

## **'Not a matter of prejudice but perception'**

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The sodomy charge against Anwar Ibrahim should be struck out because of the public perception created by the prosecution's conduct over a DPP's alleged relationship with the complainant.

NONEAnwar's lead counsel Karpal Singh told the Kuala Lumpur High Court this morning that this more than a matter of prejudice to his client.

Responding to submissions of solicitor-general II Mohd Yusof Zainal Abiden yesterday, Karpal said: "Never before in the history of the country and in the Commonwealth has a prosecutor had an affair with the complainant and star witness like this one.

"Questions have been raised as to why the attorney-general decided to exclude her (DPP Farah Azlina Latif) from the prosecution team."

He asked Justice Mohamad Zabidin Mohd Diah to consider the matter carefully and to take his time in arriving at a decision on the strike-out application.

"A judge must act without fear or favour. (He or she) has a duty to give clear expression to the law," said the senior lawyer, reiterating that Anwar's affidavit remains unchallenged.

In the affidavit Anwar claimed to have personal knowledge of the 'affair' as well as the 'exchange of documents' between the two.

Karpal reiterated that, while 14 documents have been withheld from the defence, complainant Mohd Saiful Bukhari Azlan could have obtained these through Farah.

Some of the documents include investigation papers, witness statements recorded under Section 112 of the Criminal Procedure Code, CCTV recordings, investigation diaries and reports of specialists and the chemist

Karpal said the affidavit by investigating officer Supt Jude Blacious Pereira states that only Yusof, DPPs Nordin Hassan, Mohd Hanafiah Zakaria and Noorin Badaruddin have access to such documents.

saiful bukhari azlan anwar ibrahim sodomy allegation medical report pusrawi hospital"Such denial comes from a third party (in Jude's and Hanafiah's affidavits). Why haven't Saiful (left) or Farah denied the assertion?

"Hence, I would say that what Anwar said in his affidavit are facts and not hearsay as claimed by Yusof, since these remain unrebutted."

Yusof, in his submission yesterday, had asked the court to dismiss the strike-out application on the grounds that it is frivolous and that some of the documents have been in the public domain since the trial began.

As such, he said there is no conflict with what Saiful had related in court about the alleged sexual encounter with Anwar.

"What was related in camera (closed proceedings) is what is new. But even then, the court had barred the public including reporters from the gallery.

"Saiful may have had access to documents in the public domain, but this did not affect his testimony under the Evidence Act."

Justice Zabidin said he would deliver his decision on Monday.

'Political persecution'

Anwar, who celebrates his 63rd birthday today, received a bouquet of white lilies that was brought to court by PKR president and his wife Dr Wan Azizah Wan Ismail.

NONEHe said he does not expect an impartial decision from the court.

"As I maintain, this is political persecution. They think it will undermine Pakatan Rakyat if I am placed behind bars. I do not think it will undermine Pakatan as it is strong," he said.

Pakatan had gained control of five states - Kelantan, Perak, Selangor, Kedah and Penang - in the 2008 general election and denied BN its two-third majority in Parliament.

It subsequently lost control of Perak when three assemblypersons turned 'BN-friendly' Independents.

The coalition has since been rocked by a series of defections, although those concerned have chosen to become Independents.

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