

## **Govt moves to strike out Anwar's sodomy conviction suit**

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**By V Anbalagan**

**Government says Anwar's suit to set aside his sodomy conviction is an abuse of the court process and borders on sedition.**

KUALA LUMPUR: As expected, the government has applied to strike out Anwar Ibrahim's suit to set aside his sodomy conviction, allegedly obtained on perjured evidence.

Anwar's lawyer Melissa Sasidaran said the court papers were filed last week but a copy was extended to them only today.

"We will reply to the move to nullify the suit," she told reporters after a case management before High Court deputy registrar Erry Shariman Noor Aripin.

Anwar, who is currently serving a five-year jail sentence at the Sungai Buloh Prison for sexual misconduct on his former aide Saiful Bukhari Azlan in 2008, has been given until June 1 to reply.

The government could also respond to Anwar's reply, which must be filed by June 15.

The next case management is on July 21.

Senior federal counsel Muhammad Azmi Mashud represented the government.

In the application, the government said the court was incompetent to hear the suit, Anwar had no reasonable cause of action and that it was an abuse of the court process.

"His action also borders on sedition and (is) illegal from the constitutional point," court papers sighted by FMT revealed.

On April 17, Anwar said the Court of Appeal and Federal Court had convicted him of the sexual misconduct charge based on the perjured evidence of Saiful, the crown witness in the criminal trial.

Anwar will rely on Section 44 of the Evidence Act to revoke the conviction and sentence imposed by the Court of Appeal and later affirmed by the apex court.

Section 44 states that any party to a suit or proceeding can produce evidence if an incompetent court had made a ruling, or a judgment was obtained by fraud or collusion.

Anwar, 69, also wants the court to set him free if the suit is allowed.

In the statement of claim, Anwar said the government (public prosecutor) knew that Saiful was an untruthful witness.

He said the government fabricated false evidence in the form of an alleged DNA sample and used it to support the perjured evidence of Saiful.

Anwar was initially acquitted by the Kuala Lumpur High Court on Jan 9, 2012. However, the Court of Appeal reversed the acquittal and sentenced him to five years' jail on March 7, 2014.

On Feb 10, 2015, a five-man bench of the Federal Court, chaired by the then-chief justice Arifin Zakaria, maintained the conviction, saying it found that Saiful was a credible witness.

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