



**IPU takes up cudgels over Anwar trial**  
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The way the Anwar Ibrahim sodomy trial is being conducted has received outright condemnation from an international legislators body - the Inter Parliamentary Union (IPU).

The IPU which has been keeping a close eye on the case unanimously adopted a resolution that the prosecution in the case had been compromised and was choc-a-bloc with defects.

The resolution, adopted by the Geneva-based IPU on Oct 6, noted procedural irregularities, based on a report by Queens Counsel Mark Trowell, which was handed over to the Committee on the Human Rights of Parliamentarians, compromising the prosecution's case.

Trowell, who has been an observer at the trial, had submitted the 24 -page report to the IPU.

"Trowell provides a detailed analysis of this question and arrives at the conclusion that 'since the prosecution case has been completely compromised, the public interest would justify discontinuing the proceedings'.

"It noted that the Malaysian delegation's view that this did not take into account the interest of the victim in receiving justice." the resolution states.

It is learnt Malaysia was represented by Deputy Education Minister Wee Ka Siong (*right*) and Nancy Shukri (MP for Batang Sadong).

Questions had been raised over Wee's presence at the IPU in the Malaysian delegation, as according to Anwar's lawyer Sankara Nair, the Permatang Pauh MP has a suit pending against the deputy education minister.

"His presence there representing Malaysia's MPs, is certainly in question as he did not state his interest to the union because Anwar has a defamation suit pending against him," Sankara said.

IPU in its resolution endorses the circumstances in the conclusion arrived at by Trowell.

In April, IPU had in its resolutions claimed that the prosecution's case was **riddled** with defects.

Discrepancies in Anwar's trial noted

It also recognises that a balance has to be struck between the interest of the complainant and the accused, but considers in this instance it cannot serve the interest of justice to continue pursuing a case which is heavily compromised and gravely impairs the rights of the accused.

Trowell in his report struck the chord of discrepancy plaguing Anwar's trial:

- The complaint was brought against the opposition leader, just as he was returning to the political scene;
- The complainant Mohd Saiful Bukhari Azlan's visit to the Deputy Prime Minister and a senior assistant commissioner before filing a complaint;
- The fact the attorney general (Abdul Gani Patail), the main prosecutor in the first sodomy proceedings has been involved in the present case and also he being investigated by the Malaysian Anti-Corruption Agency following allegations of fabricating of evidence;
- The almost systematic rejection of all defence applications for disclosure of prosecution evidence, which it would need in order to mount the defence; and,
- The relationship between a member of the prosecution team (Farah Azlina Latif) with complainant (Saiful), (*right*) was accepted as true by the High Court.



Committee to continue monitoring trial

IPU in its resolution also notes that the judge, Justice Mohamad Zabidin Mohd Diah, had rejected the defence's application to strike out the charge following the alleged affair, and would request the continued presence of an observer to be present at crucial hearings.

### The charge against Anwar Ibrahim

That you, on June 26, 2008 between 3.01pm and 4.30pm at Unit 11-5-1, Desa Damansara Condominium, No 99 Jalan Setiakasih, Bukit Damansara in the Federal Territory of Kuala Lumpur, intentionally had carnal intercourse against the order of nature with Mohd Saiful Bukhari Azlan where you inserted your penis into his anus, and therefore you had committed a crime which can be punishable under section 377B of the Penal Code.

**Penal Code, section 377B**  
Committing carnal intercourse against the order of nature

Whoever voluntarily commits carnal intercourse against the order of nature shall be punished with imprisonment for a term which may extend to 20 years, and shall also be liable to whipping.

Azlan Zamhari / Malaysiakini

It also calls for equality between the prosecution and defence - an essential element of a fair trial. Failing which it would be deemed that judgments issued by the court will be fundamentally flawed.

It stresses the need for Malaysia to respect the United Nations Human Rights Council, of which it (Malaysia) is a member, and as such it should uphold the highest standards in promoting and protecting human rights.

The IPU calls the Malaysian Parliament to do much more to ensure due administration of justice.

The union directed its secretary-general, to convey this resolution to Malaysia's parliament, Anwar, his lawyers and other interested parties.

It also urged the Committee of the Human Rights of Parliamentarians, to continue examining the case and submit a report at its 124th IPU Assembly scheduled for April 2011.

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