

Sodomy: Anwar turns to Syariah Court
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PKR de facto I
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Leader Anwar Ibrahim today turned to the Syariah court to clear his name over the sodomy allegation against him by his former aide Saiful Bukhari Azlan.

Anwar Islamic Department 090708 down stairs Anwar, who was accompanied by his wife and PKR president Dr Wan Azizah Wan Ismail, filed a complaint against Saiful with the Federal Territories Islamic Affairs Department.

His lawyers Kamar Ainiah Kamaruzaman and Ahmad Shabrimi Mohamed submitted the complaint this morning to Mohd Ajib, director of the syariah enforcement department. "On the advice of ulama (Islamic scholars) and my lawyers, I have filed a complaint with the enforcement department of the Syariah Court to have them clear me and my family's name of the malicious allegation," Anwar told reporters.

"This slander is a major issue because it involves a sexual crime and the attempt is of course to mislead the Muslim population, to attack me and my character."

The complaint, referred to as qazaf in Islamic law, is to request a probe into 'false allegations' pertaining to adultery or sexual misconduct.

Kamar Ainiah said qazaf is an offence under section 41 of the Syariah Criminal Offences Act 1997. It covers false allegations of zina (adultery, pre-marital sex or any sexual conduct viewed as illegal in Islam).

Under syariah laws, Saiful will be required to produce four credible witnesses to back up his claims, lawyers said.

If he fails to do so, he can be declared a fasid or unreliable person, and faces three years imprisonment, or a fine up to RM5,000, for bearing false witness.

"I am glad that the enforcement department has promised to take prompt action on the complaint and we hope the investigations will be concluded as soon as possible," she noted.

Anwar Ibrahim and Saiful Bukhari Azlan Anwar clarified that the complaint has nothing to do with the civil suit he has filed against Saiful, as the current move is a means to clear his name under the Islamic law.

He also said this was a response to various parties who have invoked Islamic principles in demanding that he proves his innocence.

Putera Umno president Azeez Abdul Rahim had challenged Anwar last Friday to swear on the Quran.

"I have sought the advice of ulama and they told me that it is unnecessary to swear on the Quran to prove my innocence," said Anwar, stressing his decision not to respond to the call.

"They have also strongly advised me against doing so as it will transgress Islamic rules. This is a criminal act and it must be investigated. There's nothing in Islamic law that allows you to take an oath under this provision.

"If it is a criminal offence, the burden of proof is with the accuser. Otherwise you could be involved in a murder and you (could) swear on the Quran and you would get off scot-free."

'Burden of proof on Saiful'

Anwar explained that only the Syariah Court can decide whether or not he has to swear on the Quran to prove his innocence and that this was not for Putera Umno to demand.

anwar islamic department 090708 up stairsKamar Ainah (photo, far left) said it is the duty of the accuser to swear on the Quran.

"In Islam, a man is presumed innocent until he is proven guilty and whoever made the accusation must present the evidence - swearing or taking an oath is a form of evidence," she said.

"Therefore it is not the duty of the accused to take oath and prove his innocence. It is the accuser who has to do this."

Anwar claimed that his opponents are using religious laws as part of their strategy to go on the offensive.

"We saw the same modus operandi being used by the same players (attorney-general Abdul Ghani Patail and inspector-general of police Musa Hassan) 10 years ago," said Anwar.

Accuser Saiful, 23, has been under police protection since accusing Anwar of sodomising him - the same charge that saw the opposition leader jailed a decade ago.

Anwar was sacked from all his government and Umno posts in 1998 following a fallout with premier Dr Mahathir Mohamad and was then charged separately with corrupt practice and sodomy.

He served out a six-year sentence on the corruption charge, but won his appeal in 2004 against the conviction and sentence on the sodomy charge.

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