate as a platform to highlight his grievances and dissatisfaction with Prime Minister Datuk Seri Dr Mahathir Mohamad.

"He attacked the integrity of Datuk Seri Dr Mahathir. He continued reading and came up with an attack on the judicial system. He criticised my decision and said it is unjust, disgraceful and revolting and it disgraces the judiciary and this nation of ours," the judge said.

Arifin said he found that Anwar's speech did not qualify as one which could be called as a plea of mitigating.

"I reminded him to confine himself to relevant matters which the court can take into consideration before imposing an appropriate sentence under the circumstances of the case. He carried on reading the text," he said.

The judge said the only relevant part in the text which was useful was a small portion where Anwar said at the end of the text that during his 17 years of service with the government, he was loyal to the government and the prime minister and that his loyalty was based on principles.

Arifin said Anwar's defence had failed to raise a reasonable doubt against the prosecution's case.

The judge made 10 conclusions on Anwar's defence.

+ the alibi of both Anwar and Sukma did not cover the whole of the period between January to March 1993 as stated in the charge. The alibi covered the period only from Feb 4 to March 31 1993 and was therefore incomplete. The defence of alibi therefore failed.

+ the defence that both the accused never went to Tivoli Villa at 7.45pm between January to March 1993 also failed based on the evidence of Azizan which the judge accepted as truthful and reliable.

+ the defence of conspiracy to fabricate evidence has not been substantiated by admissible and cogent evidence adduced by the defence, therefore this defence also failed.

+ the voluntariness of Sukma's confession was affirmed.

+ the truth of Sukma's confession has been established as far as it related to both the accused.

+ there was corroboration on the evidence of Azizan.

+ the credibility of Azizan was affirmed.

+ Sukma has not cast any doubt on the prosecution's case of abetment against him. There was ample evidence adduced that he abetted Anwar in committing sodomy against Azizan.

+ the defence evidence adduced on behalf of both accused as a whole has not succeeded in creating any reasonable doubt in the prosecution's case.

+ the prosecution has proven its case beyond reasonable doubt on the charges against both the accused.

-- BERNAMA

SBB JA RYN