

**Najib And Wife File Application To Set Aside Subpoenas As Anwar's Witnesses**  
**Bernama**  
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KUALA LUMPUR, Sept 21 (Bernama) -- Prime Minister Datuk Seri Najib Tun Razak and wife, Datin Seri Rosmah Mansor, Wednesday filed the application to set aside subpoenas asking them to be defence witnesses in Datuk Seri Anwar Ibrahim's ongoing sodomy trial.

They filed the application at the High Court Criminal Registrar at 3.30pm through Hiyam Teh Poh Teik & Company.

The couple who were the applicants in the application named Anwar and the public prosecutor as the respondents.

They were represented by lawyers Datuk Salehuddin Saidin, Hisyam Teh Poh Teik, M.Athimulan and Datuk Ghazi Ishak.

Salehuddin told reporters that their team had filed the application on behalf of Najib and Rosmah.

However, he declined to give the grounds for the application, saying the court had not yet made a sealed copy of the application.

"At the moment, we are waiting for the sealed copy from the court," he said.

Salehuddin also said that the parties would meet High Court Judge Datuk Mohamad Zabidin Mohd Diah, the presiding judge of the trial, tomorrow to set a hearing date.

He said Najib and Rosmah had received the subpoenas Tuesday.

On Aug 8, Justice Mohamad Zabidin had granted Anwar's application to interview witnesses offered by the prosecution, including Najib and Rosmah. At the close of its case, the prosecution offered 71 witnesses, including Najib and Rosmah to be defence witnesses.

On Aug 12, Najib and Rosmah were present at the Jalan Duta Court Complex for the interview.

In the first sodomy case in 1998, then prime minister Datuk Seri Dr Mahathir Mohamad (now Tun) who was subpoenaed, had applied to set it aside and the court granted his application.

On May 16, Justice Mohamad Zabidin ordered Anwar to enter his defence after ruling that the latter's former aide, Mohd Saiful Bukhari Azlan, the complainant in the case, was a truthful and credible witness.

Anwar, 64, pleaded not guilty in the Sessions Court on Aug 7, 2008, to committing carnal intercourse against the order of nature at the Desa Damansara Condominium in Bukit Damansara between 3.10 pm and 4.30 pm on June 26, the same year.

At Wednesday's proceedings, Australian DNA expert Dr Brian McDonald who was cross-examined on the second day by Solicitor-General II Datuk Mohamed Yusof Zainal

Abiden, told the High Court that he just supervised lab personnel conducting a DEP test and he never did it on his own.

Questioned by Mohamed Yusof on the DEP test, a procedure to separate normal and sperm cells from a sample, Dr McDonald said he could not recall ever conducting the DEP but added that he might have supervised several cases before.

Dr McDonald said Dr Seah Lay Hong had wrongly concluded that the "Male Y" DNA samples were from sperm cells, calling what she had done mere "guesswork".

He said since Dr Seah did not use a slide to confirm and check through a microscope, if a sample was "cleaned" of normal cells, and was purely of sperm cells, then it was even possible to say complainant Mohd Saiful's sperm was in his own anus.

Mohamed Yusof: You talked quite extensively on differential extraction. You touched on the procedure involved...have you done it yourself?

Dr McDonald: Not that I can remember.

Mohamed Yusof: So when you told the court about the procedure, you did not base it on your experience?

Dr McDonald: I've conducted it but not on a frequent daily basis. I did not do it personally but I supervised the people who did the DEP.

When asked again, Dr McDonald maintained his evidence earlier that Dr Seah's procedure was flawed.

Mohamed Yusof pointed to an article which indicated that using a slide to confirm that the separated sample contained purely sperm cells was not a "must" to which Dr McDonald agreed.

However, he reiterated that it was important in this case as one needed to be sure that "Male Y" came from sperm cells.

On the issue of degradation of the samples, Dr McDonald disagreed that he had testified that Dr Seah had stated no degradation on all the samples examined by the chemists.

"I didn't say that. Degradation deferred from the samples collected from the anus and the pants of the complainant," clarified Dr McDonald.

He also admitted that it was a difficult task to separate the sperm and non-sperm extractions. The trial before Justice Mohamed Zabidin continues Thursday.

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