

Crowds wither as Anwar's appeal drags on, prosecution to make case for extended jail term today

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Datuk Seri Anwar Ibrahim's appeal to get his sodomy conviction overturned at the Federal Court enters its third day today and will continue tomorrow, dragging beyond the initial two days that the Federal Court had fixed for hearing.

His co-counsel, Ramkarpal Singh, is to wrap up submissions on the contamination of DNA samples, before the prosecution, led by government-appointed lawyer Tan Sri Muhammad Shafee Abdullah, makes their submissions.

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

Anwar was convicted of sodomising his former aide Mohd Saiful Bukhari Azlan by the Court of Appeal in March this year, and was sentenced to five years in jail. He is out on bail of RM10,000 pending his current appeal at the apex court.

In a stark contrast to yesterday, the Palace of Justice (PoJ) court complex this morning was almost devoid of supporters unlike the first and second day of the hearing.

Yesterday, more than 3,000 people had gathered in front of the court complex to show solidarity for the opposition leader.

At 8.35am today, the crowd that had been present from early in the morning in the last two days were nowhere to be seen.

Some had anticipated the proceedings to end yesterday, as was initially scheduled, and many had come from all over the country to show their support for Anwar.

PKR's Wong Chen had told the crowd on Tuesday that the hearing would be extended and had urged them to take an extra day off to continue the gathering in front of the court.

Yesterday saw Ramkarpal giving detailed submissions on the technicalities of collecting and preserving DNA samples from the complainant, Mohd Saiful Bukhari Azlan, which the defence said had flaws and as such, had compromised the samples.

Ramkarpal even said it was possible that the samples eventually verified by government chemists were not from Saiful.

This was because the chemists had said that the samples were in "pristine" condition,

which Ramkarpal said would have been unlikely given the lengthy amount of time – 56 hours – between the alleged sodomy and when doctors collected samples from Saiful.

In total, 96 hours passed from the time of the alleged incident and when the samples finally reached the forensics officials. In between, they were stored in a steel cabinet in the investigating officer's room without refrigeration.

Ramkarpal said this would have likely degraded the quality of the samples.

The defence also said it was possible that Anwar's DNA had been planted.

Even though chemists had found a match between samples taken from Anwar's cell in the police lock-up with a profile found in Saiful's anus, the defence team said the DNA from the lockup had been obtained unlawfully, with "trickery and deception".

There was no direct evidence and no witness who actually saw Anwar used the items in the lock-up that gave the police his DNA.

The defence's submissions on DNA rests on the fact that the trial judge had acquitted the Permatang Pauh MP based on doubts about the samples.

The High Court had said that it could not be "100% certain" on the integrity of the samples taken from Saiful for DNA testing on grounds that the exhibits could have been compromised before being handed over to a chemist.

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