

**Sodomy II: Another 'no' for Anwar from Appeals Court**  
**Malaysiakini.com**  
**June 25, 2010**

The Court of Appeal today dismissed opposition leader Anwar Ibrahim's bid to obtain his accuser Mohd Saiful Bukhari Azlan's witness statements to the police.

Court of Appeal judges Sulong Matjeraie, Ramly Ali and Zaharah Ibrahim unanimously dismissed Anwar's appeal, saying that the court 'had no jurisdiction to hear the appeal'.

The three-member panel held that they did not have the jurisdiction to hear and entertain the appeal because the High Court's ruling on that matter was not a final order which had the effect of finally determining the rights of the party.

The trio dismissed the opposition leader's appeal and upheld the High Court's decision delivered on May 12, in denying him access to Mohd Saiful statements which were recorded by the police.

Anwar wanted all statements, including Mohd Saiful's witness statement, because he claimed that there were contradictions in Mohd Saiful's testimony adduced in the trial, and the sodomy charge framed against him (Anwar), which could lead to a possible impeachment of Mohd Saiful's credibility.

The 63-year-old Permatang Pauh member of parliament claimed that the star witness (Mohd Saiful) had testified that the alleged sodomy took place without his consent, but Anwar was charged under Section 377B of the Penal Code, with consensual sexual intercourse.

In a unanimous decision, Sulong agreed with solicitor-general II Mohd Yusof Zainal Abiden's submission that the court did not have the jurisdiction to entertain appeals on interlocutory matters which were decided in the course of a trial, by virtue of the amendment to Section 3 of the Courts of Judicature Act, because the ruling was considered not a final order.

He said the amendment to the section was to avoid trials being delayed as the losing party would bring the matter up to the higher court for appeal.

However, Anwar's counsel Karpal Singh submitted in the appeal proceedings today that his (Anwar's) matter was appealable because it was a final order which disposed off his rights.

Anwar to appeal in Federal Court

Karpal Singh said this was so, because if the star witness (Mohd Saiful's) credibility was impeached and his testimony was discredited, the prosecution's case would collapse and Anwar would be entitled to an acquittal.

azlanMohd Yusof, however, said there was no basis to warrant the request of the defence to be supplied with Mohd Saiful's statement because the law gave wide discretion to the attorney-general on the institution of criminal prosecutions.

Mohd Yusof said there was also no contradiction in the evidence given by Mohd Saiful in court, adding that the element of consent or non-consent was not an ingredient of the offence.

Anwar is on trial for allegedly sodomising Mohd Saiful, his former aide, at Unit 11-5-1 of the

Desa Damansara Condominium, Jalan Setiakasih, Bukit Damansara between 3.01pm and 4.30pm on June 26, 2008.

He faces up to 20 years in jail and whipping, if convicted. The trial resumes on July 14.

Outside the court, Karpal Singh said he would file for appeal to the Federal Court on Monday. Anwar was not present in court.

"This is a serious miscarriage of justice. My client will suffer serious injustice," Anwar's lawyer Sankara Nair told AFP.

"The statements would have shown clear contradictions (in Saiful's testimony)," he said, adding that they could see Saiful impeached and force the entire case to collapse.

Anwar sodomy trial is scheduled to resume on July 14.

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