

**Anwar's statement based on fact, says Karpal  
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Karpal Singh maintains that Anwar Ibrahim's statement in his affidavit against his complainant Mohd Saiful Bukhari Azlan and DPP Farah Azlina Latif - that the duo were intimate and vital information was exchanged - are not mere allegations, but assertion of facts.

"Anwar has obtained the information (over the alleged affair and the leakage of documents and information) from a credible source. The statements in the affidavit are statements of fact," he said.

"It is not merely heresay but a fact which has not been rebutted in any of the two affidavits-in-reply."

The two affidavits mentioned, submitted by DPP Mohd Hanafiah Zakaria and investigating officer Jude Blacious Pereira, denied any knowledge of an affair and also refuted claims that Farah and Saiful were privy to the investigation papers and other documents.

Karpal is applying for the court and judge Mohamad Zabidin Mohd Diah to exercise its powers to call both Saiful and Farah to the stand.

"I request Your Honour to elicit the truth, to go beyond the surface of the mere allegation and arrive at a just decision.

"This can only be derived by calling the two as witnesses for the court to get to the bottom of the matter and find out the truth. How can the truth be ascertained if the two witnesses are not available?" he said.

NONEThe application is based on section 425 of the Criminal Procedure Code, on the power of the court to summon and examine persons.

Karpal (right), who is also Bukit Gelugor MP, said in court today, "Never before in the history of the country or in the Commonwealth has a DPP had an affair with the star witness."

He commented that star witness Saiful was prepared to take an oath in a mosque over the allegations against Anwar, but was unwilling to come to court to present an affidavit on the present allegations.

Karpal says he will make the application on Saiful and the DPP first, and then submit the striking-out application.

Yusof: 'fishing expedition?'

Solicitor-general II Mohd Yusof Zainal Abiden meanwhile said the defence was merely engaged in a "fishing expedition".

mohd yusof zainal abiden"Anwar's affidavit is based on a bare allegation, and not on what he knows personally. There is nothing for us to reply to as the evidence is based on hearsay on what is published in newspapers," he said.

"The application does not decide whether the rights of the party (Anwar) have been infringed," Yusof (left) said.

Karpal, in an ensuing exchange of words, objected to the statement, saying it was irrelevant, maintaining the defence had certain knowledge, and that it was for the judge to decide.

Justice Zabidin then said, "Karpal, you had your time to submit, let the solicitor-general II submit," adding that while he had high respect for Karpal, the latter "should respect the law".

Yusof, in being allowed to continue, said their focus was that Farah had no access to the investigation papers, witness statements and other documents, and hence Saiful could not have gained such evidence.

The solicitor-general II said the defence had not replied to their affidavits and hence this should be the end of the matter.

He recommended that the application be dismissed as an abuse of the court process

'Trial integrity in question'

mohd saiful bukhari azlan 4 at jawi 271108Karpal in turn questioned why Farah and Saiful (right) did not submit their affidavits, and questioned why Yusof, as lead prosecutor, did not make his.

"This is not merely an affair but a 'hubungan sulit' (secret liaison) which denotes a sexual relationship, which the prosecution has to answer.

"Anwar had said it was patently clear that Saiful had access and knowledge to all witness statements recorded by the police officers, and also knew about the prosecution's briefings and strategies. This was not rebutted."

"The integrity and the impartiality of the prosecution in this entire trial is in question," he concluded.

Justice Zabidin said he would decide at 2.15pm on whether to allow the defence application.

Later, he will also listen to the defence application to strike out the charge based on the latest allegation.

Outside the court, Karpal said the prosecution's suggestions that Farah was only taking notes and was not privy to other information does not hold.

"Why waste the time and money of the public, (to) bring in someone to just take down notes. Come on, we were not born yesterday.

"It's not for Hanafiah or Jude to say (what did or did not take place); who is he? Since when did he become spokesperson to Farah? We cannot allow this thing to happen. This is a court of law," he said, challenging the duo involved to come and deny the allegations in person.

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