

Sodomy II turns into test of prosecution's credibility

Malaysiakini.com

August 09, 2010

The Anwar Ibrahim sodomy II trial has now turned into a test of the credibility of the prosecution team, as Anwar's lead counsel Karpal Singh had brought out another revelation - that one of the prosecutors had flouted Syariah law by solemnising his second marriage outside the country.

NONETHis happened just after High Court judge Justice Mohamad Zabidin Mohd Diah (left) dismissed the defence's application to call complainant and star witness Mohd Saiful Bukhari Azlan and DPP Farah Azlina Latif to answer to allegations of an affair and also leakage of vital prosecution documents.

Justice Zabidin had ruled to dismiss the defence application on the grounds that the applications were made and supported by an affidavit and the court's practice of having an adversarial system was not to descend to the arena.

"There is no basis for the court to call the two as witnesses. Hence the application is dismissed," ruled the judge.

Earlier today, Karpal had submitted that what Anwar had stated in his affidavit were statements based on facts which were not rebutted.

With the decision, Karpal shifted his attention to the credibility of DPP Mohd Hanafiah Zakaria, the person who had affirmed the affidavits-in reply for the prosecution on Wednesday.

The senior lawyer claimed that Hanafiah had solemnised his second marriage in Thailand and had been convicted by the Kelantan Syariah Court after he tried to legalise his marriage.

The sudden disclosure resulted in Hanafiah becoming agitated and another senior DPP, CK Wong, who was seated next to him, was seen pacifying his colleague. This revelation also took PKR president Dr Wan Azizah Wan Ismail and the public gallery by surprise.

Karpal wants to put Hanafiah on the stand to answer the allegation as the offence touches on his credibility in affirming the affidavits.

The senior lawyer also pointed out that the question of Hanafiah's credibility was similar to that in the case of Kinabatangan MP Bung Mukhtar Radin, who is now appealing his sentence of one month's jail and fine of RM1,000.

Yusof: Application has no basis

Solicitor-general II Mohd mohd yusof zainal abiden Yusof Zainal Abiden (left) submitted that the application to put Hanafiah on the stand does not have any basis as it does not relate to the charge or allegation that Anwar's rights had been prejudiced.

"The court cannot allow the defence to delay the trial by hearing one application after another. This is clearly an abuse of the court process in delaying proceedings.

"Furthermore, there is no affidavit-in-reply by Anwar, to Hanafiah's or the investigating officer Jude Blacious Pereira's affidavits. Hence, the matter as stated in our affidavits should stand," he said.

Yusof submitted that Hanafiah had been honest in his dealings with the case.

Karpal, in his reply, said it brings the whole credibility of the prosecution team into disrepute as first Farah allegedly had an affair with the material witness, and now Hanafiah is shown to have broken Syariah law.

Justice Zabidin, after a short 10-minute break, said the it was trite law that an examination of a witness must be on a matter deposed (what is stated) by the person (in an affidavit).

"It is my view that whether or not the alleged marriage took place is not related to the proceeding. Hence the application is dismissed."

After both the defence applications had been dismissed, Justice Zabidin heard Karpal's application to strike out the sodomy charge.

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