

Dr M fails to understand criminal justice system
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YOURSAY 'Saiful has no right to appeal because this is not a civil case but a criminal one. It rests with the AG or the prosecution to appeal'

Dr M: Saiful has right to appeal sodomy verdict

your sayMilosevic: No one likes to see a victim not get due justice. But can former PM Dr Mahathir Mohamad please tell us exactly how Mohd Saiful Bukhari Azlan is a victim?

After this marathon trial, I still do not know how Saiful became a victim. Maybe Dr M knows more, and he should educate us all. Assuming Anwar did something to Saiful, tell us exactly the nature of the encounter.

Was poor Saiful raped by an overpowering Anwar? If Saiful was a willing participant, would Dr M advocate that he also be charged under the archaic laws of Malaysia

If Mahathir, cannot give a proper answer, then he is only venting his frustration over Anwar being still free to engage in politics, and his own stupid actions in sullyng his legacy as the PM.

Dr M should realise the plain truth that his diminished stature has partly to do with the Anwar episode.

Presently, people are seeing Mahathir as committing serial acts of harm against the nation, and his latest crusades only confirm his tin-pot dictator mentality.

Danny Lazaroo: Dr M, Saiful has no right to appeal because this is not a civil case but a criminal one. It rests with the attorney-general or the prosecution to appeal.

Saiful is not really the complainant per se, but the alleged victim and witness to a crime - it's the prosecution's job to press criminal charges, not Saiful's.

This is how the law works everywhere in the world. The burden of proof lies on the prosecution's team - they have to prove, beyond reasonable doubt, that Anwar is guilty.

If they fail to do so, and get a verdict they don't like, they can appeal it. Meanwhile, Anwar could appeal his prior convictions because he was the defendant here.

Seriously Dr M, this statement indicates to me that you have a fundamental misunderstanding of how the criminal justice system works.

Anonymous: This doctor has absolutely no knowledge or do not want to understand the legal system. In this case, Saiful the complainant has filed a report that Anwar has committed a criminal offence in breach of the law of the land.

The state (or the Crown), acting on the report, has filed a criminal charge against the offender (Anwar). Hence the trial of the offence is between the state (represented by the attorney-general) and Anwar.

Saiful is merely a witness to the offence. He is neither the prosecutor nor the defendant. If the court is of the finding that the evidence provided is not good enough for a conviction, who is the witness to say or decide that the state should appeal?

If MM (Mahathir) feels so strongly that Saiful has suffered and should seek recourse, it is a civil matter.

Maybe MM should sponsor Saiful to seek compensation in a civil suit.

Saiful has no recourse or right to ask or request the AG to appeal. Does that make sense to our dear doctor?

Gerard Samuel Vijayan: Mahathir has no understanding of the rudiments of the criminal justice system.

This is not surprising coming from a person who assiduously avoids testifying in court under any circumstances or conveniently suffers from selective amnesia when asked questions by commissions of inquiry.

In a criminal case, the federal constitution vests the AG with absolute discretion as to the conduct of a prosecution, including whether to appeal a decision to a higher court.

The AG is not bound by the views of the complainant, the accused and even the Bar Council. In essence, it is a matter between the Crown and the accused.

The complainant in a criminal case, unlike in a civil case, has no independent right to pursue an appeal if the AG thinks there is insufficient corroborative or admissible evidence to secure a conviction on appeal or if it is no longer in the public interest to pursue the appeal.

And the decision of the AG is final.

Cala: The paradox about Mahathir is he is loved by certain people, but despised by the rest. Honestly speaking, Mahathir came to do social engineering through NEP (New Economic Policy) that helps only one ethnic group and in the process, can rightly claim loyalty from his admirers.

However, many non-Malays (and some Malays) do not exactly see it in the same light. While they see a general improvement of well-being of the Malay community for the period 1971- 2011, they see the abuse of power by the Umno-led BN regime, initiated and made possible by Mahathir.

Hence, rent-seeking reached monstrous proportion enriching not the common Malays but his closest friends. As a result, Mahathirism stands for dishonesty, deceit, irresponsibility, unscrupulous practice, self-interests, decayed moral values, and all the negative things you can think of.

Muller: One would have thought Dr M had already migrated on account of the recent lack of news on his part. Alas, he is still with us.

Anwar might not be as vindictive as you, but rest assured there is a host of other people who would like to see you held accountable some day and soon to see justice done as it should. Stay frosty, man.

Ferdan: Mahathir has no right to comment on the latest disgraceful sodomy trial as he is interested party - from his first 'state-orchestrated' sodomy trial.

We know where the foxy ex-PM is coming: he is coming out to exert influence (more of a pressure) against AG and PM Najib Razak to appeal to overturn the High Court's decision of not guilty.

Mahathir will lose all if Anwar were to be the next PM - not only his legacies would be wiped out but his sons' supposedly ill-gotten wealth as well.

Pemerhati: Mahathir, the architect of Sodomy I, who got his lackeys and 'kangaroos' in the enforcement and judicial agencies to imprison Anwar after finding him guilty on trumped-up and fabricated charges seems to be disappointed that Anwar did not suffer the same fate under Najib after he was tried for similarly fabricated charges.

Is he now suggesting to Najib that the verdict should be appealed so that the 'kangaroos' in the higher

courts can come up with the 'right verdict' and imprison Anwar once again?

If that is not his intention and he is just trying to make fun of Anwar for appealing too often, he should be aware that Anwar is just using all the channels available to him to prove his innocence against the heavy odds in the kangaroo-infested courts, which were created by vicious, nasty, unprincipled and corrupt people like him, to eliminate their political opponents.

Absolom: This article has one of the most comments I have seen so far and from what I have read, Mahathir must be the most despised ex-leader of a country.

I suppose people can't get enough of venting their frustration after tolerating decades of his nonsense while in power and more crap after that. The country will take another decade or two to undo the damage this old man has done. Perhaps it will never recover fully.

One of his hare-brained initiatives, Proton, just got sold today after draining the country of billions in opportunity costs. Generations of Malaysians lost thousands of ringgit in car purchases because of Mahathir.

I read that in the last three years alone, Proton received subsidies in excess of RM400 million. While in power, Mahathir had absolutely no regard for the judiciary and now he is talking about justice.

Queenie: Good news doctor. The upside of DSAI's (Anwar's) acquittal is that your constipation worries are no more.

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