Altantuya judgment: Murder motive 'not essential'
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Hafiz Yatim

The judge in the Altantuya Shaariibuu murder trial did not allude to the motive behind the killing of the Mongolian woman by two police officers in his written judgment, which was released recently following his verdict two years ago.

"Whatever the motive was, it is a matter of law that the motive, although relevant, has never been the essential to constitute murder," said the Shah Alam High Court judge Mohd Zaki Md Yasin in his 70-page judgment.

He however noted that one of the three accused, Abdul Razak Baginda (right), may have had a motive to murder Altantuya as she was blackmailing him, but added it cannot be the basis to call for the political analyst's defence.

Abdul Razak, a close confidant of then deputy premier Najib Razak, was acquitted without his defence being called.

However, two police special forces personnel - Chief Inspector Azilah Hadri and Corporal Sirul Azhar Umar - were found guilty and given the death sentence.

"The question for which I am to determine at this stage is who could have possibly been connected with the deceased's death," explained the trial judge.

"I begin by asking what was both the first (Azilah) and second accused (Sirul Azhar) doing at Hotel Malaya (where Altantuya, her cousin and a friend stayed) on Oct 18, 2006. All the more to be at the 8th floor, the same floor where the deceased's room was located."

The judge also questioned what Azilah's instructions to Sirul was when Altantuya was transferred from a Proton Wira owned by L/Cpl Rohaniza Roslan (Azilah's girlfriend) to Sirul Azhar's Suzuki Vitara car before the second accused went to Bukit Aman, and why Azilah (left) was unusually quiet when Rohaniza later asked him about Altantuya.

"All the questions as aforesaid to my mind (are) taken together with the said respective evidence of Section 27 of the Evidence Act against Azilah which led to the discovery of the scene and the remains of the deceased, and of Sirul Azhar's, leading to the discovery of the jewellery of the deceased, spent cartridge and traces of blood stain found in the second accused's car.

"This have the cumulative effect of tending to connect both Azilah and Sirul Azhar to the charge against them," ruled Zaki.

Judge rejects defence's arguments

Zaki said that the manner surrounding the death of Altantuya was tragic, and "the perpetrators who did this despicable act of blasting the deceased must have intended to completely vanish the related evidence to thin air".

The court was told that Azilah allegedly showed the police where Altantuya was blasted with military-grade C-4 explosives. However, the chief inspector denied having said this to the police, resulting in a trial within-a-trial.

Sirul Azhar (right), who served as a bodyguard in an elite police unit, was arrested during the murder investigation and brought back from Pakistan while he was accompanying the prime minister.

Altantuya's jewellery were later found in Sirul Azhar's home and a spent bullet cartridge was recovered from his car.

In the sensational trial, justice Zaki ruled Altantuya's cause of death was due to "blast-related injuries".

While Azilah testified on the witness stand that he was not at the crime scene but was at Wangsa Maju at the time of the alleged incident, Sirul Azhar in his elaborate unsworn statement described how he was made "a scapegoat" where he was asked by the police to show the jewellery found in his home.

"At one point of time, one ASP Zulkarnain Samsudin was seen removing my jacket and was removing something from my jacket. He placed the jacket on the bed and placed the items (jewellery belonging to Altantuya allegedly found in Sirul's jacket).

"Then ASP Zulkarnain asked me to point at the items. I told him I did not want to point and ASP Zukarnain said ‘you just show it Sirul'. At that point, my picture was taken with my finger pointing at the items," said the accused in the unsworn testimony.

Defence was essentially one of denial

Justice Zaki had the full Bahasa Malaysia unsworn testimony in his judgment where among others, Sirul said he did not know the deceased and had no dealings with her and neither did he know Abdul Razak.

Sirul also claimed he had observed during the trial how several key prosecution witnesses from D9 (special investigation division) and IPK (police district headquarters) were creating stories and lying and was seen to be changing the version of their stories when cross-examined.

"I viewed this closely as I observed their actions were merely to gain a conviction against me as a scapegoat who would be sacrificed to protect their plan and to implicate me in this heinous crime.

"I did not have any motive to hurt or take her (Altantuya's) life in such a vicious manner," he said in a teary testimony.
Zaki, at the end of both the defence and prosecution, found the defence had essentially been one of denial, of blaming one another, and was irreconcilable and ambivalent.

"Consequently, they have failed to raise any reasonable doubt on the prosecution's case. I am satisfied therefore that the prosecution has proved the case against both the first and the second accused beyond reasonable doubt."

Accordingly, the judge found them guilty and convicted them as charged and sent them to the gallows.

Both Azilah and Sirul have since filed an appeal against their convictions and the Court of Appeal will be setting a date on Friday to hear the application.

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