

Bar Council views seriously the suppression of evidence
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Bar Council chairperson Rangunath Kesavan has joined the chorus of critics in expressing his disappointment over several recent court decisions in the Anwar Ibrahim's sodomy trial which denied the defence access to documents that could be used as evidence.

NONE "We are of the view it is paramount consideration for the court in determining the truth so justice is, and seen, to be served.

"It is the responsibility of all parties, including the judge, to ensure that the prosecution complies with full disclosure in terms of the information provided to the parties involved, and produced it in court," said Rangunath.

"In addition, a witness who takes the stand in a trial, whether called by the prosecution or the defence, is under an obligation to be independent and to speak the whole truth."

According to Rangunath, it is only after all these elements are present that the judge could make an informed decision on the credibility of the witnesses, and the weight to be given to their testimony.

"Non-production of any documents and information merely gives rise to the perception, in the public mind, of a cover-up, and would surely erode public confidence in the criminal justice system."

Repeated denials

The Anwar defence team led by Karpal Singh has been denied access to the initial medical reports on complainant Mohd Saiful Bukhari Azlan, CCTV recordings, photographs taken during Saiful's medical examination and statements of the prosecution witnesses.

The defence had apply for the supply of documents under Section 51A of the Criminal Procedure Code but despite making several applications and appeals - all the way up to the Federal Court - they were denied access.

An attempt was also made to review the apex court decision, but it proved futile. Former Court of Appeal judge NH Chan had criticised the Federal Court for not granting a review of its own decision.

Furthermore, prosecution witnesses from Hospital Kuala Lumpur had repeated refused to refer to their medical notes which they had taken during the examination of the complainant while being cross-examined by the defence.

High Cour judge Mohamad Zabidin Mohd Diah on Wednesday eventually decided to order the prosecution to hand over the notes to Anwar.

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