

Evidence from Anwar's cell taken 'illegally'
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A police officer told the Sodomy II hearing that a toothbrush and Good Morning towel were among items retrieved on July 17, 2008 from a cell occupied overnight by Anwar Ibrahim.

The defence has objected to the tendering of evidence retrieved from Anwar's cell as they had been unfairly obtained.

High Court judge Mohd Zabidin Mohd Diah is to hear submissions from the defence on the matter tomorrow.

Yahya Abdul Rahman of the Serious Crimes division, said he had earlier given the two items, along with toothpaste and soap, to a rank-and-file personnel who handed them to Anwar.

"As for the (Cactus) mineral water bottle, Anwar had brought it with him. I gave him permission to take it into the cell," he told the Kuala Lumpur High Court today.

"The toothbrush, toothpaste, soap and towel are government standard-issue items for detainees."

Checking the Log Book, Yahya acknowledged that the detainee was Anwar. In response to DPP Nordin Hassan, he pointed to and identified Anwar in the dock.

Anwar looked calm and composed, and was seen reading a book.

The towel, mineral water bottle and toothbrush were earlier marked as identification court materials and not as exhibits, following an objection raised by the defence.

The items were revealed through chemist Nor Aidora Saedon (right), who testified that she had retrieved DNA from them. She said the DNA corresponded to that of an individual identified thus far as 'Male Y'.

Recounting the events, Yahya said Anwar was brought in on the evening of July 16, 2008, to the seventh floor of the Kuala Lumpur police headquarters.

He was detained overnight from about 12.10am. Yahya said he had checked on Anwar, who was well when put in the cell alone.

Anwar was released from the cell about 8am on July 17. Upon checking the cell, Yahya said he saw the toothbrush, towel and bottle.

"They were in their original place. None of my men or I touched them," he said.

Yahya said prior to Anwar's release, he had retrieved two towels/blanket, which Anwar had brought with him as he had complained of back pain. A copy of the Surah Yasin (religious text) was also found in the cell.

After Anwar left, the cell and the lock-up were locked.

CSI check

An earlier witness, retired police officer Amidon Anan, testified that he was called in on June 30, 2008, by investigating officer Jude Blacious Pereira to visit a 'crime scene' at a condominium in Damansara.

There, he retrieved a strand of hair in one unit. In another unit, the CSI team retrieved a silk carpet and also a blue blanket or bed cover.

Amidon, 60, said that on July 17, 2008, he and his four-member team were called to the Serious Crimes division lock-up in Kuala Lumpur.

About 11.40am that day, he was directed by KL Criminal Investigation Department chief Ku Chin Wah to retrieve several items - the toothbrush, mineral water bottle and towel - from the lock-up.

"It was locked and guarded by two policemen. When I arrived, Constable Adnan Safril opened the lock-up. I went into the cell (left) which was also locked."

He observed the area and found a strand of hair, a Cactus mineral water bottle, toothbrush, and a Good Morning towel. He tagged the items and called in a photographer to document them.

Amidon said he signed on the towel and bottle and marked the toothbrush. Each item was placed in a separate envelope.

Questions over condition of lock-up

Earlier, when cross-examining Yahya, lead defence lawyer Karpal Singh asked why the cell looked like a kandang binatang (animal pen).

Yahya did not agree with the comment, saying the place was "like that".

Karpal: The toilet is unsatisfactory. Look at the picture.

Yahya: It is clean.

Karpal: Wasn't the CCTV operational?

Yahya: We had asked for an allocation, but nothing been done (about it). It has been like that since I was attached with the Serious Crimes division.

Karpal: Does the CCTV zoom in to the toilet?

Yahya: It was directed at my man and outside the cell.

Asked who had told him to detain Anwar, he said the instruction came from his superior as well as Jude.

Karpal: Why wasn't Anwar given a bed and pillow?

Yahya: It is standard (procedure).

Karpal: Was a blanket given?

Yahya: No.

Karpal: A detainee does not have human rights? It's basic, isn't it?

Yahya: No, none of the lock-ups supply pillows or a bed.

Under re-examination by Nordin, Yahya explained that pillows and a bed are not part of the standard-issue items.

Nordin: Is it cleaned after a person leaves?

Yahya: Yes, it is cleaned.

Karpal: "Is the toilet clean?"

Yahya: It doesn't look very clean.

Anwar when approached at the close of the day's hearing, said he was calm and composed despite the revelations in court.

He explained he needed the extra towel or blanket to be placed on his back.

"I have a very bad back and the next day (July 17), I required a jab," he said.

The opposition leader said he was in high spirits and he would travel to Merlimau to help in the by-election campaign.

The hearing continues tomorrow.

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