

Anwar Fails In Bid To Recall Ex-Investigation Officer

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PUTRAJAYA, Feb 12 (Bernama) -- Datuk Seri Anwar Ibrahim, Wednesday failed in his application at the Court of Appeal to recall retired investigating officer Supt Judy Blacious Pereira to testify in his sodomy case over the issue of his (Pereira's) credibility.

Judge Justice Datuk Aziah Ali, who chaired a three-man panel, dismissed the application after ruling that Anwar had failed to satisfy the conditions of Section 61 of the Courts of Judicature Act 1964 over additional evidence.

Justice Aziah said Anwar failed to state clearly the identification of evidence sought by him in recalling Pereira.

She said that Supt Pereira's credibility had been vigorously challenged by the defence team during the sodomy trial.

Section 61 of the Act states that parties intending to adduce additional evidence must prove that the evidence was not available during the main trial, must be relevant and have bearing in the appeal proper.

However, Justice Aziah allowed for a stay of the proceedings pending appeal on the matter (bid to recall Pereira) by Anwar's lead counsel Karpal Singh.

Upon hearing submissions from both the parties on the bid, Justice Aziah said this: "We're concerned with the continuous delay (in the hearing of the merits of the appeal proper).

"We're also conscious that the court has to be fair and seen to be fair, and we don't want to deprive Anwar of his remedies if there is any right to appeal," she said in allowing the stay application.

Justice Aziah then set Feb 28 for case management of the appeal.

With her on the panel were Justices Datuk Rohana Yusuf and Datuk Mohd Zawawi Salleh.

Karpal said he would file a notice of appeal at the Federal Court Registry tomorrow, followed by a certificate of urgency for the apex court to set an early date for the appeal.

Meanwhile, lead prosecutor Tan Sri Muhammad Shafee Abdullah said he would be writing to the Federal Court for an early date since the matter had dragged on for too long.

On Feb 4, Anwar said he intended to recall Supt Pereira to determine whether his evidence during the main sodomy trial at the High Court could withstand scrutiny and was credible following

another High Court decision last month to reject Pereira's application for admission to the Bar.

On Jan 9, last year, the High Court in Kuala Lumpur acquitted and discharged Anwar on a charge of sodomising his former aide, Mohd Saiful Bukhari Azlan at Desa Damansara condominium unit in Bukit Damansara here, between 3.10 pm and 4.30 pm on June 26, 2008.

Judge Datuk Mohamad Zabidin Mohd Diah, in acquitting Anwar, had ruled that there was penile penetration but it was uncorroborated by other evidence.

He had held that the court could not be 100 per cent certain on the integrity of samples taken for DNA testing from Mohd Saiful as they could have been compromised before reaching the Chemistry Department for analysis.

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