

Federal Court begins hearing of Anwar's appeal

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KUALA LUMPUR: Datuk Seri Anwar Ibrahim's appeal against his conviction on four charges of corrupt practice began yesterday at the Federal Court.

The hearing started at 9.15am with Anwar's lead counsel, Raja Aziz Addruse, arguing on what the Court of Appeal had failed to consider when submissions were advanced on April 29, last year.

Then as Raja Aziz was taking the judges - Chief Justice Mohd Dzaidin Abdullah, Chief Judge of Sabah and Sarawak Steve Shim and Federal Court judge Haidar Mohd Noor - through the record of proceedings at close to 11am, the court found that the pagination of the records before the judges was not in the same order as those before the parties.

The court then adjourned the hearing to enable the problem to be solved.

At 2.20pm, when the appeal resumed, Raja Aziz continued with his submissions.

He argued that Anwar had not been convicted based on cogent evidence as the credibility of the two key witnesses of the prosecution - then Special Branch director Datuk

Said Awang and his deputy then Datuk Amir Junus - had not been established.

He said Said had testified in November 1998 that he was asked by Anwar, who was then the Deputy Prime Minister, to get his two accusers to retract some allegations of sexual misconduct against him.

However, Raja Aziz pointed out that Said had also in a note to Prime Minister Datuk Seri Dr Mahathir Mohamad on Aug 20, 1997, stated that there was no case against Anwar as the allegations were baseless.

The note, he argued, was a covering letter accompanying two letters of retraction submitted by Anwar's accusers - his former driver Azizan Abu Bakar and the younger sister of his former private secretary Ummi Hafilda Ali.

"The crux of this appeal is on the credibility of these two witnesses. It does not matter whether they were requested or directed by Anwar to get the retractions.

"In court in 1998, Said said he obtained retractions from Ummi and Azizan through neutralising and turn over processes. Yet, one year earlier, he had said something quite different.

"It has always been a principle in evaluation of evidence in court that once a story is told in more than one way, then only one of the stories is correct. The only way to find out which is the right one is to subject the evidence to a subjective test," Raja Aziz added.

He said the two key witnesses' evidence had not been subjected to this test in the trial court and the Court of Appeal had wrongly affirmed the judgment of the High Court.

Raja Aziz will continue his submissions today.

Anwar was sentenced to six years' jail by Justice S. Augustine Paul on April 14, 1999, on the four charges.

He was found guilty of interfering with police investigations into allegations of his sexual misconduct.

Attorney-General Datuk Abdul Gani Patail led the prosecution team comprising Senior DPPs Datuk Azahar Mohamad, Mohd Yusof Zainal Abiden, and DPPs Tun Majid Hamzah, Nordin Hassan and Shamsul Sulaiman.

C.V. Prabhakaran held a watching brief for Azmin Mohd Ali, Anwar's former private secretary.