

Altantuya Killers' Appeal Up Soon
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Case reopens doubts about Malaysian justice system

The politically-charged appeal of two elite Malaysian police bodyguards who were sentenced to death two years and nine months ago for the 2006 murder-for-hire of Mongolian translator and party girl Altantuya Shaaribuu is due on Feb. 10 in Malaysia's Court of Appeal.

The High Court trial, in which everything appeared to have been done ignore the question of who hired the two killers, stands in vivid contrast to the appeal filed by prosecutors on Jan. 19 in the case of Opposition Leader Anwar Ibrahim, in which everything appeared to have been done to bend the evidence to try to put the 64-year-old Anwar behind bars. As Judge Mohd Zabidin Mohd Diah pointed out in his not-guilty verdict, "the court cannot be 100 percent certain that the DNA evidence against Anwar was not contaminated."

The two bodyguards, Chief Inspector Azilah Hadri and Corporal Sirul Azhar Umar, were to be paid RM50,000 to RM00,000 to kill Altantuya, according to a confession by Sirul which was never produced in court.

Although the three-judge court is expected to hear arguments, it is unsure if the verdict on the appeal by the two will be concluded on that date. Even if it is, according to criminal defense lawyer Manjeet Singh Dhillon, that is unlikely to be the end of the case. If the two are found guilty once more, they have the right of appeal to the Federal Court, Malaysia's highest tribunal. That could take as long as another 2-1/2 years, Dhillon said in an interview.

Although the Malaysian court system has been working to shorten the length of time appeals take, delays remain. However, the length of time this particular case is taking is extraordinary, Dhillon said. Indeed, however, he said, the appeal in Anwar's case could take a similar amount of time. As with the Sirul-Azilah case, Anwar's appeal to the Federal Court could also take another two and a half years after the appellate verdict.

The murder case been linked to the fortunes of Prime Minister Najib Tun Razak. Azilah and Sirul served as bodyguards in an elite police unit supervised by Najib, then the country's deputy prime minister. It has continued to dog him as bloggers and journalists from France and other countries have continued to question his involvement. Also on trial with the two, but acquitted without having to put on a defense, was Altantuya's jilted lover and one of Najib's best friends, political analyst Abdul Razak Baginda.

From the start of the year-long trial, during which prosecutors and the judge were hurriedly switched without warning, to the end, when the verdict was delayed since February 2008 until after the United Malays National Organization convention that named Najib party leader and thus prime minister, the case has appeared more about suppressing evidence than determining the guilt or innocence of the accused.

Asked about the failure of investigative agencies to attempt to discover why no attempt had been made to ascertain who had hired the two to kill the woman, Dhillon responded: "Frankly, that is ridiculous. It clearly shows the intention of the investigative agency. If you are a hired killer, someone has hired you, and he is a far greater criminal, whoever it is. If I am the head of the investigative agency, I would want to know who the mastermind is. Everybody wants to sweep this under the carpet."

The murder was one of the most gruesome in recent Malaysian memory. It is a tale worth repeating. By several accounts, the then-28 year-old woman, who was executed with two bullets to the head in a jungle clearing near the suburban city of Shah Alam and whose body was blown up with military explosives, was at the center of a massive scandal over the purchase by Malaysia of two French submarines and the lease of a third.

The sale of the submarines and other vessels by the French government-linked military contactor DCN to Malaysia, Pakistan, Taiwan. India and other countries have been investigated sporadically by prosecutors who have alleged it involves a string of murders and kickbacks paid to some of France's top political figures.

Altantuya, then Razak Baginda's lover according to Razak Baginda's testimony to police, reportedly was a translator in the purchase, which cost Malaysian taxpayers €1 billion (US\$329.1 billion in current dollars). The purchase netted a company controlled by Razak Baginda €114 million in "commissions," according to testimony in Malaysia's parliament.

By Razak Baginda's own cautioned statement to the police, he grew tired of Altantuya and broke up with her after a year-long affair in which he gifted her thousands of dollars. However, she flew to Malaysia to demand as much as US\$500,000, according a letter found after her death. Other reports alleged the payment was for her part in the purchase of the submarines.

As she stood in front of Razak Baginda's house, demanding that he come out, the two policemen, accompanied by a policewoman, swooped down on her, tossed her into the back of a car, and she was never seen alive again.

In a cautioned statement that was never introduced in court, Sirul testified that in her last moments, Altantuya begged for her life, saying she was pregnant. Sirul said he and Azilah had attached explosives to the woman's legs up to her abdomen and her head, raising questions why they had sought to destroy her abdomen rather, for instance, than her hands, which could identify the body. Presumably the explosives would have destroyed any DNA samples of whose baby was inside her, if any.

P. Balasubramaniam, a private detective hired by Razak Baginda to keep the woman away from him, swore in an intensively detailed statutory declaration that he was told by Razak Baginda that Altantuya had been the lover of Najib as well, that she liked anal sex, and that she had been passed on to the analyst because Najib intended to become prime minister and didn't want a sex scandal hanging over his head.

In the declaration, Balasubramaniam said he had seen text messages from Najib after Altantuya disappeared, telling him to "be cool" and that he would take care of the

matter. After delivering his statutory declaration, Balasubramaniam was summoned to a Kuala Lumpur police station, where he was forced into a total recantation of the document. He and his entire family disappeared. There apparently was never an attempt made by the court trying the three men to find him and ask him to testify as to the accuracy of the statement.

Other questions remain. In Sirul's cautioned statement, the police constable said Azhar told him Najib's chief of staff, Musa Safri, had ordered them to pick up the young woman. Azhar first suggested going to the Hotel Malaya, where Altantuya and two friends were staying, to kill them all, but decided not to because of the presence of closed-circuit cameras. Neither of the two was ever asked in court about Musa's involvement in the matter, nor about their relationship to Najib.

Burmaa Oyunchimeg, Altantuya's cousin who accompanied her to Kuala Lumpur and one of the two women whom Sirul and Azhar presumably intended to kill in the hotel, testified in the trial that she had seen a picture of Najib together with Razak Baginda and Altantuya. Najib has sworn on the Quran that he had never met the woman.

Both the prosecution and the defense leapt to their feet and asked that her testimony be stricken and she was never asked about it again. She also testified that when she attempted to leave the country, there was no indication that she had ever arrived there, leading to questions of how her records had disappeared from the immigration department. No questions were ever asked about how that could have happened either.

When Razak Baginda was first brought into court in June of 2007, his wife, Mazlina, angrily shouted, asking why he was being brought to trial when he had no ambition to become prime minister, which could have been construed as a reference to the allegation of Najib's relationship to Altantuya that was described by Balasubramaniam. Mazlina has never been asked to explain her statement.

Nor has Najib, along with Musa Safri, ever been asked to appear in court or been questioned about the case. It appears unlikely that they ever will be.

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