

Fair trials - Anwar's case no exception
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It seems that once again, in Malaysia, the principle of ensuring that everyone be provided a fair trial, regardless of the politics, is being undermined when it comes to a case involving Anwar Ibrahim.

Only this time, the person undermining the fairness of the trial is not a government prosecutor. Malaysian officials have wisely refrained from making prejudicial public statements about any fact at issue in the trial of Anwar for sodomy in Kuala Lumpur, brought as the result of a complaint made by his 25-year-old personal assistant of Anwar, Mohd Saiful Bukhari Azlan.

Instead, the person who is loudly doing his best to prevent a fair trial is none other than – Anwar Ibrahim himself.

Day after day, Anwar brings in human rights activists from around the world, tells them that Malaysia is a dangerous, dark dungeon of a country in which politicians, dissidents, students and newspaper editors face imprisonment for speaking their mind, and loudly proclaims his innocence of having had any relationship with Saiful.

This is not so unusual coming from a defendant in a criminal trial. What is unusual is that otherwise serious people simply accept his assertions without bothering to look at the underlying evidence.

To start with, the person bringing the case is not the government, but a 25-year-old man named Mohd Saiful Bukhair Azlan who worked as an aide to Anwar, and who decided to go the police as a means to end a sexual relationship with his employer, Anwar, that left him, according to court testimony, 'sad' and 'afraid.'

According to Saiful's testimony in the trial, he first met Anwar during Anwar's campaign in March 2008 elections, and then became his aide, a position he remained in for the following three months. Saiful testified that he was very happy to have the position with Anwar, as Anwar 'was a charismatic leader as well as my idol since I was little,' even though Saiful had previously been a support of the ruling Malay party, Umno, and was close to a number of Umno officials.

As Saiful describes it in his blog, he then travelled with Anwar to Hong Kong and to Bangkok in May 2008. He then travelled with Anwar to Singapore in mid-June 2008, and he says, during that trip Anwar initiated a sexual relationship with him. A few days later, Saiful returned to Kuala Lumpur, and reached out to a number of officials there, including the then-deputy prime minister and current prime minister, Najib.

According to Saiful's testimony, the deputy prime minister told him he could do nothing because it was a private matter and related to Saiful's future. After Anwar had sexual relations with Saiful again a few days later, Saiful decided to file a police report regardless, and did so.

As Saiful has said on his own blog, he has sought to give evidence in court since the day in June 2008 when he first pressed charges. He wants a fair trial, and has been willing to go what he describes as baseless accusations, slander, invective, and murder threats in order to provide that evidence regarding his allegations that Anwar sexually harassed him and forced him to engage in sexual activities that Saiful now regrets.

While Anwar takes the position that the charges are trumped up, the medical evidence introduced in court to date, as reported publicly, suggests that Saiful and Anwar did indeed have sexual relations. As the court heard on June 3 from Dr Mohammed Razali, a medical expert, the evidence in the medical reports led him to 'conclusively say that there is a penetration that is consistent with what the victim told the court.'

In short, the doctor found that the evidence was consistent with the sworn testimony of the accuser, Saiful, and contrary to the position taken by Anwar that the case is fabricated.

This is the case that Saiful wants heard by the High Court, and that Anwar has sought to delay, defer, and avoid. As Saiful has written in his blog, he cannot drop the case, because if the case were dropped, people would believe that Saiful's complaint to the police was unfounded and deceptive, and he himself would be at risk of imprisonment for misleading the court.

Unlike Anwar, who has gone to the press throughout the process, Saiful has chosen to present the facts only in sworn testimony, and otherwise, to remain largely silent. As he has written about his silence, 'silence does not mean defeat, silence does not mean fear, silence means that I am patient...and patience is a weapon.'

Different countries have different rules on sexual conduct. In some countries, sexual harassment is a serious offence, and sodomy is no offence at all. In other countries, the reverse is true. Regardless of location, however, the facts matter, and the truth, in the end, must out.

This is as true in Malaysia as in any other country, and it is for that reason in particular that people who say they wish to protect human rights must also remember that such protection includes the rights of a person who says he has been physically abused by a man he once looked up to, rights that can only be vindicated by a trial that is fair to all involved.

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