

## **Will Altantuya murder appeal be delayed again?**

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On March 9, the appeal of the convicted murderers in the politically charged case of Mongolian translator and party girl Altantuya Shaariibuu is once again set for the Court of Appeal after being delayed for a month because of boxes of evidence on the case had been sent to the wrong place.

Altantuya was killed on Oct 18, 2006. The interminable delays in getting justice for the murdered woman have led to suspicions that the delays are deliberate in order to erase the crime from the public mind.

She had been slain in particularly gruesome fashion - shot twice in the head and her body blown up with military explosives, raising suspicions that it was to hide the fact that, as she allegedly told one of her murderers, was pregnant.

Altantuya had been inextricably tied to a massive scandal involving the purchases of submarines by the Defence Ministry that netted then-Defence Minister Najib Razak's best friend, Abdul Razak Baginda, a 114-million euro "commission" that is believed to have been distributed as kickback to politicians in Malaysia and France.

Documents sent to prison, not lawyer

Apparently, according to the state news agency Bernama, 57 volumes of documents related to the case were sent by the court to the prison where the two, who were once elite bodyguards for now-prime minister Najib, are incarcerated instead of to their lawyers.

J Kuldeep Kumar, a lawyer for former chief inspector Azila Hadri, told the court on Feb 10 that the documents were being sent back to him in stages, and that he had only received 40 of the volumes over the past six months, so he was unable to file an appeal when the matter was to be taken up in the appellate court.

That statement has been met with disbelief by Manjeet Singh Dhillon, a prominent Kuala Lumpur-based criminal defence attorney, who said sending court records to the accused instead of to his lawyers was unheard of.

It is also unheard of for a case to be delayed at the appellate level unless the lawyer is a new replacement for one who has dropped out, Dhillon said.

Dhillon is representing private detective P Balasubramaniam, who has issued several statements saying Najib had first been Altantuya's lover and had passed the Mongolian woman on to Razak Baginda because he didn't want the embarrassment of a mistress when, as expected, he became prime minister.

"In Malaysia, if you have an appeal pending, the documents are served on the accused's lawyers, they don't get served on the accused," Dhillon said.

"In Malaysia, if you are facing the gallows, whether in the High Court or on appeal, by law you are entitled to a lawyer if you can't afford one. In a capital case, there will always be lawyers and the papers are always sent to the lawyers."

There are no excuses for delays in normal appeals cases, Dhillon said. "The lawyer can always say 'I am not ready,' but that only comes about if you are newly assigned to the case. The rest do not get leeway from the court. Say you get the date, you will do the case.

"If you are telling me they shipped such a large amount of documents to the wrong place, that makes no sense. I don't even look at as a snafu, it is a ridiculous explanation. It is a lot of codswallop."

Who ordered the murder?

Altantuya, the jilted lover of Najib's confidant Razak Baginda, was by admission in a letter found after her death attempting to blackmail Razak Baginda for US\$500,000 (RM1.5mil).

Azilah Hadri and his accomplice, corporal Sirul Azhar Umar, were to be paid RM50,000 to RM100,000 (to kill Altantuya and two of her companions, according to a confession by Sirul which, though was recorded after he had been given a warning of his right to a lawyer, was never produced in court).

The trial of the two elite bodyguards and Razak Baginda didn't get underway until early February 2008, droned on for more than a year.

The US Embassy's political section chief, Mark D Clark, wrote in a diplomatic cable liberated by the Wikileaks organisation that a deputy prosecutor had told him "there was almost no chance of winning guilty verdicts in the on-going trial of defendants Razak Baginda, a close advisor to Deputy Prime Minister Najib Tun Razak, and two police officers. She described the trial as interminably long."

Ultimately Razak Baginda was freed by the judge without having to put on a defence in October 2009. The two were finally convicted in April 2009 and sentenced to hang.

The question of who had offered to pay them to murder the woman was never asked, let alone answered. That was one of many questions not asked or answered in the case.

Testimony in the original trial indicated the immigration records for Altantuya and the two friends who accompanied her disappeared and there was no record that they had been in the country.

Faces covered at all times

In a sworn statement, Razak Baginda said he had asked for help to get Altantuya out of his hair from Najib's aide de camp Musa Safri and Sirul in his confession referred to Musa Safri as well. The aide was never called as a witness nor interrogated by police nor was Najib.

One witness had testified in court that she had seen a picture of Najib with Altantuya. Both the defence and the prosecution asked that the testimony be stricken out.

The two convicted murderers were always brought to court with their faces covered, which appears to have been unprecedented as well, raising suspicions on the part of cynics about Malaysian justice that someone else - possibly Indonesian illegal immigrants - could be hanged in their place.

The conviction of the two is just now a month short of three years after the guilty verdict - and five years and four months after Altantuya was shot. A loss at the appellate level means automatic referral to the Federal Court, the nation's highest tribunal.

Given customary appellate procedures, if the two lose at the appellate level it could take as long as two and a half years or more before the case proceeds to the top court.

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