

**Saiful's evidence has ring of truth, says chief justice in finding Anwar guilty**  
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In the end, it was the credibility of his former aide which caused opposition leader Datuk Seri Anwar Ibrahim to be found guilty of sodomy.

All three courts, starting from the High Court and Court of Appeal had held that Mohd Saiful Bukhari Azlan's credibility was intact.

Today, the five-man Federal Court bench led by Chief Justice Tun Arifin Zakaria held that Saiful was courageous to take on Anwar.

"It takes a lot of courage for a young man like him to make such a disparaging complaint against a well-known politician like the appellant.

"Knowing that such an allegation might taint him, we cannot ignore the lifelong negative effect such a serious allegation would have on him and his family even if it was proven to be true," Arifin read out.

The chief justice, when delivering the unanimous judgment of the court which took him two hours to read, said the minute details given by Saiful gave his testimony the "ring of truth".

"Unless he had personally experienced the incident, he would be unable to relate the antecedent facts and the sexual acts in such minute details," he said.

Arifin said that despite the lengthy cross-examination, Saiful withstood the grueling session which the trial judge described as "sometimes bordering on harassment".

He added that Saiful had also spoken about the previous encounters he had with Anwar, the unpleasant sensation of pain and the reason for bringing the KY jelly, a lubricant.

"He hid nothing.

"The trial judge found him to be completely open and honest and the Court of Appeal agreed with this finding," he said, in upholding Saiful's credibility.

The Federal Court judgment today also held that the items taken from the prison cell where Anwar spent the night in July 16, 2008 before he was charged – a towel, toothbrush, mineral water bottle – were admissible as evidence although obtained through trickery.

This DNA was used to match the DNA of male 'Y' chromosome recovered from Saiful's anus.

The defence had contended that illegally obtained evidence cannot be used for DNA purposes against Anwar.

The defence had also maintained that Anwar had never used the items.

However, today, Arifin said that it was the finding of the court that there was direct and strong circumstantial evidence pointing to Anwar using those exhibits.

"The lock-up was solely occupied by the appellant and there was no dispute on this," he said.

Arifin also agreed with the Court of Appeal finding that there had been no degradation of the DNA samples taken from Saiful's anus some 56 hours after the alleged sodomy act took place, where it took another 40 hours for the samples to reach government chemist Dr Seah Lay Hong.

The defence had contended that it was impossible for the samples to be in pristine condition and had expressed surprise it was deemed "fresh", thereby pointing out that it could have been compromised during the transfer process.

But Arifin said that it was never the prosecution's case that the samples were in pristine condition.

He added that Dr Seah had conceded under cross-examination that the samples had undergone some degradation but the DNA was still readable.

"If the DNA was completely degraded, it means no DNA profile could be obtained or developed," he said. – February 10, 2015.

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