

## **Anwar jailed 5 years, stay granted**

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PUTRAJAYA: The Court of Appeal today sentenced Anwar Ibrahim, 67, to five years jail after overturning a High Court decision to free him of a sodomy charge in 2012.

The three-man Court of Appeal panel chaired by Justice Balia Yusof Wahi with Justices Aziah Ali and Mohd Zawawi Salleh had earlier today ruled unanimously that Kuala Lumpur High Court Judge Mohd Zabidin Mohd Diah had erred in his decision to free Anwar.

The sentencing was passed after hearing mitigation from both defence and the prosecution.

The appellate court also allowed stay of sentencing pending Anwar's appeal to the Federal Court, and set the bail at RM10,000.

Earlier Anwar's lead counsel Karpal Singh pleaded to the court to postpone the mitigation to allow the defence team to present Anwar's medical report.

"He is suffering from high blood pressure, heart disease, spinal [problems]. For that we need a medical report.

"The medical status of the accused person is of utmost importance in mitigation. We need time," said Karpal

However, this led to an argument between him and justice Balia, who interpreted this as Karpal not putting up any mitigation today.

"You have nothing to mitigate today?" the judge said.

"You completely misunderstand me. We are unable to mitigate without the medical report," responded Karpal.

"This court is being unreasonable."

But the judge insisted: "the absence of the medical report does not prevent you from bringing up your mitigation."

He said the medical report was not necessary.

"We are here to discuss the sentence," stressed Judge Balia.

### **National security issue**

In presenting his mitigation, Shafee told the judge that Anwar's actions had risked national

security.

“Now that he’s found guilty of this act, and considering his position of power, such acts of indiscretion opens himself up to blackmail and extortion is a source of national security. The country opens up to national security issue,” said Shafee.

He said Anwar had also failed to show any remorse and had taken an aggressive stance by “attacking anyone such as the court, judge, prosecutor, the court of appeal, public prosecutor, the prime minister.”

“He showed unnecessary aggression instead of remorse.”

He said Anwar’s sexual act was irresponsible and reckless as he did not take into account the issue of disease, and that no condom was used: “that’s an irresponsible and reckless act.”

Shafee also argued that Anwar’s actions were tantamount to sexual harassment on his employee.

Shafee’s arguments were punctuated by protests and cries from Anwar’s supporters, who said his statements were unnecessary.

This prompted the judge to address the public: “If I hear any more noise like this, police will be ready to escort you out. This is the court of law.”

The Court of Appeal also allowed for the bail to be posted on Monday, this due to the fact that the Registrar’s office was closed for business today.

The court finally adjourned at 7pm, and Anwar’s family rushed to his side in tears. Anwar was later seen speaking to his lawyers.

The courtroom was packed with reporters, supporters and Pakatan Rakyat leaders waiting for Anwar to address them.

Anwar’s supporters protested that this was an attempt to disqualify him from the Kajang by-election, due to be held on March 23.

Sodomy is an offence punishable by a minimum of five years and a maximum of 20 years of jail and whipping, although Anwar’s age discounts him from being whipped.

Anwar was acquitted by the High Court judge Mohd Zabidin on Jan 9, 2012 of sodomising his former aide Mohd Saiful Bukhari Azlan in 2008 at the Desa Damansara condominium.

This is the second time Anwar has been found guilty of sodomy. He was first charged in 1998 and was jailed for nine years in prison in 2000. In September 2004 the Federal Court overturned his sodomy conviction. He was also sentenced to six years in prison for corruption in April 1999.

### **Case between two individuals**

Meanwhile, a Malaysian government spokesperson said Malaysia has an independent judiciary and the judges had reached their verdict only after considering all the evidence in a balanced and

objective manner.

“Anwar Ibrahim and his legal team have the right to appeal today’s decision to the Federal Court.

“This is a case between two individuals and is a matter for the courts, not the government.

“Therefore, to respect the legal process and the rights of those involved, it would be inappropriate for the government to comment further,” said the spokesperson in a statement.

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