

## Let's talk a walk down memory lane

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### THE CORRIDORS OF POWER

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Some of you may have been too young in 1998 to remember the first Anwar Ibrahim sodomy trial. With the latest court ruling on Anwar's second sodomy trial (<http://mt.m2day.org/2008/content/view/28387/84/>), maybe it is time I take you for a walk down memory lane so that you can get a better understanding of how the first sodomy trial was conducted.

I will try to make it as simple as possible without too much legal jargon and 'lawyer talk'. What you need to understand is how the trial was conducted and why I say it was a sham trial in a kangaroo court.

Anwar was found guilty and sent to jail for six years and seven months whereas in any other country the court would have thrown the case out without even requiring him to defend himself in a trial. In other words, in any other country the trial would not have gone on but instead Anwar would have been discharged without the defence being called.

Let us first see what was revealed in the trial and then in part 2 we shall look at the other issues:

1. The police admitted that no police report was ever made against Anwar and that the basis for launching the prosecution were unfounded rumours and the contents of a book.
2. The alleged victim, Azizan, had been 'turned over' to say that Anwar sodomised him (the term used for 'coercing') - which is the 'normal' practice of the Malaysian Police, the court was told.
3. The Special Branch had earlier sent the Prime Minister a report saying that the allegations against Anwar are lies and fabricated by conspirators trying to bring Anwar down.
4. The alleged sodomy act was supposed to have occurred 'one day in the month of May 1994'. The police testified that this date was based on the information obtained during the interrogation of the 'victim', and this was what the first charge read.
5. The so-called victim then testified that the sodomy act never occurred after May 1992, only before that, so the 'May 1994' charge suddenly became defective. The charge was then changed to 'May 1992' to fit this testimony while 'typographical error' was cited as the reason for the amendment to the charge.
6. Anwar then file his Notice of Alibi proving that in May 1992 the Tivoli Villa, the alleged scene of the crime, was still under construction and was not completed yet, so it could not have happened at that time, date and place in question.
7. The 'victim' was then interrogated a second time to 'help him remember the correct date'. After he 'remembered' the 'correct date', the charges were then, again, amended to 'one day between 1 January 1993 and 31 March 1993'.
8. When the defence argued that the law requires the charge to specify, precisely, the time, date and place of the alleged crime, and when Anwar managed to provide an alibi for the entire 90 days from 1 January to 31 March 1993 to prove he was never at the scene of the crime, the prosecution argued that 'from time immemorial, dates have never been important'. Though they cannot pinpoint the precise time and date the alleged crime was supposed to have occurred, argued the prosecution, this does not matter as long as they can pinpoint the place.
9. The trial judge would interview the defence before any witnesses are called to find out what they will be testifying. The judge would then rule those defence witnesses irrelevant and would not allow them to be called.
10. Halfway through the defence witnesses giving their testimony, the trial judge would cut them off and dismiss them without allowing them to complete their testimony.

11. The trial judge would rule certain evidence not relevant and would expunge them from the records whenever the prosecution was not able to rebut this testimony and it looked like it would damage the prosecution's case.

12. In a sex crime, the sole testimony of the alleged victim is not sufficient but corroboration is required. In the case against Anwar, however, there was no corroboration other than the sole testimony of the alleged victim.

13. When the defence asked that the so-called victim be sent for a medical examination to determine whether he had indeed been sodomised &ndash; as there was still time to do so &ndash; the prosecution refused, saying that a medical examination is not conclusive anyway.

14. Anwar's alleged partner-in-crime, his adopted brother Sukma, who was jointly-charged with him - and earlier sent to jail for six months for 'allowing Anwar to sodomise him' - was examined by a doctor, Dr Zahari Noor, who testified that he found no evidence he was ever sodomised. In fact, he suffers from piles due to an extremely small anal passage so it would have been impossible for Anwar to have sodomised him &ndash; he had to be operated upon to widen his anal passage so that he could move his bowels. (Anwar's adopted brother was convicted and jailed on the strength of his 'confession' that was obtained under police torture).

15. Witnesses came to court to testify that various people in high places had bribed the so-called victim and his co-conspirator to fabricate evidence against Anwar. However, the prosecution refused to call these people to court to rebut or confirm this allegation, and when the defence tried to subpoena them instead, the court would not allow it to do so. The judge then ruled the testimony of these witnesses as 'hearsay' - since it was never confirmed or denied - and refused to consider it.

16. The prosecution witnesses contradicted themselves and changed their testimonies all along the way. The court, however, ruled that though they may have been inconsistent, 'these inconsistencies have been explained' and the court was satisfied. The court also said that no one human can be expected to be 100% consistent and that everyone, however honest and truthful he may be, will be inconsistent.

17. A prominent lawyer and one-time Malaysian Bar Council Chairman, Manjeet Singh Dhillon, testified and signed a Statutory Declaration alleging that the Attorney-General and the Chief Prosecutor had blackmailed his client with the death sentence unless he (the client) testified that he had procured women for Anwar. No action was taken against them and they continued to head the prosecution against Anwar. No action was taken against the lawyer for 'malicious lies' either, so the allegation remains undisputed.