

**KERATAN AKHBAR-AKHBAR TEMPATAN  
TARIKH: 11 FEBRUARI 2015 (RABU)**

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THE STAR (NATION) : MUKA SURAT 4  
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## DNA profile of Male Y belongs to Anwar, rules court

**PUTRAJAYA:** The DNA profile of Male Y in the Sodomy II case belongs to none other than Datuk Seri Anwar Ibrahim, ruled the Federal Court.

Chief Justice Arifin Zakaria said there was no dispute that samples examined by **chemist Nor Aidora Saedon** came from items used solely by Anwar.

"It is thus indisputable that the profile of Male Y developed and analysed by both chemists belongs to none other than the appellant (Anwar)," he said.

The DNA evidence of Male Y, said Justice Arifin, was the key corroborative evidence to the element of penile penetration by Anwar.

DNA samples from a mineral water bottle Anwar brought into a lock-up as well as a toothbrush and a Good Morning towel given to him by the police for his use had been

labelled as Male Y.

Justice Arifin said there was direct and strong circumstantial evidence of Anwar having used those items and that there was no dispute that the lock-up was solely occupied by him when detained overnight on July 16, 2008.

"We are of the view that the conducting of a trial within a trial by the trial judge to determine whether the DNA samples were obtained by unfair means or otherwise was a superfluous and an unnecessary exercise," he said.

Anwar was lawfully detained at the lock-up and the gathering of evidence there by the forensic team was a legal and fair method of police investigation, he said.

Justice Arifin said the judges also agreed with the prosecution that it was incorrect and misleading to

conclude that because of the degradation of DNA samples, DNA profiling had been rendered unreliable.

"It is thus our finding that the degradation has no effect whatsoever on the DNA profiling in this case," he said.

Scientific evidence cited by the prosecution, said Justice Arifin, clearly established that Anwar's sperm cells were found in the lower and upper rectum of Mohd Saiful Bukhari Azlan.

"The only logical explanation for this is that Mohd Saiful must have been sodomised by the appellant (Anwar)," he said, adding that they were convinced of this "beyond reasonable doubt".

The defence, said Justice Arifin, had contended that Anwar could not have performed the act as he was labouring under intense back pain,

calling an orthopaedic surgeon to support his claim.

"We say that this defence is an afterthought," he said, adding that the surgeon only examined Anwar on Sept 8, 2011, a month before his testimony.

He said a prosecution witness, Dr Jeyaindran C. Sinnadurai, had examined Anwar just three weeks after the incident, during which he did not complain of back pain.

"According to Dr Jeyaindran, the appellant (Anwar) had informed him that he had coitus (sexual intercourse) with his wife a week after the incident," he said, adding that the doctor observed that Anwar's movement was also not restricted by any back pain.

Anwar, said Justice Arifin, had listed 13 witnesses in support of his alibi but those not to call any of

them, making instead an unsworn statement from the dock.

"In law, a trial judge will not give much weight to what an accused has said in his unsworn statement as he is not subject to cross examination by the prosecution nor can he be questioned by the trial judge.

"We hold that the defence of political conspiracy remains a mere allegation unsubstantiated by any credible evidence."

Outside the courtroom, some lawyers were heard saying that they were worried that the judgment could mean that it would be very easy for someone to accuse another of sexual offences.

One was heard saying that if a man were to refuse to marry his girlfriend, she could easily frame him for sexual assault by planting degraded discarded seminal fluid.



## **Mahkamah Persekutuan Umum Keputusan Rayuan Kes Liwat Anwar Hari Ini**



*Istana Kehakiman di Putrajaya*

PUTRAJAYA, 10 Feb (Bernama) -- Mahkamah Persekutuan dijadual mengumumkan keputusannya pagi ini mengenai rayuan akhir penasihat PKR Datuk Seri Anwar Ibrahim untuk mengetepikan hukuman penjara lima tahun yang dikenakan terhadap beliau kerana meliwat bekas pembantunya Mohd Saiful Bukhari Azlan.

Ketua Hakim Negara Tun Arifin Zakaria, yang mengetuai panel lima anggota terdiri daripada Presiden Mahkamah Rayuan Tan Sri Md Raus Shariff serta hakim-hakim Mahkamah Persekutuan Tan Sri Abdull Hamid Embong, Tan Sri Suriyadi Halim Omar dan Datuk Ramly Ali, dijangka mengumumkan keputusan itu pada 9 pagi.

Mahkamah tertinggi itu akan memutuskan sama ada membenarkan atau menolak rayuan Anwar untuk mengetepikan sabitan kesalahan serta hukuman penjara yang dijatuhi Mahkamah Rayuan terhadapnya pada 7 Mac tahun lepas setelah mengetepikan keputusan Mahkamah Tinggi membebaskan beliau.

Sekiranya rayuan beliau ditolak, Anwar akan hilang kelayakan sebagai Anggota Parlimen Permatang Pauh mengikut Perkara 48(1)(e) Perlembagaan Persekutuan yang menyebut bahawa seseorang anggota parlimen akan hilang kelayakan sekiranya beliau dikenakan hukuman penjara lebih setahun atau didenda lebih RM2,000.

Pihak pendakwaan juga memfailkan rayuan balas agar hukuman terhadap Anwar ditambah. Bagaimanapun, rayuan balas ini akan hanya didengar sekiranya Mahkamah Persekutuan mengekalkan keputusan Mahkamah Rayuan.



Anwar diwakili sepasukan 15 peguam diketuai bekas hakim Mahkamah Persekutuan Datuk Seri Gopal Sri Ram.

Empat belas peguam lain ialah Ramkarpal Singh Deo, Gobind Singh Deo, Sangeet Kaur Deo, N.Surendran, R.Sivarasa, J.Leela, Latheefa Koya, Lim Choon Khim, Eric Paulsen, Michelle Yesudas, Shahid Adli Kamaruddin, Zaleha Al-Hayat, Jeremy Vinesh Anthony dan Mohamed Aliff Bolkin.

Pasukan pendakwaan diketuai peguam kanan Tan Sri Muhammad Shafee Abdullah, yang dibantu timbalan pendakwa raya Datuk Mohamad Hanafiah Zakaria.

Mahkamah Rayuan mendapati Anwar, 67, bersalah meliwat Mohd Saiful, 30, di Unit 11-5-1 Kondominium Desa Damansara, Jalan Setiakasih, Bukit Damansara di sini antara 3.10 petang dan 4.30 petang pada 26 Jun 2008.

Tuduhan yang dikenakan mengikut Seksyen 377B Kanun Keseksaaan itu membawa hukuman penjara hingga 20 tahun dan sebat jika sabit kesalahan.

Sebanyak 27 saksi pendakwa, termasuk saksi utama Mohd Saiful, dan lapan saksi pihak pembelaan, termasuk Anwar, memberi keterangan pada perbicaraan ini, yang berlangsung selama hampir tiga tahun di Mahkamah Tinggi dan menarik minat seluruh dunia.

Pada 9 Jan 2012, Mahkamah Tinggi membebaskan dan melepaskan Anwar daripada tuduhan tersebut dengan alasan ia tidak 100 peratus pasti tentang integriti sampel yang diambil bagi ujian DNA daripada Mohd Saiful.

Mahkamah itu juga berpendapat sampel itu mungkin dikompromi sebelum sampai ke [Jabatan Kimia](#) untuk tujuan analisis.

Bagaimanapun, Mahkamah Rayuan mengubah keputusan Mahkamah Tinggi itu dan mendapati Anwar bersalah meliwat Mohd Saiful serta memberi alasan hakim perbicaraan terkhilaf dalam keputusan beliau tentang sampel berkenaan, yang dibuat berdasarkan keterangan dua saksi pakar yang dipanggil pihak pembelaan.

Sementara itu, pegawai mahkamah mengumumkan prosiding hari ini bermula 10 pagi.

Terdahulu Anwar yang ditemani anggota keluarga tiba di mahkamah pada pukul 9 pagi manakala Saiful Bukhari tidak kelihatan setakat ini.

Ketua Pendakwaan Tan Sri Muhammad Shafee Abdullah tiba pada 8.55 pagi manakala Datuk Seri Gopal Sri Ram, yang mengetuai pasukan pembelaan melibatkan 15 peguam, tiba pada 8.30 pagi.

Orang ramai, media dan polis kelihatan mula memenuhi perkarangan Istana Kehakiman sejak 6.30 pagi.

Hanya anggota keluarga, anggota parlimen, pemerhati dan media diberi pas khas untuk masuk ke bilik bicara itu.

Keadaan keselamatan pada keseluruhannya terkawal.

-- BERNAMA

