

Sodomy allegation against Anwar goes limp
Malaysiakini.com
Aug 28, 2008
Kim Quek

The sodomy allegation against Anwar Ibrahim has all but collapsed on the day he was charged in court (Aug 7) following several events that occurred simultaneously on that day. MCPX

First, there was the surprise climb-down of the charge from the anticipated 'sexual assault' to one of consensual sodomy. After a month-long propaganda in Umno-controlled media depicting Anwar as a sex-offender, when even the prime minister alluded to 'rape' on the eve of the court hearing when questioned whether the complainant would also be charged, the prosecutor's charge of Anwar under Section 377B of the Penal code (for consensual sodomy) was an anti-climax.

It gives the impression that despite all the drama of high-handed police action and tough talk by top political leaders, the fact remains that police have failed to come up with basic evidence to prosecute and prosecutors have to scramble at the last moment to put up a makeshift charge.

This impression is further strengthened by the prosecution's failure to produce a list of witnesses – a departure from the norm where the list is ready when the prosecutor presses the charge in court. This is in addition to the highly abnormal and unethical police conduct of persistently failing to give the accused a copy of the police report lodged by complainant Mohd Saiful Bukhari Azlan more than a month ago without reason.

Second, even hours before the court session, Dr Mohamed Osman Abdul Hamid whose medical report had earlier stunned everyone with his finding that Saiful was not sodomised, dropped another bombshell – this time having his statutory declaration (dated Aug 1) and a medical statement (dated June 30) published in the Malaysia Today website, re-affirming his earlier finding with indisputable clinical details while alleging police harassment and distortion of his testimony.

He intimated at the end of his affidavit that in order to escape such constant harassment he has since left Malaysia with his family for their own safety. Osman's affidavit, which details what transpired during his examination of Saiful hours before the latter's police report and the subsequent encounters with the police, exudes unquestionable professional integrity and should serve as a powerful deterrent to any one who may contemplate to concoct physical evidence of sodomy on Saiful.

Third, Anwar's lawyer Sankara Nair disclosed after leaving the court that his client had a watertight alibi which was already disclosed to the police during their interrogation on Anwar earlier. At the material time of the alleged offence (3.01 pm to 4.30 pm on June 26, 2008), Anwar was having a meeting with several of his friends in the condominium apartment mentioned in the charge.

Anwar later explained that he often used the apartment which belongs to 'a very close family friend' to conduct secret meetings with government leaders, businessmen and politicians. On the day of the alleged sexual assault, he was having talks there with an economist and a former banker, among others, to discuss economic strategies for the Pakatan Rakyat-controlled states. The police have already questioned those involved in the

meeting, in addition to questioning owners of the apartment for 25 hours.

If there is any lingering doubt of Anwar's plea that: 'This is a malicious and treacherous slander, I am not guilty' - which he repeated twice before Kuala Lumpur Sessions Court judge SM Komathy Suppiah - is the truth, then the revelation by the Malaysia Today website of a secret meeting between Saiful and a senior police officer three days before the police report should be sufficient to put the issue to rest.

In an article dated July 30, 2008, titled 'Rodwan met Saiful three days earlier' under the column 'The Corridors of Power' in Malaysia Today, the writer disclosed that Senior Assistant Commissioner (SAC) II Mohd Rodwan Mohd Yusof met Saiful at 2.30 pm on July 25 in Room 619 of the Concorde Hotel in Kuala Lumpur. Prior to the meeting, Rodwan and Saiful spoke on the phone at least eight times.

Three days later, on July 28, Saiful visited Hospital Puswari at 2pm where he was examined by Osman. Four hours later, he was at Kuala Lumpur Hospital (KHL) where he reported to the police that he was sodomised by Anwar on July 26.

On the same day the article was published (July 30), SAC Rodwan was asked whether he really had a secret meeting with Saiful three days before the police report, and Rodwan answered that he was not prepared to respond to this issue, according to the Oriental Daily dated July 31.

And Rodwan is noted for his role in the infamous trials of Anwar ten years ago, as explained in a statement by Anwar's lawyer R Sivarasa:

'In 1998-1999 trials, Anwar experienced the phenomenon of fabrication of DNA evidence. We had SAC Rodwan illegally removing DNA samples from forensic custody. In cross-examination of the prosecution's witnesses, it was exposed that DNA taken from blood samples was planted on the infamous mattress.'

What conclusion can we draw from Rodwan's refusal to respond to such serious allegation in Malaysia Today? Wouldn't he have promptly refuted the allegation if it was untrue? What discussion could he have had with Saiful in such a secret meeting if it was not about Saiful's impending accusation against Anwar?

Now, the crucial question that will reveal the truth: If there was a pre-plan to fix Anwar as indicated by the Rodwan-Saiful meeting, why didn't Saiful rush immediately (after the sodomy) to the KHL where Anwar's semen could be extracted from Saiful's anus and its DNA matched with a previous sample collected from Anwar ten years ago, if it was true that Saiful was sodomised by Anwar on July 26? Why should Saiful have waited for two days before visiting Hospital Puswari?

It is important to note that when Saiful met Osman on July 28, he complained of anus pain for two days, and said he could not sit down because of such pain. It was only after Osman completed the examination and told Saiful he found no abnormality in his anus that Saiful intimated that he was sodomised by a VIP (no names mentioned) and wanted to make a police report. Thereupon Osman advised Saiful to visit a government hospital as it was a criminal case.

The inference we can draw from this sequence of events is that Saiful would not have dared to visit any doctor for an anus examination on July 26, the day he was allegedly sodomised, because there was no sodomy.

His visit to Hospital Puswari on July 28 to complain of anus pain for two days was probably done with the purpose of procuring a prescription for his so-called anus pain with only a perfunctory examination. Little did he know that he would be subjected to a thorough rectal examination through a proctoscope as that performed by Osman.

However it is looked at, it is not credible that a man of normal intelligence like Saiful could have failed to go for a medical examination immediately after a genuine sodomy when there is a plot to fix the sodomist. The only explanation for such failure is that sodomy never took place.

Copyright © 1999-2007 Mkini Dotcom Sdn. Bhd.
Source : <http://www.malaysiakini.com/news/88745>