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Anwar was asked to do the impossible, says counsel

PUTRAJAYA, Wed. - The testimony of the key witness in Datuk Seri Anwar Ibrahim's sodomy case was full of contradictions and inconsistencies, a defence lawyer said.

Christopher Fernando attacked Azizan Abu Bakar's credibility, saying that the witness had on three occasions during the trial in 1999 said that he did not tell the police when he was sodomised.

"If Azizan did not tell police when he was sodomised, then who did?" questioned Fernando in his submission at Anwar's appeal to the Federal Court against his conviction and nine-year jail sentence for sodomy.

The original charge stated that Anwar sodomised Azizan Abu Bakar one night in May 1992. This was changed to one night in May 1994. Government lawyers later changed the date to "some time between January and March 1993".

"The charge against Anwar by any standard is absolutely unfair. The charge dates back to six years when it was brought to court ...it is literally a death trap.

"The prosecution was asking Anwar to do the impossible. How can he (Anwar) remember what happened on one night in 90 days six years ago? "If I ask anyone in court what they had for lunch last Thursday it would surely be impossible to get a reply," he said.

Fernando added Azizan's testimony in court could not be relied on to convict anyone.

Earlier, Anwar's other counsel Karpal Singh said the High Court judge Ariffin Jaka should have forced former Prime Minister Tun Mahathir Mohamad to testify.

Karpal Singh, Anwar's senior lawyer, told a three-judge panel of the Federal Court that the judge who presided over Anwar's 1999-2000 trial, Ariffin Jaka, ruled that Dr Mahathir did not have to testify despite a subpoena calling on him to do so.

"Dr Mahathir's testimony could have helped prove that there was a conspiracy against Anwar," he said.

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