

Anwar will contest Saiful's RM50 million suit, says lawyer

The Malaysian Insider

March 5, 2015

By V. Anbalagan, Assistant News Editor

Datuk Seri Anwar Ibrahim will challenge a RM50 million civil suit brought against him by Mohd Saiful Bukhari Azlan, his lawyer said, although the odds are stacked against the opposition leader after having been found guilty of sodomising his former aide.

"A conviction in a criminal trial does not mean the plaintiff (Saiful) could obtain an automatic judgment," counsel Latheefa Koya told The Malaysian Insider.

On February 10, the Federal Court found Anwar guilty of sodomising Saiful in 2008 and sentenced him to five years in jail.

Last week, Anwar filed an amended defence at the Kuala Lumpur High Court, ahead of a case management on March 13.

Latheefa said Saiful's suit was also an opportunity to reopen the sodomy allegation against Anwar who is now serving his sentence in Sungai Buloh prison.

"As plaintiff, Saiful will be on the witness stand and we will have the opportunity to cross-examine him," she said.

Civil lawyers, however, said Anwar would face an uphill task to get the court to dismiss the suit because Saiful need only prove his case on the balance of probability, which is a lower legal burden imposed.

They said the finding of fact that Anwar had committed the offence would also have some bearing on the civil case.

Chief Justice Tun Arifin Zakaria, who delivered the Federal Court guilty ruling, said the prosecution had proven its case beyond reasonable doubt that it was Anwar who sodomised Saiful.

The five-man bench also upheld a five-year jail term imposed by the Court of Appeal.

In the summary of his judgment, Arifin found that claims of political conspiracy by Anwar's defence team remained an unsubstantiated allegation.

He also agreed with the High Court and Court of Appeal that Saiful was a credible witness.

On June 23 last year, Saiful, 30, filed for damages, citing physical trauma and agony since 2008 as a result of being sodomised by Anwar.

In his statement of claim, Saiful said Anwar had accused him of defaming and conspiring against him with his police report alleging sodomy on June 28, 2008.

Saiful also said he did not lie in the police report about being sodomised by Anwar, and that the last sodomy incident took place at Unit 1151, Desa Damansara Condominium, Jalan Setia Kasih in Kuala Lumpur.

Saiful said Anwar had asked him to deliver a file and that his then employer had used all his influence to perform the sexual act on him without his consent.

Saiful said he was looked down on by the community who believed Anwar's allegations against him, adding that he was also ridiculed on social media.

The PKR de facto leader in his defence denied sodomising Saiful and said the allegations were false.

Anwar said Saiful had no reasonable cause of action and that the defamation suit was frivolous, vexatious and an abuse of the court process.

He said Saiful lodged a police report against him with an ulterior motive and to tarnish his image.

Anwar said in a civil case, the burden of proof rested with Saiful and he relied on the defence of fair comment, absolute and qualified privilege to contest the suit. – March 5, 2015.

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