

PKR rep again calls for Shafee to be removed from Anwar's sodomy appeal case
Malaysian Insider
Feb 10, 2014

A PKR lawmaker has reiterated his call for Umno lawyer Tan Sri Muhammad Shafee Abdullah to be removed from prosecuting Datuk Seri Anwar Ibrahim's Sodomy II appeal, this time for condemning its key witness DSP Jude Pereira as "unreliable".

The party's vice-president N. Surendran (pic), who is also a lawyer, said Shafee himself had chaired a Suhakam inquiry into the arrest of 5 legal aid lawyers in May 7, 2009. Pereira was the key witness in the inquiry.

Surendran said that in the official report of the inquiry, Shafee had condemned the evidence attained from Pereira "totally unsatisfactory".

"DSP Jude Pereira either consciously was not telling the truth or suffered from a serious bout of loss of memory," Shafee said.

As for the Sodomy II appeal, the prosecutor, Surendran said, was relying on the testimony of Pereira, the person whom he had deemed as "unreliable".

"In July 2009, Shafee told reporters that the main issue in the appeal is 'the issue of the exhibits being possibly tampered with'. In other words, the main issue will again be the reliability of Pereira who had cut open the sample bag, which contained the exhibits," Surendran said in a statement today.

"Amazingly, Shafee also told reporters, 'I find no evidence of that and would like to put the record straight'. This is despite he having condemned Jude Pereira for unreliability."

Surendran said Shafee would be making a mockery of the administration of justice and the office of the public prosecutor if he does not withdraw from the case in light of this.

"In view of his findings against Pereira in the Suhakam inquiry, the only ethical, lawful and appropriate course of action for Shafee would be to withdraw from acting as prosecutor.

"More so, when Anwar's lawyers have now filed an application to recall Pereira to take further evidence," he added.

"It would further undermine public confidence in the criminal justice system, and jeopardise Datuk Seri Anwar Ibrahim's right to a fair hearing (if he does not withdraw)."

He called on Attorney General Tan Sri Abdul Gani Patail to also act on this matter if Shafee does not withdraw himself before the hearing date.

"If Shafee does not withdraw before the hearing date, the AG must remove him."

Pereira was the investigating officer in the Sodomy II trial against Anwar, who was later acquitted on January 9, 2012.

Pereira's tampering of evidence was one of the main reasons behind Anwar's acquittal. The High Court had found that Jude had tampered with the crucial samples by cutting open the sample bag without good reason.

Anwar's acquittal is still uncertain as the public prosecutor is appealing against the High Court ruling. The Court of Appeal is scheduled to begin hearing on February 12 and 13.

Last Tuesday, the opposition leader filed the application at the Court of Appeal to recall Pereira, now retired from the police force.

Anwar claimed that the High Court's order – that he enter his defence on the sodomy charge – hinged upon the acceptance of investigating officer Pereira's evidence as credible and subsequent decision that the prosecution had made out a prima facie case against him.

In his notice of motion, Anwar said his leave application to recall the ex-cop to take further evidence was linked to Pereira's rejection from being admitted as a lawyer.

High Court judge Datuk Zaleha Yusof had on January 10 allowed the Malaysian Bar's application to reject Pereira from being admitted to the High Court of Malaya, citing findings of the Suhakam inquiry that he was not fit. – February 10, 2014.

Hakcipta © 2013 The Malaysian Insider

Source:

<http://www.themalaysianinsider.com/malaysia/article/pkr-rep-again-calls-for-shafee-to-be-removed-from-anwars-sodomy-appeal-case>