

**We live in a jurisprudence of doubt**  
**MalaysiaKini.com**  
**March 7,2012**

YOURSAY 'A judgment which leaves many major questions unanswered can only be considered a poor judgment.'

Altantuya murder: Court's 70-page judgment out

FellowMalaysian: Why did it take High Court judge Mohd Zaki Md Yasin two long years after his verdict to come up with his judgment? It doesn't make sense.

In his judgment, much weight and credit was paid to Abdul Razak Baginda's affidavit. The veracity of Abdul Razak's testimony was accepted without much question.

DSP Musa Safri, a major party involved in the part played by the police, was never called to appear in court.

What's more important is, who instructed Azilah Hadri to murder Altantuya Shaariibuu and where did the C4 explosives come from?

A judgment which leaves many major questions unanswered can only be considered a poor judgment.

Anonymous: We live in a jurisprudence of doubt in Malaysia. Maybe this is the judicial stance following the 1988 putsch when Lord President Salleh Abas and five other senior judges, were sacked or suspended by the then prime minister, Dr Mahathir Mohamad.

The rule of law has been replaced by the law of rules.

The undeniable fact that the hapless Mongolian died under mysterious circumstances did not seem to invoke or evoke any prima facie woes to the learned judge who needs to know, understand and digest the incontrovertible axiom, ex facto jus oritur (The law arises from the fact).

Simon Lee 3ed5: This is most incredible. Why two long years to come out with the verdict? Justice delayed is justice denied.

The following crucial evidence was totally ignored or obliterated:

1. Where did the C-4 explosives (under the full and tight control of the Defence Ministry), used to murder the poor girl come from?

Just dig to the bottom of the filthy trial and you will surely get the answer who is responsible for the control, inventory, release, possession and use of this tightly-controlled explosive.

How could these two cops easily get possession of this highly protected and lethal army stuff?

2. Who instructed the deletion of Altantuya's immigration records? What is the motive for these two murderers, Chief Inspector Azilah Hadri and Corporal Sirul Azhar Umar, to blast the poor mother?

3. Why was the entire team of prosecutors replaced at the eleventh hour just before the trial?

4. During the trial, why did the defence, the deputy public prosecutor and the judge jump in unison to keep the PM out of the proceedings?

Artchan: Who ordered the killing of Altantuya?

Kgen: The judge depended heavily on the accused Razak Baginda's affidavit to justify his decision.

I wonder if I'm charged with a crime and I write an affidavit to exonerate myself, will it be given the same weight?

Lim Chong Leong: High Court judge Mohd Zaki classified Razak's affidavit, which forms a major portion of the judgment, as "not part and parcel of the police investigation process" but governed under the Oaths and Affirmations Act.

Hence, the judge ruled the affidavit provided by the prosecution must be given its due weight as was given to the rest of the evidence from the prosecution.

But private investigator P Balasubramaniam's affidavits are not considered at all? Why the selective application of the Oaths and Affirmations Act?

The judge said: "Even if Razak can be inferred as having had any motive in the light of all the blackmailing letters of the deceased, it cannot be made a basis for conviction of him without direct or circumstantial evidence of his participation in any manner in the commissioning of offence."

We are not seeking conviction at this point but merely that he enters his defence. Suspicion alone is enough for defence to be called since all the prosecution has to prove was a case that was more probable than not.

Razak had motive and his participation in the murder was therefore highly probable. His defence should have been called.

Tailek: I am legally confused. Does this judgment mean that if a crook signs an affidavit then the contents are taken as gospel truth by the court.

So if a crook swears in an affidavit that he didn't commit the crime, the court will give due weight to this self-pronounced and self-serving statement?

Ben-ghazi: Why is it in this case, the rakyat never got to see the accused except for Razak Baginda? Why were their faces hidden from public view?

What is the motive behind the masquerade? So that if they are freed, nobody will know them. Will they be given new identities after this and undergo some plastic surgery?

Joker: So what the judge is saying is that while Razak may have a motive to kill Altantuya, he actually didn't, but two other Special Forces soldiers who had not even heard of Altantuya before that fateful day, let alone have motive to kill her, were the more likely to be her murderers.

Is this another version of "Razak knows Altantuya, was intimate with Altantuya, had motive to kill Altantuya, but no way he could be the killer of Altantuya."

Wira: Consider this from Wikipedia: On Feb 3, 2009 Sirul Azhar pleaded with the court to not pass the death sentence on him as he was like "a black sheep that has to be sacrificed" to protect unnamed people who have never been brought to court or faced questioning."

"I have no reason to cause hurt, what's more to take the life of the victim in such a cruel manner ... I appeal to the court, which has the power to determine if I live or die, not to sentence me so as to fulfill others' plans for me."

