

**Anwar fails in 'qazaf' bid against Saiful
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Hafiz Yatim**

The Kuala Lumpur Syariah High Court has allowed an early objection by the Minister in the Prime Minister's Department Jamil Khir Baharom to Anwar Ibrahim's qazaf (bearing false witness) application.

With that, Anwar cannot proceed with the application to compel the syariah chief prosecutor to institute legal action against Mohd Saiful Bukhari Azlan for allegedly lying and not coming up with the four required witnesses to verify his sodomy allegation against Anwar.

Judge Mohd Shukor Sabudin, in his decision this morning, ruled that Anwar's application was frivolous and vexatious.

At the outset of his judgment, the judge agreed that the Syariah Court has the jurisdiction to hear the application although this was one of the points of objections raised by the minister and religious authorities.

"The chief prosecutor has a quasi judicial function under the Federal Territory Syariah Procedure Act. He is independent, and can institute, withdraw or drop a charge. He must also be seen to be just," he said.

"The chief prosecutor, cannot be influenced by political pressure in the performance of his duties. Similarly, it would be wrong for the court or any of those in political power to interfere with the chief prosecutor's role. Such intervention would be deemed as committing maksiat (sin)," he added.

Mohd Shukor said the application could be seen as an attempt to interfere with the prosecutor's role.

Likening the chief prosecutor to the attorney-general, he added the body had its own wisdom on whether to take, or not take, action on the individual.

This, he said was to prevent injustice and to act in the interest of the public.

The Permatang Pauh MP had filed his qazaf application on Jan 7, where he named the chief prosecutor Shamsuddin Hussain, the director of the Federal Territory Religious Department (Jawi), Che Mat Ali and Jamil as respondents.

However, Che Mat and Jamil had filed a preliminary objection to the application on Feb 9.

Under the Federal Territory Syariah Offences Act 1997, qazaf is an allegation made by the complainant over an alleged vice or intercourse without bringing in four male witness.

The offence is punishable with a RM5,000 fine or a maximum three years jail or both.

Anwar now has the option of filing an appeal.

He is facing a sodomy charge which has been preferred against him on his former aide at the civil criminal court.

Anwar: Jawi, minister, prosecutor negligent

Anwar said he was not surprised with the decision, owing to the state of affairs in the judiciary including the syariah court and the civil court.

"What is interesting in his lengthy judgment is that the judge said the chief prosecutor must be just in Islam and not bow to political pressure.

"However, in this case the chief prosecutor is a junior officer under Jawi and the minister. He does not dare to charge.

"For me, the chief prosecutor, the director and minister have been negligent and irresponsible in handling my case."

"I have instructed my lawyers to file an appeal. I am not having high hopes in the appeal knowing the political system in the country which is discriminatory against me that even the role of the Syariah Court has been diminished," he said.

Anwar went on in saying that Umno's court only punished the poor and beer drinking ladies.

"In a clear case like this, my rights has been denied where I have been defamed following such an irresponsible and scurrilous attack."

Anwar said this would be added ammunition for PKR's campaign in the Hulu Selangor by-election.

He was represented by Kamar Ainiah Kamaruddin, Mohamad Burok and Dr Mohd Rafie Shafie, while the Jamil and Che Mat were represented by Zainur Rijal Kamaruddin.

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