

Anwar loses appeal to get medical notes
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As expected, the Court of Appeal in Putrajaya today dismissed opposition leader Anwar Ibrahim's appeal to obtain medical notes from three Kuala Lumpur Hospital doctors who inspected the complainant.

Justice Zaleha Zahari, who led a three-member panel, said after careful deliberation they agreed with the ruling made in the course of the trial.

NONE "It did not dispose of the rights of the accused. To the answer by the appellant, that whether it had disposed of the right of the accused, we have to answer in the negative.

"Hence, we dispose of the appeal," she said.

Zaleha said the court agreed with the submission made by solicitor-general II Mohd Yusof Zainal Abiden.

The other two judges are Justices Abdul Malik Ishak and Clement Allan Skinner.

On June 18, The Kuala Lumpur High Court rejected Anwar's application when Justice Mohd Zabidin Mohd Diah ruled there was no provision or legal basis for such documents to be supplied.

"Therefore, I hereby dismiss the application," said Zabidin.

The defence had applied for all clinical notes, reports, materials, specimens and other notes on the case compiled by the three HKL doctors - Dr Khairul Nizam Hassan, Dr Mohd Razali Ibrahim and Dr Siew Sheue Feng.

NONE They also applied for Mohd Saiful Bukhari Azlan's (left) medical history reports compiled during the doctors' examination at the hospital.

In addition, the lawyers are asking the prosecution to hand over the standard sexual assault equipment and kits used in the examination.

The defence also wants information as to the qualification and experience of the three doctors as the Australian forensic expert hired by Anwar needs the reports.

The expert, Dr David Wells, complained that he would not be able to do his job of assisting the defence unless such documents were at hand.

Mohd Yusof submitted that Anwar was not entitled to the medical reports as it did not dispose of Anwar's rights.

Furthermore, he said the prosecution do not intend to submit such documents as evidence, and the defence can ask the witness for such during cross-examination.

Anwar's lead counsel, Karpal Singh, submitted that the ruling (to get the documents) was made during the course of the trial, and the defence was entitled to make the application.

The senior lawyer said he will seek further instructions from Anwar, on whether to appeal to the Federal Court.