

Semen from Saiful's anus cannot be used as evidence, says forensic expert
The Malaysian Insider
August 23, 2011
By Shazwan Mustafa Kamal

KUALA LUMPUR, Aug 23 — Datuk Seri Anwar Ibrahim's forensic expert said today that semen specimens taken from accuser Mohd Saiful Bukhari Azlan's anus cannot be used as evidence in the sodomy trial as they had deteriorated and were only retrieved 56 hours after the alleged act.

Forensic pathologist Dr David Wells charged that the DNA samples taken from the semen found in Saiful's anus were not likely to be "meaningful", stressing that it was important to have immediately rushed the semen evidence for analysis as soon as possible.

"After a long delay, the sample won't be pretty," he told the court today.

The court was told earlier in the trial that DNA specimens from Saiful were obtained only 56 hours after the alleged act, when he went to Hospital Kuala Lumpur (HKL) for a medical examination on June 28, 2008 and subsequently lodged a police report against Anwar.

The court was informed back then that the DNA specimens were kept for a further 43 hours in a filing cabinet by investigating officer Supt Jude Pereira before they were handed over to government chemists for analysis.

The prosecution has insisted that it had obtained "good" DNA samples from Saiful, which they have linked to Anwar.

"If the specimen is more than 24 to 36 hours before it is extracted, it would be difficult to get any results.

"I would be exceedingly surprised. I have not been in a case where DNA taken from the anus or rectum was more than 24 to 36 hours after the deposit... If you add to it another lengthy period without air-drying (the sample), I would be sceptical to get any meaningful results," Dr Wells said, casting doubt that the DNA evidence could be used against Anwar.

Anwar's lawyer Sankara Nair told reporters later that Dr Well's testimony had "demolished" the prosecution's case as Saiful's DNA samples were not suitable to be used as evidence in the trial.

"If you keep DNA specimens not in a freezer, especially organic specimens, or don't air-dry them or don't give space for ventilation, then within hours the DNA sample will turn mouldy and the DNA protein is destroyed by bacterial action," he told reporters outside the court.

"If you count it is 90 hours (before analysis)... so you are going to get zero (results)," Sankara added.

Dr Wells criticised Pereira's decision to cut open a sealed bag of DNA evidence in order to re-pack the various packages before handing them over to the government chemists for analysis, which he claimed affected the item's chain of custody.

"I would be personally horrified if any specimen I took arrived at the lab in any other form.

"I'm not a police officer but I suspect he (Pereira) would be looking for a new job," said Dr Wells, who is head of forensic medicine at the Victoria Institute of Forensic Medicine.

"The integrity of the specimen is absolutely crucial," he added.

The trial will resume tomorrow morning with the prosecution's cross-examination of Dr Wells.

Anwar is charged with sodomising former aide Mohd Saiful Bukhari Azlan at a condominium in Bukit Damansara here between 3.10pm and 4.30pm on June 26, 2008.

He faces up to 20 years in jail if convicted under section 377B of the Penal Code, but will escape the whipping sentence due to his age.

The Malaysian Insider

Copyright © 2011 The Malaysian Insider

Source: <http://www.themalaysianinsider.com/malaysia/article/semen-from-saifuls-anus-can-not-be-used-as-evidence-says-forensic-expert/>