

'Male Y' DNA Profile Found In Mohd Saiful Bukhari's Rectum Is Anwar's - Lead Prosecutor
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PUTRAJAYA, Nov 3 (Bernama) -- Lead prosecutor Tan Sri Muhammad Shafee Abdullah contended that the DNA profile known as 'Male Y' found in Mohd Saiful Bukhari Azlan's rectum belonged to his former boss, PKR advisor Datuk Seri Anwar Ibrahim.

"Male Y is the appellant," he said in Anwar's final appeal to set aside a five-year jail sentence for sodomising Mohd Saiful.

Muhammad Shafee said this was based on the DNA analysis on three items, namely a toothbrush, 'Good Morning' towel and mineral water bottle recovered in the cell where Anwar was detained overnight at the city police headquarters from July 16 to July 17 in 2008, conducted by chemist Dr Nor Aidora Saedon.

"The chemist's DNA profile reading of 'Male Y' is perfectly matched with the unknown contributor of the DNA found on the three items," he submitted before a five-man bench chaired by Chief Justice Tun Arifin Zakaria.

The other four judges were Court of Appeal president Tan Sri Md Raus Sharif and Federal Court judges Tan Sri Abdull Hamid Embong, Tan Sri Suriyadi Halim Omar and Datuk Ramly Ali.

Muhammad Shafee said based on lock-up entries, it was stated that the cell was clear and clean before Anwar, who is also opposition leader, arrived and became the sole occupant.

"As the appellant left the lock-up, the toothbrush and 'Good Morning' towel were found on the cell floor. This indicates the appellant had indeed, used the items and opened the plastic packet containing the items given to him," he said, adding that the mineral water bottle was found on the divider wall of the cell.

Touching on Anwar's arrest pertaining to his sodomy case investigation, Muhammad Shafee said it was lawful as the police had informed the accused the grounds of his arrest and shown him the warrant of arrest.

"He (Anwar) was communicated on the grounds of his arrest and the charge sheet was also shown to him," he said.

Muhammad Shafee also pointed out the defence only raised the issue on the recovery of the three items at the Apex Court.

He said the defence also never challenged the police officer who heard the sound of Anwar brushing his teeth in the lock-up toilet.

"The defence did not challenge this at the Court of Appeal but here (at the Federal Court), they raised the issue," he said.

Muhammad Shafee said the three items were not legally obtained because Anwar's arrest for the sodomy charge was lawful.

He submitted that even if the items were illegally obtained, anything relevant to the charge was still admissible under the Evidence Act 1950.

The Court of Appeal had found Anwar, 67, guilty of sodomising Mohd Saiful Bukhari, 27, at Unit 11-5-1 of the Desa Damansara Condominium in Jalan Setiakasih, Bukit Damansara, between 3.10pm and 4.30pm on June 26, 2008.

The charge, under Section 377B of the Penal Code, carries a jail sentence of up to 20 years and whipping, upon conviction.

Hearing continues.

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