

**Anwar's Defence Questions Existence Of KY Jelly In Sodomy Act**  
**Bernama**  
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PUTRAJAYA, Oct 28 (Bernama) -- The defence in Datuk Seri Anwar Ibrahim's appeal today questioned whether there was penetration in the alleged sodomy case as Mohd Saiful Bukhari Azlan's testimony was inconsistent over the existence of a lubricant in the act.

Lawyer Datuk Seri Gopal Sri Ram, a former Federal Court judge, argued that according to the evidence from the complainant Mohd Saiful at the High Court, the act was vigorous and fast and he suffered pain in his anus and stomach.

Submitting before a five-member panel of the Federal Court chaired by Chief Justice Tun Arifin Zakaria, Sri Ram said if that was correct, then a lubricant called KY Jelly could not have been used because it was to facilitate penetration and avoid pain.

He pointed out that the medical evidence had confirmed that no trauma or injury was found in Mohd Saiful's anus.

Sri Ram further said the lubricant was not mentioned in the list of exhibits recovered by the prosecution from Mohd Saiful, who was the prosecution's first witness in the sodomy trial.

"The absence of lubricant from the list casts serious doubt on the credibility of Mohd Saiful, and lack of credibility in the prosecution's case and the entire investigation," he said, adding that Mohd Saiful had also not mentioned in his police report on the usage of KY Jelly.

At this juncture, Justice Arifin asked Sri Ram why he said lack of credibility, to which he replied if the gel was used Mohd Saiful would not have suffered pain.

Sri Ram submitted that the learned trial judge did not address his mind to this part of the case at all despite strenuous cross-examination on the point (KY Jelly) by lawyer Karpal Singh.

Sri Ram said Mohd Saiful in his testimony said that the semen stayed in his anus for several days but in his evidence when cross-examined by Karpal, said he did not take a bath after the incident and only rinsed his body and he had taken a bath in the morning prior to the incident.

"It shows inconsistency in Mohd Saiful's testimony," he said.

Sri Ram said the KY gel was an important exhibit but had only appeared during the examination-in-chief by the prosecution on Mohd Saiful and furthermore Mohd Saiful had told the court he himself bought the gel before proceeding to the condominium.

Sri Ram said when asked by Karpal the first time whether the KY Jelly was an afterthought,

Mohd Saiful agreed, however, he changed to disagree after he asked Karpal to repeat the question.

At today's proceeding, KY Jelly was being focused by the defence but when the appeal was heard in the Court of Appeal on March 6 and 7, this year, it had been not been emphasised on.

In his final appeal, Anwar is seeking the Federal Court to set aside his five-year jail sentence for sodomising Mohd Saiful, 27, while the prosecution had filed a cross appeal to enhance the jail sentence imposed on Anwar, 67.

The defence had cited 46 grounds to persuade the court to acquit Anwar from the charge, saying that the conviction imposed by the Court of Appeal on March 7 was not safe.

On other grounds, Sri Ram also doubted on why Mohd Saiful had only lodged a police report two days after the alleged incident on the reason that he feared for his safety.

He said, if that was true, Mohd Saiful would have lodged the police report or had himself physically examined at the earliest opportunity, but Mohd Saiful had awaited two days to go to the hospital which led him to make the police report on June 28, 2008.

In attacking Mohd Saiful's credibility as a key witness, Sri Ram said the conduct of Mohd Saiful at the material time of the alleged sodomy incident was inconsistent with his evidence.

Sri Ram argued that Mohd Saiful went to meet Anwar the following day after the incident for a discussion and later he attended a tea session with Anwar at Anwar's house.

"His conduct on June 27, 2008, one day after the incident is particularly telling. He identified himself in the photograph taken at the tea session.

Looking at the picture, the demeanour of the first witness (Mohd Saiful) is significant," he said.

Sri Ram said Mohd Saiful hardly looked like a person who was under a threat or a person acting out of fear and this part of the case was missed by the High Court and Court of Appeal.

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