

Counsel: Decision not based on solid proof

SUN - 5 FEB 2002

KUALA LUMPUR, Mon: There is a glaring defect in the decision of the Court of Appeal in rejecting Datuk Seri Anwar Ibrahim's appeal against his conviction for corruption, the Federal Court heard today.

Anwar's counsel Raja Aziz Addruse also said the Appeals court decision was not based on cogent and solid evidence but on conjecture and presumptions.

"The reasoning of (Anwar's) conviction given by the judges did not really justify the conclusion."

Instead of looking at the evidence, the judges raised questions which had little relation to the facts of the case, Raja Aziz said.

He also claimed that the Appeals court had failed to appreciate the importance of several evidence which would have proven Anwar's innocence.

Raja Aziz was making his submissions in the appeal by Anwar against the Appeals court's decision on April 29, last year to uphold his conviction and six-year jail term imposed by High Court judge Datuk S. Augustine Paul.

On April 14, 1999, Paul convicted Anwar on four counts of abusing his power to interfere in police investigation with intention to cover up allegations of sexual misconduct.

The appeal, which is being heard before Chief Justice of Federal Court Tan Sri Mohamed Dzaidin Abdullah, Chief Judge of Sabah and Sarawak Tan Sri Steve Shim and Federal Court judge Datuk Haidar

Mohd Noor, is Anwar's final legal avenue to overturn his conviction.

Raja Aziz appeared with five other counsel while the prosecution team was headed by the Attorney-General Datuk Abdul Gani Patail.

Anwar appeared cheerful as the prison guards escorted him into the court room in a wheelchair.

He was wearing neck and back braces due to his slipped disc and court officials had prepared a special chair for him in the dock to accommodate his condition.

Raja Aziz also said Anwar's conviction cannot stand as the two main witnesses, former Special Branch director Datuk Mohd Said Awang and his deputy Datuk Amir Junus, were not credible.

He said that Said and Amir had prepared a report to the Prime Minister (Datuk Sri Dr Mahathir Mohamad) in 1997 stating that the sexual misconduct against Anwar was untrue.

They had even obtained retractions from the people who made the accusations.

But the two witnesses took a complete about-turn in 1998 stating that the allegations were true, he said.

"This shows that these two star witnesses lacked credibility."

He also said that Anwar was the deputy prime minister and the finance minister and had no power to direct them to do anything.

Raja Aziz will continue his submissions tomorrow.