

'Sickening' to ask for longer sentence, Anwar says of prosecution in sodomy appeal

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BY ELIZABETH ZACHARIAH

Datuk Seri Anwar Ibrahim today said that it was "sickening" for the prosecution to seek a longer jail term for his sodomy conviction as the facts of the case should have ensured it was thrown out instead.

Speaking to reporters at the end of today's hearing at the Federal Court where he is seeking to overturn his conviction, the opposition leader said that the arguments by his defence team over the past three days clearly showed that he should be acquitted.

"(The prosecution) claims that they want to appeal to enhance the sentence, which to me is sickening because after listening to the facts and if you act professionally, there is no question but to concede," he said.

"It is unprecedented. It is expected from them but I am extremely hopeful and excited following the manner in which my team handled this."

The prosecution has filed a cross-appeal to enhance Anwar's jail term which could be up to 20 years under the law.

Anwar is currently out on bail of RM10,000 in one surety pending his appeal at the Federal Court. He was convicted of sodomising his former aide, Mohd Saiful Bukhari Azlan in 2008, by the Court of Appeal in March this year.

"This is all disgusting politics as the submissions were very strong.

"And I am confident enough that any court that follows the law and adheres to the principles of justice cannot make another decision," the opposition leader said.

Anwar also praised his 14-member defence team led by retired Federal Court judge Datuk Seri Gopal Sri Ram.

Besides Sri Ram, lawyers who made submissions in the last three days were Ramkarpal Singh, N. Surendran and Sangeet Kaur Deo.

"The submissions were very detailed. From the first day with Sri Ram until today by Ramkarpal, this is the best we can hope for. It was magnificent and brilliant work from them.

"Points of law and facts were clearly stated so there is no other option but to acquit me

from all this frivolous charges," Anwar said.

In the first two days of the hearing, the defence had challenged Saiful's credibility as a witness, pointing out contradictions between his testimony and other evidence, and also sought to demolish the link between DNA profiles found on items supposedly used by Anwar in the police lock-up and the samples taken from Saiful's rectum.

They also submitted that DNA samples used in the sodomy trial had been contaminated by a third person, which the defence contends is the investigating officer, Supt Jude Pereira, who handled both Anwar's and Saiful's samples.

The defence also attacked the government chemists who ran DNA profiles on the samples, saying they did not follow procedures and also failed to investigate the presence of a third party's DNA.

The defence concluded its submissions today on the lack of physical evidence showing sexual penetration in Saiful.

Hearing will continue tomorrow at 9am with submissions from the prosecution team led by Umno lawyer Tan Sri Muhammad Shafee Abdullah.

Shafee told reporters after today's adjournment that at least 85% of the prosecution's submission had been addressed by the defence team.

He said he had new points to add when submitting for the prosecution tomorrow.

Anwar's appeal is being heard by a five-member bench, led by Chief Justice Tun Arifin Zakaria. Others on the bench are Tan Sri Raus Sharif, Tan Sri Abdul Hamid Embong, Tan Sri Suriyadi Halim Omar and Datuk Ramly Ali. – October 30, 2014.

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