

Anwar's acquittal: Whither Umno?
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There are indications that Umno hardliners are agitating for an appeal against Anwar Ibrahim's sodomy case acquittal, as exemplified by Deputy Prime Minister Muhyiddin Yassin's open support for complainant's father urging the attorney-general to appeal the case.

NONE Muhyiddin was even quoted by the press to have prompted the A-G on Jan 12 to consider such a request for the sake of public interests.

This move is evidently in conflict with Prime Minister Najib Razak's claim that Anwar's acquittal underscores the depth of his reform agenda.

In an interview published by the Wall Street Journal on Jan 13, James Hookway writes: "Malaysian leader Najib Razak pointed to the acquittal this week of opposition leader Anwar Ibrahim as evidence he's serious about political reforms, even inviting an election battle that could propel him out of power."

Hookman said that Najib was "eager to paint himself as leader of Malaysia's most sweeping reforms since independence", and he quoted Najib as saying:

"Once the verdict was released, all of the tension surrounding the trial suddenly fell away and people suddenly realised there are more important things than just the Anwar issue, such as economic growth. What is important now is that we move forward."

NONE Najib (left) then recounted the reform measures that he is in the process of rolling out, such as making the elections more transparent, reducing press censorship, limiting the power to detain without trial, etc.

Taking pride of these changes, Najib said that these could make Malaysia a new partner of the US in "promoting democratic politics and free trade across Asia and the Islamic Middle East."

These are words of a leader who has declared his intention to seek his political objectives through the democratic path, with aspiration to win for his country an honourable place among international community of democracies.

Appeal will be in conflict with Najib's posture

In light of Najib's posture on the Anwar issue, his deputy Muhyiddin's call for an appeal against the acquittal seems oddly out of place, especially when world accolades are still pouring in, affirming Malaysia's judicial decision as the right step to end a trial that has been universally condemned as blatant travesty of justice and outright political persecution.

NONE In case Muhyiddin (right in photo) and his fellow hardliners are unaware, the facts presented by the prosecution in the Anwar trial are so absurdly weak and apparently fraudulent that it would have been an absolute disgrace to the country if High Court Judge Mohamed Zabidin Mohd Diah were to decide otherwise, i.e., finding Anwar guilty.

It should have been obvious to all those who have followed the trial that, when the only evidence - the DNA - that the prosecution had counted on to support its case (apart from the complainant's own words) was demolished by the Australian DNA expert, the entire case had virtually collapsed.

Dr Brian McDonald, a reputable consultant molecular geneticist, rightly pointed out that no sperm after

ejaculation could have survived for DNA identification after staying for 56 hours in the rectum and another 48 hours in the office of the police investigating officer at tropical room temperature, which was what Anwar's alleged sperm samples supposed to have undergone prior to reaching the chemist laboratory .

The fact that these samples could still be found in "pristine" condition - as described by Dr McDonald based on the Malaysian government chemist Dr Seah Lay Hong's DNA test report - pointed irresistibly to the fact that these were not the original swabs retrieved from the complainant's rectum, but fresh substitutes presented to the laboratory.

Prosecution case virtually collapsed

In case there is any doubt on Dr McDonald's credibility, he is a member of the Australian Biomedical Society and served as committee member of the Human Genetics Society, head geneticist officer in New South Wales, member of the Australian Forensic Science Society; and he had submitted to the court a five-page credentials listing the books, papers and articles that he has written on the subject of DNA.

NONE It is significant that the prosecution has failed to successfully rebut Dr McDonald's evidence on DNA, neither was chemist Dr Seah recalled by lead prosecutor, Solicitor-General II Mohd Yusof Zainal Abiden (right), when he called the prosecution's final rebuttal witnesses to give evidence for the prosecution.

Lead prosecutor Yusof had said at the outset of the prosecution case on Feb 3, 2010, that his case was based on the complainant Saiful Bukhari Azlan's direct evidence, and Anwar's DNA found in Saiful's rectum.

Laughing stock of the world

These would prove, beyond reasonable doubt, that Anwar was guilty, despite all the doctors who had physically examined Saiful had certified that they could not find any evidence of penetration.

Now that the DNA evidence has been dismantled, the case is now hinged on Saiful's words.

How much credibility should be accorded to Saiful's evidence? The answer is found in the prosecution's decision to charge Anwar for consensual sodomy, instead of forced sodomy as emphatically persisted by Saiful, reflecting prosecution's disagreement with the complainant's claim.

If the prosecutor could not believe in what Saiful says, why should the court believe him?

Now the crucial question: Can the uncorroborated evidence of prosecution's star witness, to whom the prosecution had expressed no confidence (as reflected in the charge), constitute proof of guilt beyond reasonable doubt in a criminal charge that may condemn the accused to 20 years' jail?

Umno hardliners who would not let go of the judicial process to annihilate Anwar politically must first ponder this question deeply.

In the event of an appeal, will the panel of judges sitting in the court of appeal as well as the federal court, compliant as most of them are to the wishes of the political masters, be willing stoop so low as to answer in the affirmative to this question?

Even if they do, would that not make Malaysia the laughing stock of the world, causing a crisis of confidence in Malaysia's rule of law, thus inflicting grievous economic injury to the country?

Finally, are these Umno extremists very sure that such heinous injustice inflicted on Malaysia's favourite son might not cause a massive backlash that may cast Umno to political oblivion?

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