15 Years Of Solitude For Anwar ... And For Malaysia?
Anwar’s incarceration may soon be forgotten by the majority of Malaysians who will see the whole episode as the mere result of a political feud that has little consequence on their daily lives.

But others will echo Param Cumaraswamy, UN Rapporteur who has described it as a “judicial injustice which is hard to tolerate in any civilized society.”

For Anwar Ibrahim himself, he is as of now the obvious victim of a political endgame. But what is the source of Anwar’s downfall and will his victimization lead Malaysia out of its current political quagmire?

UMNO’s evolution under the tenacious leadership of Dr Mahathir had left behind a trail of destruction — a tainted judiciary, a servile media and an ineffectual parliament, among others. Anwar’s demolition may not even be the final phase of this process.

**UMNO’s Crises**

During Mahathir’s tenure from 1981 till 1998, UMNO was ceaselessly plagued by crisis, either revolving around the issue of succession, control over economic largesse or factional differences over national policies. Under Mahathir, each eruption of intra-party conflict, was resolved through the amassing and concentration of greater power in his hands.

As a way of eliminating all potential opponents within the party, such as Musa Hitam in 1984 and Tengku Razaleh in 1987, Mahathir inevitably found it expedient to emasculate the judiciary, control the media to the maximum degree and use the instruments of the state widely in his favour.

But why was the control of UMNO so fiercely guarded by Mahathir and leaders before him?

First, UMNO was not just a symbol of Malay political power, it was also an institution which controlled national wealth. When UMNO entered business in a big way leaders derived their power from the control over national economic largesse. Thus, despite Mahathir’s exhortation of modernizing the economy, UMNO, under him remained to be one of the biggest patronage machines in
EDITOR’S NOTE

The Whole World is Watching

Notwithstanding what we get from Malaysia’s media, the event in Malaysia that has drawn the attention - indeed the condemnation - of the world community, and further exasperated thinking Malaysians is the guilty verdict on Anwar Ibrahim and his adopted brother Sukma Darmawan. This event is the focus of Aliran Monthly.

In the lead story, “15 years of Solitude...”, Dr Maznah Mohamad takes us beyond the event to look into the source of Anwar’s downfall. Will his victimisation lead Malaysia out of its current political quagmire?

“What the Anwar Verdict Means for Us” by D J Muzaffar Tate tells us plainly that we should be profoundly sad and ashamed. It marks yet another step in the slide to tyranny.

This issue also carries the “Summary Judgment” by Judge Arifin Jaka and Anwar’s statement to the court in lieu of mitigation before his sentencing.

But the centrepiece of this issue are the criticisms of the world community - foreign leaders and governments, international organisations and NGOs, the major presses, and Malaysian groups. - Editor

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the country.

Second, UMNO was the most successful vehicle in capturing the Malay consensus. From independence to the mid-1990s UMNO never suffered any severe electoral loss. Although PAS was a traditional but formidable adversary, UMNO was able to undercut its influence and consistently retained a monopoly over the Malay polity.

Perhaps Anwar’s entry into UMNO in 1982 was unfortunate from the start. It was not a course which he himself had charted. It was planned for him - an expedient tactic which was conceived to consolidate Mahathir’s own power within UMNO through winning over the resurgent Islamic forces.

But within ten years, and despite being a ‘newcomer’, Anwar had reached a stature ‘dangerous’ enough to enable him to wrest power from the party president himself, his erstwhile ‘mentor’.

Rather than democratically succumb to a challenge from a former protégé, Mahathir chose to take the route of ouster and slander. But public reaction to this was virulent outrage which subsequently led Mahathir to expeditiously employ an even larger cache of state apparatuses to shut-out Anwar and his movement from the political scene.

Although Mahathir had amassed enough power apparently to control the judiciary, parliament and the media it was necessary now for him to move into a new phase. Anwar’s expulsion was ultimately legitimized through raw coercive power as in the use of the police for control, surveillance and the brutal silencing of dissenters. As if to put an end to Anwar’s political presence the judiciary handed down a verdict which seems to vindicate Mahathir’s much-publicized allegations against his one-time heir apparent.

Enter And Exit Anwar

Tracing Anwar’s Involvement in UMNO

When Mahathir came to power in 1981, he was circumspect about dealing with the Islamic resurgence among Malay youths and professionals in the mid-1970s. Thus, Anwar Ibrahim’s entry into UMNO was viewed as a strategy for coopting this movement while containing it.

During this period Islam had evolved from simply being a cultural marker of Malay identity to being the basis for a renewed Malay ‘nation’ attempting to chart an independent course for modernity while maintaining elements of traditional morality. Instead of going against this tide, Mahathir appropriated this movement for UMNO’s enhancement.

Mahathir even earned himself the label of being an Islamic modernizer since he appeared concerned about incorporating some tenets of Islam into his modernization programme, especially in the use of Islam as a means to discipline Malays.

Challenge of Islam “From Below”

Despite Mahathir’s and UMNO’s vigorous promotion of Islam ‘from above’, there were still challenges by groups promoting an ‘Islam from below’. PAS, for example, remained as UMNO’s main and resolute opponent in this regard. The party’s historically consistent challenge to UMNO was always to up-the-ante on the ability of UMNO government to wholly and unconditionally enforce Islamization.

Another counter-elite group, which came to a point of challenging UMNO’s power over Malays was the Darul Arqam, which was disbanded in 1994. Its leaders were arrested under the ISA and the movement was accused of practicing a ‘deviationist’ Islam.

After the banning of Darul Arqam, Mahathir became bolder in criticizing other shades of Islam which veered from his modernist vision. In one of his speeches, he attacked traditional Islam as being incapable of promoting multiculturalism, thus pushing for the idea that only his vision of modernist Islam committed to economic greatness could do so.

By 1997 Mahathir had reached the pinnacle of his popularity. He seemed to have successfully dealt with Islam and its integration into his developmentalist agenda, from the village level to the realm of international relations. To add to his fortuitous turn, PAS did not do well in the 1995 national elections despite retaining the Kelantan state government. Right up till late 1998, there appeared no strong alternative to UMNO’s sanctioned Islam.

But by September 1998, Mahathir’s successful engage-
ment with Islam seemed to have come to an end. If his success began with the co-optation of Anwar Ibrahim in 1982, its unravelling commenced with his ouster of Anwar in 1998.

**Anwar's Politics**

This is not to say that the source of the Anwar-Mahathir conflict was because of differences over Islam and Islamization. In fact this played a minor part in leading to the culmination of the split.

The rift between him and Mahathir perhaps began in 1993 when Anwar contested against Ghafar Baba, the then deputy prime minister for the UMNO vice-presidency. Anwar's victory at this poll showed that he had mobilized a sizeable mass following, built up and patronized over a coterie of wealthy business interests, and gained control over several major newspapers and a television station within ten years after joining the party. Naturally, Anwar's meteoric rise became a threat to Mahathir and his loyal supporters.

Apparently he was also on a trail of exposing high-level corruption, hinting at a reform of the judiciary, enhancing socially distributive development and halting economically non-viable mega-projects personally favored and protected by Mahathir.

The control over national economic largesse was also split between Anwar controlling the Finance Ministry and Mahathir the Privatization Unit under his ministry and other strategic ‘cash-cows’ like Petronas and the Employees Provident Fund. By then, Anwar had also cultivated his retinue of favored business cliques who had to compete with Mahathir's own assemblage of business associates, including his sons. Later, when the 1997 regional financial crisis hit Malaysia, Anwar's and Mahathir's differences at handling the crisis further worsened the discord. This was to be the final presage to Anwar's climactic doom.

**Bizarre Sex Charges**

The expulsion of Anwar in and of itself, from his positions as deputy prime minister and finance minister, could have turned out to be less contentious. The people may countenance that it was the legitimate right of the prime minister to expel Anwar. It was actually the implausible sexual charges, Anwar's forceful arrest, and lethal assault in prison which stirred outrage over the episode.

Anwar's claim that he was the victim of 'conspiracy at the highest level' found even more resonance after he was subjected to trial proceedings which were claimed by international legal observers to be biased and politically-motivated.

The charges of his alleged sodomy affected sections of the Malay community in an emotive way. The underlying sense was that, Mahathir was not just doing this coup de grace on Anwar but upon a burgeoning Islam of which Anwar was one of its proponents.

The dissemination of this perception subsequently bred a virulent Malay antipathy towards Mahathir as evident by the growth of numerous Reformasi websites championing Islam and the Anwar cause while hurling intense opprobrium against the Mahathir government.

**Prisoner of his Doing**

When the Islamic outrage was unleashed, Mahathir became a captive of his own designs. After having courted the Islamic quarters to consolidate his own power, he is now being taunted by the same forces upon which he rode. Mahathir took one of his biggest gambles when he tried a strategy of vilifying Anwar on moral grounds. The gamble was that if he were to succeed in foisting the charges on Anwar the result would be an imperiled opposition Islam. It would be weakened due to the inability of Malays to reconcile Anwar's alleged sexual misconduct with the ‘noble’ Islam he led.

There would be confusion and disillusionment among some sectors of the Malay population causing them to stay clear of strident movements and seek the comfort of establishment Islam.

In actual fact, the cleavage between the Malay secular elites and the Islamicized middle-class was already in the making since the 1980s. The bringing in of Anwar Ibrahim and his ABIM followers, the then new Malay middle-class (which had a deeper sense of Islamic identity) into UMNO created the eventual nemesis to entrenched party interests. In an interview given to some scholars ABIM members already saw themselves as “working underneath” and hoped someday
“to become strong and replace the weak”

At that time Mahathir was more concerned about consolidating his power and undermining PAS to worry about the consequences of this awkward alliance. In return for support of his leadership the Islamic faction of UMNO was given broad leeway for an Islamization agenda at many levels—the law, financial systems, schools and everyday morality.

For two decades this had happened rapidly and without encumbrances. But Mahathir’s attempts to reconcile a fundamentalist Islam with modernization found itself teetering when the rift between Anwar and him came to a head.

**Malay Identity Politics**

The Anwar Ibrahim issue triggered a mass perception of a besieged Islam which cost UMNO its unwavering Malay support in the last election and won PAS the distinction of being a viable Malay alternative to UMNO.

The internal feud which began as a contest over UMNO’s leadership transmuted into a crisis of Malay identity politics and led to the reaffirmation of political Islam as a rallying point for Anwar’s cause.

Anwar’s elevated career within UMNO may well have been crafted through stock political machinations with few links to an Islamization agenda (some scholars have wondered whether Anwar was just ‘a natural politician who simply seeks the logical route to power’). Nevertheless, his ouster jolted a public perception of him as embodiment of resurgent Islam which Mahathir had at one time expeditiously courted, but is now at war with.

**Finally, The Harshest Blow**

It appeared that after 19 years, UMNO’s and Mahathir’s strategy at outdoing rivals, consolidating power and enriching the party has finally reached a point with a horrendous outcome—the 15-year incarceration of Anwar Ibrahim for offences that are widely believed to be fabricated.

Anwar, like Henrik Ibsen’s protagonist, Dr. Stockmann, in the 1882 play, *An Enemy of the People* has to deal with the awful truth about an inert majority which acquiesces to lies perpetrated by leading men and denies that there is a problem in society. Stockmann’s words may have well been said by Anwar himself:

> I will say no more about our leading men. And if anyone imagines, from what I have just said, that my object is to attack these people this evening, he is wrong — absolutely wide off the mark. For I cherish the comforting conviction that these parasites — all these venerable relics of a dying school of thought — are most admirably paving the way for their own extinction; they need no doctor’s help to hasten their end.

And as for the silent majority:

> “The most dangerous enemy of truth and freedom amongst us is the compact majority. The majority has *might* on its side—unfortunately; but *right* it has not... “

But will Anwar’s years of solitude, where ‘the strongest man in the world is the one who stands most alone’, also allow for an ignoble slide into either dictatorship or political chaos for Malaysia?

> “Yes, my native town is so dear to me that I would rather ruin it than see it flourishing upon a lie...It ought to be razed to the ground, I tell you! All who live by lies ought to be exterminated like vermin!”

**Malaysian Circus : The Chief Jester**

His integrity ... so stained
His credibility in the drain
His arguments ... strained
His excuses, sad refrains
His pretenses ... all in vain
His mockery ... sustained
His threats, only entertain
His improprieties, so plain
His decisions ... disdained
His PM’s will, so ordained
His freedom ... chained
His “circus” ... well-trained
His disrepute ... he gains
Lady Justice ... in pain
In Malaysia ... tears rain.

(Martion Jalleh, 4 August 2000)
Anwar’s 9-year Jail Term:

Cruel And Harsh

If Anwar’s guilty verdict was shocking, his sentencing was mind-boggling. Every thinking Malaysian will view his sentencing as cruel and harsh.

We have a right to wonder why his second 9-year jail sentence could not have run concurrently with the first. By ruling that his sodomy jail-term should run consecutively with the earlier 6-year corruption jail-term, Anwar will now be incarcerated for 15 years.

This cruel and harsh sentence not only robs Anwar of 15 years of productive life and freedom, it has also effectively denied him 20 years of political life and activity.

By all accounts, this is an extreme form of punishment. Viewed against the claim of political conspiracy, Anwar would be seen as a political victim who has been rendered incapable of mounting any challenge to Dr Mahathir and the Barisan Nasional during Mahathir’s lifetime.

Thinking Malaysians will not dismiss the political aspect connected to Anwar’s case. They will be wondering whether it is the political challenge posed by Anwar that was the cause of the prosecution or the abhorrence felt against sodomy that triggered the trial.

If it is the abhorrence against sodomy that hastened Anwar’s prosecution and denied him his bail, we are obliged to ask whether this abhorrence is consistent.

Students of history may recall that way back in 1987, a sordid story of sodomy committed on a helpless blind boy by a man at St. Nicholas School for the Blind, Penang, was reported. The wheels of justice did not move with similar speed to secure a judgment then. The culprit was thought to be an UMNO man. He was granted bail and the case moved ever so slowly.

Finally, in 1990 or so, he was convicted, sentenced to 5-years jail, and ordered to be given 9 strokes of the rotan. He appealed and he is still out on bail. He has escaped the whipping since he is over 50 years now. But the case, as far as we know, has not yet been disposed of. It is 10-years since he was convicted.

It was a very reprehensible crime committed by this criminal who took advantage of a helpless blind boy.

But why is this culprit still walking free? Have the wheels of justice ground to a halt?

The contrast between these two cases raises serious questions of fairness, prompting us to ask if justice is really blind to personalities.

This cruel and harsh sentence not only robs Anwar of 15 years of productive life and freedom, it has also effectively denied him 20 years of political life and activity.
Elements to be proved in the charge under section 377B Penal Code:

1) that the accused sodomised the victim (Azizan Abu Bakar);
2) he did it voluntarily;
3) penetration occurred.

The prosecution’s case rests principally on the evidence of Azizan. The evidence of the defence’s case is of alibi and conspiracy to fabricate evidence.

In order to establish whether the elements have been proved, it is necessary to consider the credibility of Azizan. Azizan gave evidence for a total of 10 days and was cross-examined aggressively and extensively. He came out unscathed.

There is also evidence for cross-examination of Senior Assistant Commissioner Musa Hassan that Azizan has made five prior consistent statements. This enhances his credibility. There is no necessity for Azizan to lie, as he has nothing but everything to lose by coming out with this complaint. In addition, his evidence is consistent with confessions of Sukma (Dermawan Sasmitaat Madja) which I have found to be voluntary.

I am also convinced of the truth of what is stated in the confession. This finding is consistent with the fact that Sukma had used this confession in his mitigation when he had pleaded guilty earlier in session court when he was charged for an offence under Section 377D.

It is therefore my finding that evidence of Azizan is credible.

With regard to corroboration and evidence of Azizan, it is sufficiently supported and corroborated by the confession of Sukma. Although it is a confession of the accused, it is a piece of substantive evidence. It can therefore be used against the first accused. To that extent it corroborates the evidence of Azizan against both accused.

The evidence of Azizan is also corroborated by the conduct of the first accused which is:

firstly, the first accused requested to SAC Musa to stop investigations into the allegations against him; secondly, in asking Azizan to lie about the declaration that he had made, that is P5. With regard to the second accused, there are two charges, namely for abetting for sodomy and sodomy.

There is ample evidence to establish these two charges in the confession made by Sukma which has been supported by Azizan’s evidence.

The defence of the first accused is one of alibi, conspiracy and conspiracy to fabricate evidence. If these defences are accepted, then the charges of the second accused will also collapse. In his alibi defence, the first accused must show that he was at a different place from Jan 1 to March 31, 1993. No such evidence was adduced as to his whereabouts for this period of Jan 1 to Feb 12,1993. Therefore, the evidence of alibi fails.

With regard to the defence of the second accused, that offence of sodomy could not have taken place because his apartment was under renovation. No evidence was adduced to show when renovation works started and were completed. Even though there is evidence to show that renovation works were in fact carried out, these findings do not create any reasonable doubt that the offence was not committed in that apartment.

With regard to the defence of fabrication, I am satisfied that the evidence on record does not support the defence.

The evidence of Tun Haniff Omar in the question asked by the first accused (Anwar Ibrahim) on the possibility of police blackmailing him indicates that the first accused had something to worry about.

The evidence of Azizan when he said the first accused asked him to lie in the declaration when the first accused asked Musa to stop investigations against him militates against the defence of fabrication of evidence.

I am therefore satisfied that the defence had not raised any reasonable doubt in the case of the prosecution. For the above reason and after considering the circumstances of the case and evidence adduced, I am satisfied that the prosecution has proved its case against both accused beyond reasonable doubt.

I therefore find both the accused guilty of the charges. Q

Judge Arifin Jaka, High Court
I Reiterate My Innocence

There has been no criminal trial in this court, only political persecution.

To Dr. Mahathir and his greedy family and cronies, I say beware the wrath of the people, for the people are rising to reclaim justice, they are rising against graft and abuse of power. And, to the champions of Reformasi, I salute you for your courage and urge that you keep your fighting spirit.

Nobel Peace Laureate who is also a leader of a nation recently made this remark: “The Anwar Case ceased to be a legal case a long time ago!”

In the beginning, there were indeed some who maintained some confidence in the Malaysian court system. They thought there was still a chance that this court would exonerate me. But they have seen how the trial was conducted, and they have concluded that this case has nothing to do with the crime.

There has been no criminal trial in this court, only political persecution.

I agree that no one is above the law. But that principle is not applied to Dato Seri Dr. Mahathir.

Instead the court acquiesced to his insolence. I have steadfastly maintained that I am the victim of political conspiracy, through a web of intrigue, orchestrated by the maestro Dr. Mahathir. Despite strenuous appeals, my counsels were prevented from questioning this principal witness.

The pronouncement of your judgment today was a mere formality, according to preordained script of the conspirators. It is inconceivable that anyone can be found guilty with such clear incontrovertible evidence of fabrication. There is absolutely no cogent evidence that I have committed the offence.

Azizan accused, then retracted in 1997; made a statutory Declaration denying the allegations in 1998; then under oath...
in court in 1998, 1999, accused again; then denied that he was ever sodomised; then amended not after May, yet again soon after September 1992. He lied in the Shariah Court of committing khalwat offence and later admitted both of khalwat and adultery and was convicted subsequently. And this court ruled that this is a credible and consistent witness!

Our challenge to have him examined by doctors was conveniently ignored. The dates January to March 1993 was on the suggestion of the police officer. Our alibi on the said premise at Tivoli Villa and my movements were never challenged by the prosecution. It’s a conviction based on conjectures and imagination.

I never dreaded this judgement. It has no legal basis. It is unjust, disgraceful and revolting. It does not disgrace me; it disgraces you, the judiciary and this nation of ours.

I reiterate my innocence with a clear conscience. I will fight even from behind iron bars and prison walls. Truth and justice cannot but prevail. Let the plotters plot all they want, for God is still the best of schemers.

Dr. Mahathir could have used the draconian Internal Security Act (ISA) to imprison me for as long as he wanted, without destroying the judiciary and without sullying the Attorney General’s chambers. But he is a coward who would not take responsibility for his own evil. So he uses the courts, and with the same stroke, he completes the destruction of the judiciary.

Nonetheless, the proceedings during the trial reveal the deplorable methods used by the police, the absurdities of our adversarial system of justice malicious prosecution and corruption involving the ruling clique. Dr. Mahathir’s lust for power is insatiable. He will lie and force others to lie to save himself.

He has lied in the face of the testimony of the former Anti Corruption Agency Director-General, Dato Shafie Yahaya. Not only did he lie by denying that he ordered the investigation stopped, he went further by instructing a deputy minister to tell Parliament that the investigation was never closed. He had lied about my being assaulted as self-inflicted. He had lied that the cost of his Putrajaya Palace was only 17 million Ringgit. He lied that his children did not benefit from the government despite billions of Ringgit worth of contracts, privatisation, shares allocation and bailout.

His other colleagues would naturally echo. Chief Justice Tun Eusoff Chin lied to the public when he said he did not take a holiday with lawyer V. K. Lingam in New Zealand. Instead of investigating the alleged improprieties, Dr. Mahathir has extended his service beyond his retirement date “to see that everything is in place.”

During my 17 years of government service, I was loyal to the government and the Prime Minister. But mine was a loyalty based on principles. If justice, the law or public interest were threatened, I would defy Dr. Mahathir. I objected to the use of massive public funds to rescue the failed businesses of his children and cronies. Here was where respect of justice and public interest overcame loyalty to the Prime Minister. And it was precisely because I defied him and sided with public interest that I was dismissed and persecuted.

This is a small sacrifice to pay in the cause of democracy and justice. But I worry for the nation. Corruption is endemic. The pillars of democracy civil society and the rule of law are shattered.

This nation needs reform and renewal. To Dr. Mahathir and his greedy family and cronies, I say beware the wrath of the people, for the people are rising to reclaim justice, they are rising against graft and abuse of power. And, to the champions of Reformasi, I salute you for your courage and urge that you keep your fighting spirit. Q
Anwar and Judge Clash In Court Room Drama

Aug 8, 2000

7.30pm, TUES: High Court judge Arifin Jaka during a heated ex-change today called former deputy prime minister Anwar Ibrahim “a sick man” but was later forced to withdraw the remark.

Arifin was forced to adjourn the court as he ticked off Anwar for making a political speech instead of mitigating in today’s judgment hearing.

“The court is adjourned for 10 minutes to enable the counsel to advise the accused on the purpose of mitigation. I think there must be a limit. You are a sick man,” Arifin told Anwar.

Anwar who was mitigating on behalf of himself, threw up his hands in the air and said, “A sick judge has called me a sick man.”

When the court resumed, lead defence counsel Christopher Fernando told Arifin that he should withdraw the remark.

“I think it is utterly inappropriate,” Fernando said.

Arifin immediately withdrew the remark.

“Alright, I withdraw that. I am sorry. I said it without malice. I meant that your mental capacity is disturbed. Please confine your facts to what will assist the court in the sentence to be assigned to you,” Arifin told Anwar.

Anwar then nodded and continued his mitigation. Anwar’s mitigation was constantly interrupted by Arifin who said that the former was taking an opportunity to make a political speech.

Anwar began his mitigation at 10.20am by citing a remark by a Nobel Prize laureate who said: “The Anwar case ceased to be a legal case a long time ago!”

“There has been no criminal trial in this court, only political persecution,” Anwar said.

“The pronouncement of your judgment today was a mere formality according to the pre-ordained script of the conspirators. It is inconceivable that anyone can be found guilty with such clear incontrovertible evidence of fabrication,” Anwar read from a prepared text, which he said he wrote yesterday.

Arifin in response, said, “Don’t be too emotional. Relate to the case.”

Anwar replied, “I am not emotional. I don’t follow instructions. I agree that no one is above the law, but that principle is not applied to Datuk Seri Dr Mahathir (Mohamad). Instead, the court acquiesced to his insolence.

“I have steadfastly maintained that I am the victim of political conspiracy through a web of intrigue, orchestrated by the maestro, Dr Mahathir. Despite strenuous appeals my counsels were prevented from questioning this principal witness. Instead the court complies with his instructions. This is a political conspiracy orchestrated by Mahathir,” Anwar said.

Mohtar Ticked Off

At this point, Attorney-General Mohtar Abdullah stood up and objected to Anwar.

Anwar raised his voice and told Mohtar, “You’ve had your day. You’ve been paid your money. You’ve been promoted. Don’t interrupt me.”

Arifin then told Anwar, “Please do not use this opportunity to reveal evidence.”

Anwar replied, “I don’t want to be personal with him. Just don’t interrupt.”

Arifin: Please follow the court procedure. Will you please address the court so that I can consider the sentence.

Anwar: You mean you have not
Arifin: No, of course I’ve not.

Anwar: I see. That’s news. Thank you.

Arifin: I based it on the evidence.

Arifin then told one of Anwar’s lawyers Karpal Singh to advise Anwar to say only relevant points. Otherwise, he said, he would stop Anwar from mitigating.

Anwar interrupted and said, “Why worry about this remark?”

Arifin in response told Anwar not to interrupt.

“I am talking to your counsel. You are not a lawyer. Don’t make use of this to make a political speech,” Arifin said.

“I agree it should not be a political speech and also a political judgment,” Anwar replied.

He then continued to mitigate that there was absolutely no cogent evidence to show that he committed the offence.

“Azizan accused then retracted in 1997; made a statutory declaration denying the allegations in 1998; then under oath in court in 1998 and 1999, accused again, then denied, that he was ever sodomised; then amended (he was) not (sodomised) after May, yet again not after September 1992.

“He lied in the Shariah Court of committing khalwat (close proximity) offence, and later admitted both of khalwat and adultery and was convicted subsequently. And this court ruled that this is a credible and consistent witness!” Anwar said before Arifin told him to proceed to the next point.

He then continued by saying that he never dreaded this judgment.

“It has no legal basis. It is unjust, disgraceful and revolting. It does not disgrace me, it disgraces you, the judiciary and this nation of ours.

“I reiterate my innocence with a clear conscience. I will fight even from behind iron bars and prison walls. Truth and justice cannot but prevail. Let the plotters plot all they want for God is still the best of schemers,” Anwar said.

Stop It

Arifin at this juncture ordered Anwar to stop.

“Stop it. That will be addressed in the appeal. You are at liberty to criticise my judgment at the higher level. Please stop it,” Arifin said.

Anwar then recited a verse from the Quran which literally meant, “Man proposes and God disposes.” The crowd in the public gallery said the verse along with Anwar and chanted “Allahu hakbar”.

Arifin then shouted, “This is a civil court,” and threatened to order his family members out of the courtroom.

Anwar: Are you saying that this is a civil court, nothing in Islam can be mentioned?

Arifin: If you carry on, I don’t mind charging you of contempt.

Anwar: Don’t threaten.

Arifin: I am not threatening, there is a limit.

Arifin then adjourned the court after making the “sick man” remark against Anwar. When the court resumed and Arifin offered an apology, Anwar continued with his mitigation.

Anwar mitigated that Mahathir could have used the draconian Internal Security Act (which allows detention without trial) to imprison him for as long as he wanted, without destroying the judiciary and without sullying the Attorney-General’s Chambers.

“But he is a coward who would not take responsibility for his own evil. So he uses the courts and with the same stroke he completes the destruction of the judiciary. Nevertheless, the proceedings during the trial reveal the deplorable methods used by the police, the absurdity of our adversarial system of justice, malicious prosecution and corruption involving the ruling clique.

“Dr Mahathir’s lust for power is insatiable. He will lie and force others to lie to save himself. He has lied in the face of the testimony of the former Anti-Corruption Agency director-general, Dato Shafie Yahaya,” Anwar said, completely ignoring Arifin’s repeated orders to stop.

“Not only did he lie by denying that he ordered the investigation stopped; he went further by instructing a deputy minister to tell Parliament that the investigation was never closed. He had lied about my being assaulted as self-inflicted. He had lied that the cost of his Putrajaya Palace was only RM17 million. He lied
that his children did not benefit from the government despite billions of ringgit worth of contracts, privatisation, share allocation and bailout,” Anwar said in one breath.

Don’t Mention PM

Finally Arifin raised his voice and said, “Stop blaming everybody. No mention about the prime minister.”

Anwar then moved on to say that during his 17 years of government service, he was loyal to the government and the prime minister.

“But mine was a loyalty based on principles. If justice, the law or public interest was threatened I would defy Dr Mahathir. I objected to the use of massive public funds to rescue the failed businesses of his children and cronies,” Anwar added.

He concluded by saying, “This nation needs reform and renewal. To Dr Mahathir and his greedy family and cronies, I say, beware the wrath of the people; for the people are rising to reclaim justice, they are rising against graft and abuse of power.

“And to the champions of reformasi, I salute you for your courage and urge that you keep your fighting spirit. To you, the judge, I wish you well in your conscience and your religious beliefs,” he said.

Arifin then told Anwar, “Towards the end, you said of your loyal service to the government. I’ll consider that. Q

Source: Malaysiakini

Shocking Assault In Police Custody

Aliran is utterly shocked by reports that keADILan vice-president Tian Chua was brutalised in the inner sanctum of the Kuala Lumpur Police Headquarters. Another two reformasi supporters, Sabran Mohammad Hamzah and Mona Soffian were reportedly assaulted while being arrested near the court yesterday.

The assault on Tian Chua was particularly revolting. He was taken to the Serious Crimes Department at 12.40 pm on 8 August for being involved in a peaceful assembly. Tian was then taken to a room and surrounded by a few police officers, some of whom he could identify. They allegedly pushed him onto the floor and then kicked him on the back leaving marks on his back. He was left unattended for a while and another masked man reportedly assaulted and kicked him again.

After the assault, he was taken to a police detention cell, where the other detainees were ordered and encouraged to assault him. Two detainees beat Tian up and choked him. Police allegedly watched from outside and threatened to break Tian’s head. An injured Tian, who also suffers from asthma, asked for medical attention but his request was ignored.

Such dastardly conduct is unbecoming of a professional police force in a civilised nation. Assaulting helpless persons in police custody is cowardly behaviour no different from gangsterism, which we are told is a serious social problem in schools. Ordering suspects under detention to assault Tian was like throwing him to the wolves. It is sadistic, abominable and criminal behaviour.

We cannot help but wonder if the culprits would have dared to use violence on helpless detainees if the former Inspector General of Police, Rahim Noor, had been severely dealt with for his cowardly assault on Anwar Ibrahim. It looks like the police have not yet learnt any lessons from that shameful incident. Instead they appear to be emboldened to take the law into their hands. All the talk of ‘mesra’ will not change the public perception of the police force as long as such brutality does not outrage the Attorney General, the Inspector General of police and the courts. We hold the Home Minister ultimately responsible for this criminal act.

Aliran calls for criminal charges to be instituted against the culprits who are a disgrace to the police force. We also call for an independent inquiry into this scandalous conduct. We trust that Suhakam will urgently look at the whole issue of custodial violence and the safety of suspects under remand or detention and demand accountability from the police.

Aliran Executive Committee
9 August 2000
We are not terribly surprised that Anwar has been found guilty for sodomy. Had he not been convicted already much earlier by the Prime Minister, Datuk Seri Dr Mahathir Mohamad, when the case was still proceeding? By doing so, Mahathir had clearly committed contempt. Yet the court did not take any action against him for such action.

On the other hand, Zainur Zakaria, as one of Anwar’s defence lawyers was immediately sentenced three month jail for alleged contempt of court, while Karpal will be charged next month for some of his alleged remarks in court while in defence of Anwar. Be that as it may, we are nevertheless appalled that Anwar has been given such a long sentence of nine years, to be continued after the end of the present six-year sentencing he is now serving. The judge depended almost entirely on the confession of Azizan and his ten-day stand as the prosecution star witness. To say that Azizan emerged unscathed from the ten day cross-examination is ridiculous. The prosecution not only changed twice the date when the sodomy was alleged to have happened, but Azizan himself admitted that he changed the date on the instruction of a police officer from the prosecution. Further, Anwar’s alibi did not seem to be given full consideration.

The long sentence appears to be aimed at ending Anwar’s political career. But we are convinced that this unfair and unjust sentence has not only undermined the credibility of the government and the judiciary, but it will also increase public outrage, especially among the Malays.

Even by exploiting issues like the Al-Ma’unah, Mahathir will not succeed in turning the situation around. Mahathir is slowly losing his legitimacy. With opposition and distrust against him increasing among the Malays, there is less reason for him to remain in power. From the prison cell in Sungai Buloh, Anwar will continue to haunt Mahathir in his palace at Putrajaya.

Dr Syed Husin Ali
PRM President
8 August 2000

SUARAM expresses grade concern over the guilty verdict of former deputy prime minister, Anwar Ibrahim, and Sukma Dermawan.

The court case of these two men has been plagued from the start with inconsistency and controversy. Thus, the guilty verdict is on the one hand shocking, yet because of the perceived political power play and the assumption that political masters are involved - not unexpected.

The verdict has the unfortunate effect of further eroding of public confidence in the judiciary and its independence from the executive.
Today in the midst of the Kuala Lumpur drizzle, the heavens weep for Malaysia and its political prisoners, Anwar Ibrahim, and Sukma Dermawan.

Cynthia Gabriel
Director SUARAM
8 August 2000

Dismay Over Irregularities

The decision of conviction and sentence imposed on Anwar Ibrahim, the former Deputy Prime Minister and Sukma Darmawan Sasmita Madja, the adopted brother of Anwar Ibrahim, are viewed by many members of the Bar and many members of the public with great dismay in view of the irregularities that occurred at the trial and the evidence that was adduced at the trial as reported.

Several aspects of witnesses’ evidence have caused great concern with regard to the conviction. It has been reported that Azizan Abu Bakar, the complainant, was not able to explain the changes in the dates on which the sodomy was alleged to have been committed. Initially the charge stated that the alleged offence took place some time in 1994 which was then amended to 1992 and later amended to some time between January and March, 1993. The offence by its very nature is one which depends entirely on the direct evidence of the complainant himself.

The unsatisfactory evidence of Azizan Abu Bakar as to the date of the commission of the alleged offence, raises doubts as to whether the alleged offence has been proved beyond reasonable doubt. This is just one aspect of many others which raises severe doubts as to the commission of the alleged offence. The sentence of nine (9) years imprisonment imposed by the Court on Anwar Ibrahim to run consecutively with the earlier sentence of 6 years imprisonment is manifestly excessive and harsh. The sentence of 6 years and four (4) strokes of the rotan for the alleged offences committed by Sukma Darmawan Sasmita Madja is also manifestly excessive and harsh.

The trial has been closely followed, locally and internationally and the decision, although delivered only yesterday has already been adversely commented upon by a number of groups concerned with the question of judicial independence. Looked at objectively the criticisms levelled against the way the trial was conducted and the decision itself merit consideration. They cannot, as is our habit, be dismissed off-hand as having been made by foreigners or persons having ulterior motives. If we are to ever begin to put things right again, we must either answer these accusations rationally or take necessary remedial steps.

An independent Judiciary is essential to a working democracy. Without it, confidence in the Government itself is undermined. At a time when globalisation is to be the by-word for economic development and national well-being, it is not the verdict of the High Court in the sodomy trial that counts as much as how sound it is having regard to the facts.

The Bar Council has in the past attempted to discuss issues pertaining to the independence of the Judiciary but has on two (2) occasions been stopped from doing so by Orders of the Court.

The recent statement made in the Court of Appeal that the conduct of Judges and of the Judiciary cannot be discussed publicly except in Parliament only makes Judges no longer accountable to the public.

The Bar Council calls on the Government to deal with the question of the independence of the Judiciary as a matter of urgency.

Roy Rajasingham
Vice-President Malaysian Bar
9 August 2000

Unjust Verdict

The dark skies and the downpour on the morning of 8th August 2000 was a fitting prelude to the darkness and grief that encompassed the nation, following the verdict. It was akin to a funeral where justice and morality had died a thousand deaths.

International Movement for a Just World (JUST) in their shock, outrage and disgust at the verdict. It is abhorrent and shameful that the severity of the pun-
ishment has effectively destroyed the political career of an ex deputy Prime Minister and brought pain and despair to the families and the nation.

It is an unacceptable verdict. From the beginning the trial has been riddled with controversies, discrepancies, amended charges, issue of credibility of witnesses and lack of collaborative evidence. Malaysians are hard pressed to believe that guilt has been proved beyond a reasonable doubt.

The judiciary, is the last bastion of justice in any nation. The Malaysian judiciary appears to have lost its credibility and legitimacy with the people. Basic fundamentals of justice and democracy seem to have been sidestepped. JUST cautions with concern that the seeds of fear, desperation, hatred, and violence in a country are sown when the institutions of Law and Justice, betray and fail the people.

JUST views the verdict, as the ringing of death bells for justice and democracy in the country. In the long wake that will follow, the verdict should serve to open the eyes of Malaysians, of the urgent need to establish, credibility, integrity and legitimacy to the institutions of Law and Justice.

Stephanie Bastian  
Executive Committee Member  
International Movement for a Just World  
9 August 2000

BARISAN ALTERNATIF:  
Parti Islam SeMalaysia (PAS)  
Parti Keadilan Nasional (keADILan)  
Parti Tindakan Demokratik (DAP)  
Parti Rakyat Malaysia (PRM)  
9 August 2000

A 15 year jail term (if the usual remission is not taken into account) could, for all intents and purposes, destroy Anwar’s political career. It must be borne in mind that even after his two jail terms, he would be barred by law from standing for elections for a period of 5 years. Rendering Anwar politically impotent through imprisonment is undoubtedly the diabolical mission of some political elites. It lends credibility to the view that there was a political conspiracy to crush Anwar — a conspiracy allegedly headed by Prime Minister, Dr. Mahathir Mohamad himself.

Though Anwar has been put away for the time being, the reformasi movement that his sacking from the Cabinet and the party sparked off almost two years ago, will not wither away. It is a struggle that is deeply rooted in the hearts and minds of the people. The quest for reform and change is part and parcel of the programme of each and every BA party.

Indeed, the 9 year Anwar sentence could well be the springboard for the mass mobilisation of our people for the next General Election. There is every likelihood that in the eleventh General Election, Anwar will be an even more powerful symbol and rallying point in the struggle for justice than he was in the tenth General Election. For that reason, the BA parties will not be deterred by the severity of Anwar’s sentence. On the contrary, the injustice of the verdict has steeled our soul, strengthened our spirit for the monumental challenges that lie ahead.

The public perceives the verdict as a grave travesty of justice. Given the nature of the case against the two men, ordinary Malaysians find it hard to believe that they could be convicted and given such severe penalties. This is why they are asking searching questions about our system of justice — a questioning which began 12 years ago, on 8 August 1988, when a tribunal used utterly spurious charges to dismiss from service, the former Lord President, Tun Salleh Abas. If politics and power were behind Tun Salleh’s sacking, one wonders to what extent politics and power influenced the Anwar verdict?

The Barisan Alternatif (BA) is shocked and saddened by the verdict of the Kuala Lumpur High Court in the sodomy case of former Deputy Prime Minister, Anwar Ibrahim, and his adopted brother, Sukma Darmawan Sasmita Madja. Anwar has been sentenced to a 9 year prison term which will run consecutively after he serves his present jail term of 6 years. Sukma has been sentenced to two 6 year prison terms which will run concurrently. In addition, he will receive four strokes of the rotan.

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The verdicts are another blow to justice in Malaysia. What has happened to Anwar and his supporters highlights the fragility of rights there. If you’re out of favor with the political leadership — no matter how high you might rise in the government — you have very little protection. This is a real step backwards for Malaysia.

Joe Saunders
Deputy Asia Director, Human Rights Watch
8 August 2000

The International Commission of Jurists (ICJ) is particularly concerned at the prosecution’s amendment of the date of the alleged offences, the (in)admissibility of certain evidence, failure to permit the calling of some defence witnesses and the (im)partiality of the presiding judge (who was subject to an unsuccessful application for removal by defence counsel).

Mr Anwar’s mistreatment, including his beating during detention, was contrary to international human rights standards. The sentences imposed are wholly disproportionate to the alleged offences committed. The comments by Prime Minister Mahathir during the trial were, moreover, prejudicial and entirely inconsistent with a free and independent judiciary.

The ICJ deplores Executive manipulation of the judiciary and use of the criminal justice system to launch politically motivated prosecutions and muzzle dissent. This is an anathema to the Rule of Law.

It is also a matter of grave concern that Malaysian law criminalises consenting sexual acts in private. This is contrary to international human rights standards including freedom from discrimination and the right to privacy.

International Commission of Jurists
8 August 2000

The sentences passed today against Anwar Ibrahim and his adopted brother, Sukma Darmawan Sasmitaat Madja, highlight the vulnerability of all Malaysians to selective, politically motivated prosecutions using restrictive or discriminatory laws — including those relating to free speech, to peaceful protest and, in this case, to sodomy.

The organization considers Anwar Ibrahim a prisoner of conscience, detained and brought to trial not because of any particular alleged crime, but because of his dissenting political activities and the challenge he posed to government leaders. His co-accused, Sukma Darmawan who is currently on bail, was prosecuted solely to secure a conviction against Anwar Ibrahim, and will also be considered a prisoner of conscience should he be detained.

In order to remove Anwar Ibrahim from political life and to discredit him publicly, those in power in Malaysia resorted to measures including the mis-
use of law, state institutions and the courts, the ill-treatment of detainees to coerce confessions, and the erosion of the right to a fair trial.

In the face of such a challenge the courts have failed to defend effectively fundamental human rights principles enshrined in the Malaysian Constitution and reflected in international human rights law.

The need for effective judicial protection is critical in light of reported patterns of ill-treatment, at times amounting to torture, of detainees, including those held incommunicado under the Internal Security Act (ISA), migrant workers in detention camps, and demonstrators held in police cells for alleged illegal assembly.

The organization is therefore particularly concerned that consistent, credible reports that police subjected at least four detainees to severe ill-treatment to coerce confessions implicating Anwar Ibrahim have not been fully and independently investigated or the suspected perpetrators held to account.

Amnesty International is also concerned that a number of other events during the proceedings affected the fairness of the trial. These include the series of amendments to the charges related to the dates of the alleged offences, rulings on the introduction of evidence and calling of witnesses, and statements by Prime Minister Mahathir Mohamad that undermined the presumption of innocence of the accused. The organization urges the Court of Appeal to fully address these issues.

Amnesty International
8 August 2000

Independence Of The Judiciary Questioned

The United States is very distressed by the August 8 convictions of former Deputy Prime Minister Anwar Ibrahim and his adopted brother on sodomy charges. We are also outraged by the imposition of a nine-year sentence, to be added consecutively to the six-year sentence that Anwar is currently serving on his previous corruption conviction.

We share the opinion and concern of many Malaysian and international observers about the questionable fairness of the trial. Our concerns about the trial include: multiple prosecution changes in the dates of the alleged offenses; police coaching of the key prosecution witness; the court’s charging of one of Anwar’s lawyers with sedition for statements made in court; and, the court’s refusal to permit Anwar to call key witnesses who might have bolstered his contention that he is the victim of a political conspiracy.

Anwar’s conviction in this case, and his previous conviction on four counts of corruption in April 1999, cast serious doubt on the impartiality and independence of the Malaysian judiciary.

Richard Boucher
US Department of State
8 August 2000

International Standards Of Justice Mocked

I am deeply disturbed by the verdicts handed down in Malaysia in the case of Deputy Prime Minister Anwar Ibrahim and his adopted brother. The show trial the two men were forced to endure mocked international standards of justice. Police coaching of the key prosecution witness, efforts to intimidate Anwar’s lawyers, and the refusal to permit the defense to call crucial witnesses to testify tainted the proceedings.

These verdicts are politically motivated and designed to remove Anwar from the political arena indefinitely. They do nothing to allay international concerns about the independence of the Malaysian judicial system. In the interest of justice and fairness, I hope that the appeal process will overturn these verdicts.

Al Gore
US Vice President
9 August 2000

Last Bastion Of Justice Destroyed

The FreeAnwar Campaign (FAC) is not in the least surprised with this guilty verdict as it had been ex-
What a story we’re got this month in the Abu Hassan fall from grace! Our unassuming, soft-spoken, Mr. Clean (or so they say in the mainstream press) met his Waterloo after a king-size skeleton rolled out of the cupboard!

After a 43-year stint with UMNO in various capacities, culminating in gaining the coveted Selangor MB seat, it was ashes to ashes for Abu, so to speak. The dethroned 60-year old MB cited health reasons and a heart-bypass for his retirement but no one for one minute believed this was the real motive. Why then did he actively contest the UMNO vice-president post in May? The real reason was an allegation of a sex scandal.

The saliva-dripping story had it that the erstwhile MB had allegedly fathered a boy, now 11 years, with his sister-in-law, out of wedlock! Abu Hassan and the whole family has condemned the story as the work of poison-pen specialists out to discredit and depose him.

However, in an interview (cited in The Star, August 13, 2000), the retired MB intimated that his sister-in-law, Shamshuzilla Daud, indeed did have a son but that the father was his good friend, a Chinese Muslim convert by the name of Abu Hassan Tan Abdullah.

The said boy would then be a “bin Abu Hassan” of course, and, unfortunately for the ex-MB, could easily be mistaken for his son! Was that why the poison-pen specialists started getting busy? Abu Hassan himself thought so. For him and the family it was really all a matter of mistaken identity!

The dejected ex-MB lamented that, “This is unfortunately the reality in UMNO politics; your own people will betray you and plot your downfall.” What a gem of statement from the unassuming former MB for it’s been axiomatic from time immemorable that in politics, one has no permanent friends, only permanent interests.

Like Anwar Ibrahim before him, Abu Hassan is indeed the victim of the mendacity and amorality of politics. But has Malaysian politics even sunk below that? Is it just amoral or is it immoral?

What seems to have infected politics in recent times has been the pervasive use of sex scandals and outright lies to oust opponents. These specialists of fitnah and surat layang have honed their skills into a fine art in Malaysia. Doubtless, Abu Hassan will be able to draw parallels in his situation with Anwar Ibrahim, Rahim Thamby Chik, and D.P. Vijendran, to name a few prominent examples of recent times. (And, from a more distant clime, Bill Clinton?) But unlike most of them, Anwar is the only one booted out from the party and locked-up behind bars.

What is troubling is that nobody seems to object. Indeed, sexual vocabulary has become something normal in politics. Today Malaysians see nothing strange about connecting such words like “sodomy”, “DNA tests”, “out of wedlock”, “underaged sex”, “pornography”, “statutory rape”, etc. with politics.
If the BN government is really serious about wanting to protect valuable politicians, I have a serious proposal to make—conduct sex education courses for their aspirant star politicians.

Impaired Vision
In The Quest For Bangsa Malaysia

The idea of a model Malaysian school, the so-called “Vision School” has created a bit of a flap. Education Minister Musa will meet the Chinese educationists to explain the idea while his predecessor Najib Tun Razak has called on all quarters not to politicise the proposal. I think that the idea of the integration of education, let alone integration through education, has always been flawed in Malaysia.

Remember we’re a plural society where the three major ethnic groups have always had their own vernacular schools. Housing “national-type” vernacular schools in the same compound as a “national” Bahasa Malaysia medium school will never bear the fruit of a “Bangsa Malaysia”. Look at the flak generated even by the mere suggestion of vision schools never mind the ill-conceived concept in the first place.

We Malaysians are truly quite perverse when it comes to thinking about ethnic relations. True, we’ve managed to keep our heads above water and haven’t had a racial riot since May 13, 1969 although the recent Kampong Rawa incident was close enough.

But really, shouldn’t we be thinking of accepting that Malaysia today is a multicultural country beyond Indians, Chinese and Malays as major groups. We have a variety of different ethnic and sub-ethnic groups existing as distinct communities (well beyond Malays, Chinese and Indians) and the cultural rights of all these groups must broadly speaking be fully respected too. Since it would not be possible to have schools only for Iban, Punjabi, Sinhalese, Thai, Cantonese, et cetera, we have to accept that national schools must be given priority. These small minorities have no chance to learn and speak their “mother tongue” in their own vernacular schools.

Will there be a day when schooling for learning and knowledge overrides the need to use them to assert cultural superiority? I certainly hope so.

We have already arrived at an equilibrium in education policy today and the focus now should be on delivering to our school-going children effectiveness in learning rather than revive the old political debate about vernacularization. And, think also of latching that heavy school bag problem, Mr. Education Minister! And while we’re at it, are there any plans to get to the bottom of arson and violence among our school children today?

Impaired Vision
In The Quest For Bangsa Malaysia

DAP Bashing

While on the subject of ethnic relations I have been always appalled by the way the MCA paper The Star has been taking pot shots at the DAP at every opportunity. The latest round of attacks seems to have racial overtones and has even resulted in a patronising or tongue-in-cheek call for the DAP to join the Barisan Nasional.

Columnist Wong Chun Wai has asked the DAP to end its “marriage” with PAS and leave the Barisan Alternative,(The Star, August 3, 2000). Certainly there have been rumblings that both leaders and rank-and-file members of the DAP have been unhappy over certain PAS policies in Kelantan and Trengannu. The undertone of these attacks have been that DAP should return to its true constituency — the Chinese — and stop flirting with the Muslim party. I find this distasteful and a patently false twisting of the circumstances of the current DAP dilemma.

Lim Guan Eng expressed his party’s dilemma succinctly, “Damned if we’re in, damned if we’re out!” Should the DAP become a party to policies and actions that cannot democratically accept whether they be the enforced donning of tudung for women or the banning of unisex hair salons? While the answer for the DAP must be quite clear, the problem is whether it should be too hasty in pulling out of the BA? The DAP should remember that the original motive for joining the BA was to create an alternative to the BN and to work slowly but surely toward a two-party system in Malaysia. It should also remember that other than PAS, there are other parties
in the BA — Party KeADILan and PRM — which do not necessarily agree with some of the PAS policies in Kelantan and Trengganu.

The DAP should surely think of working with these partners to pressure PAS into moderating some of its more “unpalatable” policies. And, in the spirit of democracy, accept that some of these policies of PAS do have a large and strong Muslim constituency behind them. In the spirit of democracy shouldn’t DAP be debating and challenging its partners to defend democratically their actions, and thereby dissuade them from following certain lines of action? Come on, Democratic Action Party, live up to your name!!

But few can match the level of ethnocentricism displayed by an MCA minister. Ong Ka Ting had the gall to ask the DAP to apologize to the Chinese for forming a pact with PAS. Whatever for? Since when has the DAP been an exclusively Chinese party? In any case, MCA itself had no qualms working with PAS when it was part of the BN.

The NEP
A Second Death?

This leads me yet to another saga of Malaysian ethnic relations - a new debate over the now defunct New Economic Policy. Now you know why ALIRAN lives on — our work never ceases in this wonderful country of many smiles, many-splendoured ethnic things. A write-up in The Far Eastern Economic Review (August 10, 2000) caught my attention. It was about the possible end of affirmative action a la NEP from various suggestions coming from a meeting of the National Economic Consultative Council (NECC).

According to spokesman and Vice-Chairman, David Chua, the 30% Bumiputera participation rule may be removed for high-tech business and phased out for other sectors. Actually the NEP officially saw its demise in 1990 and was replaced by the New Development Policy (NDP), anchored by Mahathir’s Vision 2020 policy. Of course, NEP-like policies continue to be practised including the 30% rule.

In practice, however, the Mahathir regime has all but dismantled the NEP in its original form not least of all by its privatization policy and its strategy of growth rather than distribution. Ten years into the NDP and we can already see some of the results. For me, it has been disturbing; cronyism has become a business culture and ordinary Malaysians regardless of race have now effectively a lower standard of living (caused by inflation and the Ringgit devaluation) and worse, new social ills have infected all sectors of society regardless of race. Of course, the business cronies in this system have grown by degrees and a couple of Chinese Malaysians have now made it into Forbes billionaire club.

We know why. On the question of greetings, Malaysians themselves are confused as to which is the better gesture—one hand to the heart or the two-handed clap in the air with one fist cupped?

On the question of traditional attire, which? Malay, Indian, Chinese, Punjabi, Iban or Kadazan? I’d suggest Kadir’s ministry design one attire to incorporate all of these elements. Perhaps a songkok over a shalwar kameez or a Kadazan headress over a cheongsam?. Malaysia has to be represented equally by all of these groups. Be fair, lah!

On setting-up in-house cultural bodies, that’ll do no good for other businesses. Imagine having a showcase culture all within the hotel. When are these tourists ever going to spend their money at your Panggung Budaya or the Petronas Dewan Philharmonic? Besides tourists do want to know what the real people do — they don’t just dress up in finery to dance or silat their way to happiness.

The Minister of Culture, Arts and Tourism Abdul Kadir Sheikh Fadzir is “frustrated and deeply disappointed” about the slowness of the tourism industry to pick up his unusual ideas to promote Malaysia as a tourist destination (The Star, August 5, 2000). The Minister’s four ideas are the Malaysian style of greeting (placing the right hand on the heart), wearing of traditional attire, setting up in-house cultural bodies and treating tourists like guests in our homes. After one year, only one company to date, Country Heights Holdings, at the Mines Resorts City, has adopted the Minister’s proposals.

Perhaps we should now be thinking of a post-NDP policy — one that removes both ethnic affirmative action and cronyism.

More ‘Oomph’ For Datuk Kadir!

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And treating tourists as house
guests? We can imagine all hotels will now be forced to have their own in-house *Mak Ciks* and *Pak Ciks*, heartily greeting their charges at the lobby.

Anyway, has the tourism ministry thought of showing tourists the real Malaysia instead of the smiley showcase Malaysia? This might even rake in more dollars since people like authentic experiences, not just staged ones. Examples of some alternative tours:

1) **Tour of Malaysian Courts:** Tourists can be invited to have a first-hand taste of “justice a la Malaysia” since the Malaysian judiciary is now more famous than the Malaysian joget. A tourist guide will provide outlines of famous trials e.g. Lim Guan Eng, Anwar Ibrahim, Irene Fernandez to show how Malaysian justice works. Tourists will also be taken to a Hall of Fame of Judges of Malaysia and be given a briefing of the famous judgments handed down by the likes of Eusoff Chin, Augustine Paul, R.K. Nathan. If they wish, and for a fee, the guide can arrange for a seat in the Kuala Lumpur High Court to witness an on-going trial. There is bound to be a court case on any time of the year, given the lengths of our trials.

2) **Tour of Famous Reformasi Sites:** Again around the Kuala Lumpur area, a tour can be easily arranged for the socially-inclined tourist to witness the sites: Dataran Merdeka, Batu Road, National Mosque, High Court Area, etc., where the Reformasi movements held important gatherings. A few plaques and signboards could be put up to give brief explanations of the events.

3) **Tour of the Prime Minister’s Palace:** This should be a hit! Take the tourists there and provide details of size, number of rooms, cost, etc., etc.... Also, have a life-sized hologram image of the PM uttering a few famous lines from his speeches. Need I add more?

4) **Tour of Highland Towers:** This will be a unique experience. We can even provide a Sound and Light Display in the evening, to add realism to the event. Tourists will get a true sense of how it feels to have a 12-storey condominium collapse before their very eyes. This will be a lesson Malaysia provides to the rest of the world about irresponsible developers, planners and local governments.

Worry no more Kadir, I think we’ve found the solution to catapult Malaysian tourism into the stratosphere!

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**Quotable Quirks**

“Only a sick judge can call me a sick man.” — Anwar Ibrahim to Judge Ariffin Jaka, on the day of his sodomy trial verdict, 8th August, 2000.


“People should not get excited over the BMF (scandal) since the money is all gone.” — Sanusi Junid, back in 1984.

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D. L. Daun
lights the international community’s serious concerns about the Malaysians judicial system.

Mr. Axworthy quoted the UN Special Rapporteur on Freedom of Expression, Abid Hussain, who in his report on Malaysia stated that, “the executive should not be permitted to use the judiciary in such a manner that would be seen by the people as an attempt to restrict their rights. The impartiality of the judiciary should not be called into question.”

“Mr. Anwar is a respected colleague and a man of integrity, who in his capacity as Finance Minister showed strong dedication to enhancing the financial well-being of the Malaysian people,” said Minister Martin. “The international community notes with concern the irregularities in his trial, which reflect poorly on the impartiality of Malaysia’s judicial system.”

An erosion of confidence in the rule of law in Malaysia not only threatens democracy in that country but also raises questions about the current government’s respect for human rights and good governance,” said Mr. Chan.

Mr. Axworthy noted that the convictions of Mr. Anwar and Mr. Sukma were the most glaring examples of the deterioration in Malaysia’s judicial system over the past few years. He also cited past convictions, as well as current trials of Malaysian opposition and NGO figures, such as Lim Guan Eng, Irene Fernandez, Karpal Singh and journalists such as Canadian Murray Hiebert.

Mr. Axworthy called on the Malaysian government to restore the independence and credibility of the legal system by following recommendations made recently by the UN human rights rapporteurs and by the international legal community in a report entitled, “Justice in Jeopardy: Malaysia in 2000.”

Dr Rahim Ghouse
Representative
International Free Anwar Campaign
9 August 2000

Canada Expresses Concern

Foreign Affairs Minister Lloyed Axworthy, Finance Minister Paul Martin and Secretary of State (Asia-Pacific) Raymond Chan today expressed Canada’s deep concern over the convictions of Anwar Ibrahim, Malaysia’s former Deputy Prime Minister and Minister of Finance, and Sukma Darmawan, on charges of sodomy.

The convictions are a result of a trial held in Kuala Lumpur that Canada believes was seriously flawed. Minister Axworthy said that the failure of the trial to meet international human rights standards high-
rounding this case has cast doubt on due and impartial process.

... the irregularities which had occurred in this trial have raised grave concern as to whether the charges and the entire case have been influenced by the executive of the government.

This would represent an absolute compromise of the separation of powers as upheld in most commonwealth countries, along with the widely-held necessity for the independence of the judiciary.

Dr. Gordon Hughes
Vice-President, Lawasia
9 August 2000

EU Declaration

The European Union notes with deep concern the verdict announced on 8th August 2000 against Datuk Seri Anwar Ibrahim, the former Deputy Prime Minister of Malaysia, and his sentencing to 9 years imprisonment in addition to the 6 years imposed at his first trial.

The European Union followed continuously and with close attention the proceedings of this trial, which was attended by members of its missions in Kuala Lumpur. The European Union recalls its previous declarations 2 October 1998, 27 November 1998 and 14 April 1999 on the arrest and the first trial of Datuk Seri Anwar Ibrahim, and regrets that several aspects of the proceedings in the second trial, as was the case with the first, raise serious doubts about its fairness.

The European Union calls for the appeal process already announced by the defence lawyers to be carried out according to the accepted international standards of a fair trial and will continue to pay close attention to the case.

Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and the Slovak Republic, the associated countries Cyprus and Malta, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area align themselves with this declaration.

Thai Group Calls For Anwar’s Release

...the Thai government should express its concern over Malaysia’s judicial procedures. Thailand has successfully applied flexible engagement principles on the East Timor case only. However, there is room for the government to say domestic unrest caused by this case would not only affect Malaysia but also regional economies as a whole. ...In the spirit of justice and solidarity, we appeal to the Malaysian government to free Anwar and other political prisoners and allow your citizens to exercise their human rights freely and contribute towards broader democratisation in the Asean region.

Sunai Phasuk,
Asian Forum for Human Rights and Development
Thailand
10 August 2000

Address The Concerns

We are aware of the concerns and reservations expressed at different quarters.

It’s also our understanding that Mr Anwar Ibrahim will appeal and we expect that he’ll be accorded due process of law and that every effort will be made to address the concerns that have been expressed in these different quarters.

Manoel de Almeida e Silva
Deputy spokesman, United Nations, New York

Very Troubling

Mr. Anwar is not only a friend and a valued colleague but also a distinguished chairman of our development committee and a man who believed in speaking his mind. ...This sentence is very troubling.

James Wolfensohn
President, World Bank
10 August 2000

Malaysians Deserve Better

There are lots of things that Dr Mahathir has done that I don’t think serve Malaysia well and are not within the spirit of how the Asian countries are
evolving. There are certain countries where people deserve better, Malaysia is one of them.

Madeleine Albright
U.S. Secretary of State

A Matter Of Great Concern

...there are enough expressions of concern and given the long history of this to cause me to worry that the judiciary (in Malaysia) is not as independent as it used to be... It is a real area of concern. It does seem to be part of a series of events that represent some kind of political campaign against Anwar and that is a matter of very great concern .... Yesterday’s news and developments are of a piece with a pattern of conduct that’s gone on over a period of time.

John Howard,
Prime Minister of Australia

Deep Concern About Adequacy And Fairness

...no country relishes outside criticism of its judicial processes, and it is not appropriate to raise specific aspects of the trial when an appeal is likely. ...There is, however, deep concern about the adequacy and fairness of the processes followed in reaching this verdict. ...These reservations relate to the reliability and admissibility of evidence, constraints placed on the defence and the independence of the Judiciary from the Executive.

Phil Goff
Foreign Minister of New Zealand

Mahathir Knows The Point

...the concerns we have are either publicly or privately shared by all of the countries around the region.... What we say is one thing but there are an enormous number of people in Malaysia expressing concerns about this also.... I think Dr. Mahathir knows what the point is...

Alexander Downer
Foreign Minister of Australia

Jeffrey

The man hops yet again to another party which he had once deserted very gladly.

“For the sake of the people” is his story
The last time he said the same, seriously!

The spent politician adds insults to injury
With his cheap and rambling chicanery.

Few are they who soldier on courageously
Now its only a game of political expediency.

Contracts, connections with many a crony
Awaits him who stabs his brother so cruelly.

See how he begs,bows,bends very humbly
Ever ready to serve pliantly, subserviently.

Principles are compromised very brazenly
The people’s trust betrayed unscrupulously.

Beware BN, your new SA* of little “stability”
May abandon you yet again, unashamedly!

Thus goes the sad story — a tragic-comedy named Jeffrey.

O Lord, deliver our beloved country
From such frogs, kangaroos and donkeys.

Martin Jalleh (27 April 2000)

*SA : State Assemblyman
From the outset, the conflict between Anwar and Mahathir was personal. Although Anwar had been picked as Mahathir’s heir apparent to run the Muslim-majority country, he lost favour with his mentor when he failed to act according to script. As the father of modern Malaysia, Mahathir could not tolerate any challenge to his carefully crafted leadership, which had helped make the country an economic power....

Interestingly, the unceremonious sacking of Anwar in the second half of 1998 not only eliminated any challenge to Mahathir’s rule, it also sent a big message to the world about how Mahathir preferred to run his country in an unorthodox way. At the time, Asia was in deep economic turmoil. Anwar, like Thai Finance Minister Tarrin Nimmanahaeminda, had been known to favour the economic textbooks - in terms of fiscal and monetary tightening - when it came to rescuing Malaysia. The United States believed that it would only be a matter of time before Malaysia came crawling on its knees for a rescue package from the International Monetary Fund. But that was not to happen while Mahathir was in power....

He tore up the economic textbooks and erected a financial “Chinese Wall” in the form of capital controls to protect the ringgit from currency attacks. On September 1, 1998, he announced a currency peg for the ringgit of 3.80 to the US dollar. Mahathir’s Malaysian economic programme essentially focused on a more expansionary fiscal and monetary policy. ... Before Mahathir implemented his programme he had Anwar arrested in order to silence him.

As a result, Mahathir killed two birds with one stone. To his credit, he succeeded in rescuing Malaysia from the depths of the economic crisis. The IMF was subsequently forced to admit that Malaysia’s capital controls were working and had helped the country restore financial stability. Mahathir got sweet revenge on the US and the IMF with his defiant economic programme. And on the domestic front, he got rid of his rival and set about consolidating his power base....

Mahathir cannot recreate Malaysia in his own image. If Malaysia is to grow into a more mature country, it will have to confront pluralism sooner or later. Thailand has already gone through a series of political crises to achieve greater openness. There is still a long way to go, but Malaysia has yet to even think about it.

The Nation, Bangkok
8 August 2000

Rough Justice

...There can be little doubt that this prosecution was politically motivated. Criticising the process does not mean taking sides in the dispute between Dr Mahathir and Mr Anwar. ...But the questions of whether Mr Anwar was a competent leader - or even whether he was actually guilty as charged - pale into insignificance compared with the fundamental principles of justice against which all societies should be measured. ...Just as with the original conspiracy trial, the latest exercise was replete with
flaws which would be unacceptable in most jurisdictions. ...No verdict reached in these circumstances can count as safe in the eyes of a broader world. Nor should any country which aspires to developed status, as Malaysia does, get itself into such a position. A strong and impartial rule of law is essential to the sustainable economic growth and civil society which are among the important hallmarks of development.

**Financial Times, UK**
8 August 2000

**Malaysia’s Ruler And Judiciary Disgraced**

After two years of legal chicanery, farcical procedure and naked political bias, the nine-year sentence imposed yesterday on Anwar Ibrahim is hardly surprising. But that does not make it any less shocking. From the very start, the sodomy trial of the former Malaysian Finance Minister and deputy to Dr Mahathir Mohamad was a nakedly political show, intended not to discover the truth of the accusation but to destroy the reputation and political career of Mr Anwar, whose crusade for political reform and against corruption struck a powerful chord with voters. The verdict was as predetermined as it is inexcusable. Mr Anwar himself summed up the trial in a single comment: sick. The trial has divided Malaysia more bitterly than for a generation, radicalised opposition and laid bare Dr Mahathir’s contempt for democracy and determination to protect his power, his family and his cronies.

... The roots of Dr Mahathir’s vendetta lie not in disagreement over economic policy, but in the jealousy and suspicion of an elderly autocrat of a younger, ambitious man - who may well now be barred from public life for two decades. Such personal politics are all too common among rulers insulated by flatterers, past success and too long a time in office. But what makes the Anwar case peculiarly repulsive is the attempt to mask this political struggle with the impartiality of the courts.

Malaysia is not an unsophisticated nation where justice can be bought in the marketplace. It has had an established and respected judiciary and sophisticated legal system. Its educated middle class is fully able to see through the absurdity of Mr Anwar’s two successive trials.

Mr Anwar’s wife said that her husband believed the sentence a small price to pay for democracy and the struggle for justice. She may have difficulty keeping alive the cause of a man made a nonperson by the State. But brave women have confronted state power elsewhere in Asia and achieved much. Dr Mahathir should not count on having buried the resentment of his autocracy along with Mr Anwar’s career. Since the departure of President Suharto of Indonesia, Dr Mahathir is now Asia’s longest-serving ruler; with this disgraceful trial, he forfeits his claims to respect.

**The Times, UK**
9 August 2000

**A Travesty From Start To Finish**

First of all they said the chauffeur was sodomised in a private block of flats in May 1994. When an alibi was produced, they said the offence took place in May 1992. After defence lawyers pointed out the flats had not yet been built, they changed the story again, to an unspecified date between January and March 1993. But if prosecutors in the Anwar Ibrahim indecency trial did not know what day it was, they knew the exact moment of the chauffeur’s trauma. Seven forty-five pm, m’lud. Well, thereabouts.

High court judge Arifin Jaka said it was only a detail. This eminent justice, who yesterday sentenced Anwar to nine years’ jail, had a lot of similar “irregularities” to put up with during the proceedings against Malaysia’s sacked deputy prime minister. They included the beating of the defendant by police; the retraction of testimony by prosecution witnesses who said they had been coerced and physically abused; the arrest for sedition of one of Anwar’s attorneys for statements made in open court; an apparent contempt by Malaysia’s prime minister, Mahathir Mohamad, who publicly proclaimed Anwar’s guilt despite the court’s specific instruction to refrain from comment; and the unreliable evidence of the discomfited chauffeur, Azizan Abu Bakar, who told the court police had coached him on his testimony.

But Judge Arifin, who was unexpectedly assigned to the case in place of a much-respected colleague, struggled on manfully. In reaching his unanimous verdict, he was doubtless helped by the fact that he was the jury, too. “You are a sick man,” he told Anwar, ruling that his sentence would run consecu-

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tively, not concurrently with a previous, equally dubious six-year term for corruption handed down last year. “Only a sick judge would say so,” replied the man who in 1998 dared to challenge Dr Mahathir’s almost 20-year-long stranglehold on power.

For championing reform on behalf of younger generations, for presuming to question corruption and cronyism, and for daring to suggest that Dr Mahathir might one day go the way of Suharto, Indonesia’s now deposed and indicted dictator, Anwar has been ruined and disgraced. His trial was indeed a case of perversion, but of justice, not domestic staff. It was a political, not a judicial act, a travesty from start to finish. Such a Cocklecarrot court proceeding would be funny were it not so serious. As it is, it deeply shames Malaysia and its vengeful leader.

For the past 14 months, Anwar Ibrahim, the leading figure in Malaysia’s opposition reform movement, has been on trial for purportedly sodomizing his chauffeur, or, as the prosecution put it, “carnal intercourse against the order of nature.” Now the verdict is in, and it is as harsh as it is unsurprising. Mr. Anwar has been found guilty and sentenced to nine years in prison, this on top of a six-year sentence he is currently serving on equally dubious corruption charges. ... Mr. Anwar will be removed from the Malaysian political scene until well into the next decade.

That’s just what the country’s authoritarian-minded prime minister, Mahathir Mohamed, wants. Both cases against Mr. Anwar were trumped up to silence a man who once served the 74-year-old Mr. Mahathir as deputy prime minister but grew disillusioned with the cronyism and corruption that are endemic to Mr. Mahathir’s style of governance ....

Mr. Mahathir has been in power 19 years. For much of that time, he and his United Malay National Organization party represented economic progress and political stability. Recently, however, and especially since the onset of the Asian economic crisis in 1997, it has become clear that Mr. Mahathir has been around too long. His errant tirades against supposed Jewish currency-speculation conspiracies, his muzzling of domestic dissent and, above all, his bizarre sexually tinged effort to discredit Mr. Anwar suggest that the aging prime minister has himself become a factor of instability. Malaysia has largely recovered from the economic crash, and the long-drawn-out trial of Mr. Anwar has, as intended, blunted the reform movement. Sooner or later, though, the essential demands of that movement will have to be addressed. The longer Mr. Mahathir resists, the more difficult the eventual reckoning is likely to be.

The judge’s decision to sentence Anwar Ibrahim to nine years’ jail for sodomising the family chauffeur brought gasps of astonishment in the Kuala Lumpur courtroom yesterday.

But the verdict on Malaysia’s former deputy prime minister is not the point of this ridiculous affair .... The central issue is the process by which this absurdity has occurred. That is the true perversion in this matter.

Determined to extend his 19-year rule by any available means, the Prime Minister of Malaysia, Mahathir Mohamad, perverted the operation of the police force, the prosecutor’s office, the media and the judicial system to defeat a political rival ....

We know from both Mahathir and Anwar that the origin of the persecution was entirely political ....

Kuala Lumpur was aswirl with rumours that Anwar was preparing to challenge Mahathir for the prime ministership, and so Mahathir decided to act pre-emptively. He gave his deputy an ultimatum: resign by 5pm or be sacked.

When Anwar defied the older man, Mahathir ordered him sacked, the electricity to the deputy prime minister’s official residence was cut off at precisely 5pm, and charges laid. It was a co-ordinated political repression.

There was nothing independent in the operation of the police or the prosecutor’s office, or the judiciary. Nor was there any independence in the scrutiny of
this machinery by the media, which operates at the discretion of the Government under a licence system.

Witness the contrast now at play in South-East Asia. Indonesia strains valiantly to install the institutions and habits of democracy, while the Philippines and Thailand labour to cement their democratic systems. And there next door is Mahathir’s Malaysia, which has had the benefits of a democratic system virtually since its birth, frantically perverting its principles and its practices. All so that Asia’s longest-ruling leader can remain as such.

Anwar may or may not be guilty of sodomy. That is really quite irrelevant. The real culprit here is Mahathir, and history will yet deliver its verdict against him.

Peter Hatcher
Australian Financial Review
9 August 2000

Mahathir’s Political Legitimacy
The Real Victim

So much for the superior “Asian values” about which Malaysia’s Prime Minister, Mahathir Mohamad, once so delighted to lecture the West. Yesterday’s conviction on sodomy charges of his former deputy Anwar Ibrahim is an unqualified disgrace for his country and for a judicial system that has presided over a show trial that would have done Joseph Stalin proud. ...From the outset, the case has been about one thing only: the prime minister’s determination to destroy the career and reputation of a rival. Its verdict was preordained. ...the verdict will dispel any lingering doubts about the miserable state of human rights in Malaysia. ...The world will doubtless be accused by Mahathir of failing to understand “Asian values” and told to mind its own business. But it is Mahathir’s political legitimacy, rather than Anwar’s reputation, that is the real victim of yesterday’s verdict.

The Independent, UK
9 August 2000

Anwar Provided Rationality To The Political Debate

What happens outside the courtroom is ultimately of greater importance for the country’s future. Before the case ever came to trial, when Mr Anwar Ibrahim was arrested and then severely beaten in custody, it was clear that there was more to this story than the alleged crimes. Also at issue were power and policies. Only by examining these can we understand the zeal with which the government has prosecuted Mr. Anwar, as well as the enmity between Dr Mahathir Mohamad and his former protege.

Before Mr Anwar was arrested in 1998, he was marshalling his allies for a challenge to Dr Mahathir’s leadership of UMNO and therefore the National Front government. The basis for this challenge was Dr Mahathir’s always erratic and increasingly irrational economic policies. The two men disagreed violently on where to place the blame for the Asian crisis, an whether to follow the International Monetary Fund’s advice on austerity measures for Malaysia. After disposing of the Anwar challenge, Dr Mahathir forged ahead with capital control measures which are still largely in place.

Mr Anwar now says that he wanted to change this system, and since his imprisonment he has alleged widespread government corruption. To what extent he would have changed Malaysia had he taken the reins will never be known. We can say this, when Mr Anwar was the heir apparent to the political throne, he provided a key ingredient to the political debate: rationality. While Dr Mahathir has consistently reacted defensively to the outside world, seeing a conspiracy behind every national setback, his former deputy rolled up his shirt sleeves and got on with the job. Mr Anwar gave one hope that Malaysians’ resentment at their former colonial status would give way to self-confidence and willingness to engage the world on equal terms.

Wall Street Journal, Eastern Edition
9 August 2000

Rallying Symbol

The political character of the trial and the subordination of the police and the judiciary to the political authority were highlighted by the judge’s rejection of the defense request for Mahathir to testify as well as his dismissal of inconsistencies in the testimony of the key witness for the prosecution. Doubts were
cast on the impartiality of the court when the government prosecutors twice amended the dates of Anwar’s alleged sodomy, fudging the allegation with the broad charge that the crime occurred on an unspecified day during a three-month period in early 1993. Despite the inconsistencies and contradictions in the driver’s testimony, the judge held him to be a credible witness...

While the judge rejected Anwar’s contention that the trial was part of a conspiracy to ruin Anwar’s political career orchestrated by Mahathir, this perception has gained wider acceptance from many Malaysians in the course of the trial. In the parliamentary elections last November, many Malaysians left Umno to join a new political party led by Anwar’s wife, Wan Azizah Ismail.

Trumped-up charges can backfire, as in the case President Marcos caused to be filed against former Sen. Benigno Aquino to hold him and other dissidents under detention during the martial law years. The conviction of Anwar may have just created for Malaysia a new martyr in the mold of Nelson Mandela, the campaigner against the injustices of apartheid in South Africa. The South African white minority jailed Mandela for 30 years after he was convicted of treason, hoping that his imprisonment would kill the anti-apartheid movement. In jail, he inspired the growth of the movement. In the end, the South African authorities had to free him in 1990. Apartheid was dismantled, and Mandela was elected president of South Africa’s black majority government.

The imprisonment of Anwar may have opened a new episode in the unraveling of Mahathir. Anwar should not be counted out.

[Philippine National Inquirer]

10 August 2000

Absolutely Laughable

It is absolutely laughable that Malaysia can still serve up the rhetoric that the trial was conducted according to due process of law. Can Dr Mahathir explain why his country’s own Bar Council does not think so? ... One thing is clear from the political chaos in Malaysia: the people have woken up to the manoeuvrings of the authorities.

[Jakarta Post]

11 August 2000

Learn From The Indonesian Experience

While the Jakarta government — like most other governments in the Association of Southeast Asian Nations (ASEAN), that includes Malaysia — have declined to comment on the Anwar saga, possibly because bound by the so-called, questionable ASEAN policy of noninterference, many analysts here believe that the verdict is a step backward for Malaysia’s judicial and political systems.

The analysts say that the Malaysian government is insensitive to the rapid pace of reforms currently taking place in the region where people’s demands for greater political liberalization and freedom of expression have been voiced louder than ever.

Anwar’s dismissal and imprisonment in 1998 has eroded support of Muslim Malays for Mahathir’s ruling coalition and destabilized the country politically. This was apparent in the results of last November’s general election. Still the Kuala Lumpur government plods blindly along with no changes to its 19-year old vision. Then there is the rising militancy of certain fringe groups as was evidenced by the recent daring daylight arms heist by extremists in Malaysia’s northern state of Perak.

Mahathir, perhaps, should learn from the Indonesian experience. The feared, authoritarian regime of former president Soeharto, who now lives in disgrace under city arrest for alleged corruption and nepotism, was toppled and he was cast out when he failed to respond to the people’s demands for reform and democracy. Failing that, he should hearken to the everlasting Latin saying: *Vox populi vox Dei*, the voice of the people is the voice of God.

[The West Australian]

11 August 2000

Public Confidence Damaged

...while visible protests have been minimal in Malaysia, the affair has probably damaged public confidence in the leadership of the Prime Minister, Mahathir Muhammad.

[BBC Southeast Asia correspondent]

12 August 2000
Malaysia Ruled By Mahathir’s Law

As it has long threatened to do Malaysia this week finally saw its tolerant and democratic past dissolved into an intolerant dictatorship. The outward appearance was that former Malaysian deputy prime minister Anwar Ibrahim was sentenced to a nine year prison term for sodomy — which he will serve on top of the six years term he is already serving for abuse of power. The inner substance was that Prime Minister Dr Mahathir Mohamad hammered home the last nail in Malaysia’s democratic coffin as he firmly consolidated his dictatorial rule. Once again democratic India appeared to be silent in the face of injustice, seemingly unmindful of the fact that when freedom is destroyed anywhere, it is also diminished everywhere.

Many other Asian nations were similarly tongue-tied. But as statements rolled on from the rest of the world criticising the Anwar verdict, —from US Vice President Al Gore, Australian Prime Minister John Howard, the European Union, from no less than three Canadian cabinet ministers, from the New Zealand foreign minister, from various law and human rights organisations, from the president of the World Bank, and many others — they all, in an important sense, missed the point. They all — implicitly or explicitly — assumed that this was merely a departure from Malaysia’s democratic practice, a momentary aberration in Malaysia’s rule of law. But as Mahathir imprisons his own former Deputy for fifteen years, he puts his dictatorial rule beyond any meaningful democratic, legal or personal challenge. The complete absence the next day of any criticism whatsoever of the Anwar verdict in the mainstream Malaysian media further emphasized this point.

The one last lingering hope was that Anwar would be declared “not guilty”, as a result of the flimsy evidence presented at what was obviously a political show trial. It was not to be. The utter absence of any meaningful rule of law was not merely illustrated by the harsh Anwar verdict. As Tian Chua, the vice president of Keadilan, the National Justice Party founded by Anwar’s wife and others, was kicked and beaten while detained by the police after demonstrating peacefully against the verdict, it underlined the extent to which the police now dutifully support Mahathir’s dictatorship. Mahathir has been able to so abuse the Malaysian system that he has been able to crush Anwar politically, though he has not yet been able to crush Anwar’s spirit. Whether Mahathir’s has finally discredited Anwar in the eyes of Malaysians remains very much in doubt. Mahathir gains because those doubts are not expressed openly, except occasionally on the Internet. Presenting his mitigation plea in court, Anwar gave another feisty performance, saying “I never dreaded this judgment.

It has no legal basis. It is unjust, disgraceful and revolting. It does not disgrace me, it disgraces you (the judge), the judiciary and this nation of ours. I reiterate my innocence with a clear conscience. I will fight even from behind iron bars and prison walls. Truth and justice cannot but prevail. Let the plotters plot all they want, for God is still the best of schemers.” Brave words — which Malaysians can only read if they have a personal computer and access to the Internet. Anwar’s show trial was a travesty of the rule of law. One date for the alleged sodomy was fixed by Mahathir’s prosecutors at a time when the building in which the sodomy allegedly took place had not yet been constructed. Faced with this fact, the prosecution moved the time of the crime to another date. When this also proved questionable, the prosecution moved to yet another date. During the trial, the date moved from 1994 to 1992 and then to any day between January and March 1993.

On these grounds alone, the case against Anwar almost certainly would have been thrown out of court in any jurisdiction where the rule of law actually operates. There are others. The man who was allegedly sodomized recanted his evidence not once but several times, and had been found guilty of lying to another court. All along Mahathir was making statements asserting Anwar’s guilt. Elsewhere he would have been guilty of contempt of court. But not in Malaysia. There were numerous other questionable rulings, most notably when the judge constantly refused to allow Anwar to call Mahathir to the witness stand, since Anwar justifiably claimed he was the victim of a Mahathir conspiracy. Perhaps ‘the Mahathir vendetta’ would have been a more appropriate term.

Additionally, one of Anwar’s defence lawyers was convicted for contempt and another is on trial for sedition for what they said or did in court, during the trial. Lawyers statements in court are traditionally privileged, but not, it seems, in Mahathir’s Malaysia. The trial was such a mockery of due process, that one can only hope that one of the legal bodies which try to defend the rule of law globally will publish a thorough and detailed critique of the dubious proceedings. But there can be little doubt that, within Malaysia, the role of law has become subordinate to Mahathir’s bidding.

Harvey Stockwin

Times of India ONLINE,
13 August 2000
What The Anwar Verdict Means For Us

by D.J. Muzaffar Tate

The verdict of guilty on the charge of sodomy passed on Dato Seri Anwar Ibrahim by the Kuala Lumpur High Court yesterday hardly came as a surprise. For most people it was a foregone conclusion based on the perception of the biased manner in which the trial was conducted.

In truth, Anwar was not on trial for the criminal offence of sodomy, which in any event, an objective medical examination of the victim will show unproven. It was a political trial and his real offence was to have dared challenge the authority of his political master, Dato’ Seri Dr. Mahathir Mohamad, our prime minister.

Perhaps this charge of political conspiracy, like that of sodomy, was not conclusively proven in court, but this was only because the court refused to permit hearing of the weighty circumstantial evidence which bears it out.

The passing of this verdict marks an occasion which should cause all thinking Malaysians to feel profoundly sad and also to feel profoundly ashamed. It marks yet one more step down the road to tyranny.

Indeed, the court’s findings mark a very sad day for those Malaysians – of whom there are not a few – who believe in equality before the law, in the independence of the Judiciary, in the impartiality of its courts, and also in the role of our judges in upholding the civil liberties enshrined in our constitution.

One does not have to be a lawyer to see that the Malaysian Judiciary no longer reflects these principles. The technicalities of the law may be observed but the spirit of truth and justice is dead.

The erosion of these principles has been only too clearly demonstrated during the course of the second Anwar trial. The prosecution got their dates mixed up; the only witnesses to the purported offence were the alleged perpetrators and the alleged victim, and
the alleged victim himself turned out to be highly unreliable and inconsistent – a point which even the judge conceded during the course of the trial but failed to confirm in his judgement.

The court refused to allow consideration of the wealth of circumstantial evidence pointing to the existence of ‘a conspiracy at the highest level’ and found grounds for denying the right of the defence to call its most important material witness, Dr. Mahathir himself, who in any case had committed contempt of court by giving his verdict while the case was still sub judice.

This is to cite only a few of the irregularities in and around the trial which have justifiably aroused the gravest doubts in the minds of independent observers as to the impartiality of the court and the legal propriety of its proceedings.

The contents of these proceedings can be easily verified by reference to the accounts published, however incompletely, in the main newspapers as it progressed, as well as in full from the actual transcripts of the trial itself.

Something Terribly Rotten

An awareness of these facts should make us all feel even sadder for they reveal – beyond all reasonable doubt – that there is something terribly rotten in our judicial system. There is plenty of corroboratory evidence to show that the rot started when the Executive interfered with the Judiciary by procuring the ousting of Tun Mohd Salleh Abas, then Lord President, from his post in the late 1980s.

Since then the erosion of the Judiciary’s authority and independence has proceeded apace and has been marked by a series of shocking decisions by the courts. Matters have come to a head over the last three or four years.

To cite a few examples: we have the notorious Lim Guan Eng case; the curious episode of Dato’ Nalla Karuppan’s trial and verdict; the sudden transfer of the magistrate who could find no fault with Azmin Haji Ali, Anwar’s private secretary; the extraordinarily light sentence imposed on the former Inspector-General of Police for launching a felonious assault on Anwar Ibrahim while in police custody, etc., etc., etc.

In other words, the Judiciary, the last line of defence in any democratic system of government, has demonstrably lost its independence and its impartiality and has fallen under the undue influence of the powerful Executive headed by Dr. Mahathir Mohamed. In short, Malaysia has started its march down the well-trodden slope leading to dictatorship.

There is plenty of corroborative evidence for this too, which although involving other aspects of government and public life has also got a direct bearing on the working of the Judiciary. There is, in the first place, the issue of freedom of expression and of access to information. The tampering by the Executive with the freedom of the mass media to provide unbiased news and information and to give space for the inclusion of all views in a controversy is obvious to the most simple-minded observer. This interference becomes still more obvious at election time, and has never been more blatant than during last year’s General Election.

Since then four regular publications which allowed alternative views to those of the BN to be presented have failed to get their licences renewed or have been restricted in other ways.

Distorting Facts

Needless to say, this masking of the media in favour of the interests of the ruling coalition also affects the Judiciary, because the one-sided, selective coverage of court proceedings obviously distorts the facts of the case. A classic example of this is provided to the STAR’s recent coverage of Anwar Ibrahim’s appeal in the Federal Court against the High Court decision not to allow the defence to call the prime minister as a witness.

The STAR’s condensed version of the proceedings completely left
hate by any particular Opposition party, but one conditioned by twenty years of living under an increasingly authoritarian regime which is apparently ready to do everything it can to hold on to power. As far as the maestro is concerned, the ends justify the means and government is administration by the politics of expediency.

In short, all the indications are that we are acquiring the attributes of a full-blown dictatorship, and are fast moving out of the status of being a ‘phony democracy’ which best describes our present situation.

This is where our sadness must give way to shame. Most of us are perfectly well aware about what is happening in our country and we do not like it. We do not like abuse of power and privilege, the restrictions on our personal rights and liberties, the never-ending scandals and the lack of transparency, the lies and distortions, cronyism, corruption, etc., which seem to have become the hallmarks of government. But there seems to be little that we can do about it.

The Judiciary is hamstrung. The Press and media are muzzled. The Opposition is pilloried and unable to make its voice heard. Open dissent can result in loss in business or of government contracts, dismissal from employment, denial of promotion, and other threats to personal security. And since none of us are starving, we all keep quiet. It is shameful situation to be in.

That is why there is a very real
need for reform, reform in the sense not of revolution but of restoration. It is not a question of debate on current political issues – foreign investment, drug abuse, illegal immigrants, wawasan schools, etc. – that is the stuff of party politics. The proper focus must be on the fundamentals or democracy, or the framework within which the body politic functions. There must be action to restore and uphold basic democratic principles.

Free and fair elections, freedom of expression and assembly, transparency and accountability, freedom of opinion and belief and, above all, impartial justice are the stuff which democracy is made of. They are all provided for under the heading of fundamental rights in our Constitution. Without them democracy does not exist.

In other words, there must be a restoration of the basic democratic and human rights which over the years, particularly over the last twenty years, have been whittled down, for they form our political heritage which we are now in danger of forfeiting for ever.

**Enough Is Enough**

However, despite all the sadness and the shame, it is still not too late. There are many good people of honour and principle to be found at all levels and in all sections of our national society. It only requires a few of them, men or women who hold responsible positions in public life be they politicians, professionals, academics, figures in the corporate world, artists, writers, or other men and women of prominence and distinction – to have the courage of their convictions and to be sufficiently bold, in the face of the mounting perversion of our civil rights and liberties, to speak up and say: ‘enough is enough’.

If they will only do this, then there will be an overwhelming response from ordinary, decent citizens who will follow their lead and give them their support.

One man, Dato’ Seri Anwar Ibrahim, has already given a lead; another man, Datuk Arifin Jaka, has missed that opportunity.

As for the rest of us, we too must be willing and ready to play our roles as active, concerned citizens, each within his own sphere and at his own level, abiding by principles of justice, honesty of purpose and social commitment, and not isolating ourselves on the island of complacency and self-interest.

This is the most important lesson that we can and must learn from the unwholesome episode of the trial and conviction of Anwar Ibrahim. Let not his courage and sacrifice have been in vain.

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**Malaysian Circus : Credibility Crisis**

- Changing “facts”
- Confusing views
- Contradictory scripts
- Conflicting feedback.

- Cartoons, prime time news
- Coy commentators
- Coloured White papers
- “Careful”, cool interviews.

- CEO knows best
- Clownish threat
- Cheap treat and tricks
- Copies from the West.

- Cockatoo Cabinet
- Cloned Ministers
- Comatose Parliament
- Choices, State dictates.

- Cock-and-bull
- Crap-and-stall
- Cry-and-crush
- Creating fools ...

- Cops act tough
- CEO accuses
- Court amuses
- Citizens call it “bluff”!

*Martin Jalleh, 27 July 2000*
Letters should be no more than 250 words and must include the writer’s name and address. Pseudonyms may be used. Send letters to: Editor, ALIRAN MONTHLY, 103, Medan Penaga, 11600 Penang, Malaysia or e-mail to: aliran_letters@hotmail.com. Views expressed need not reflect those of Aliran.

Slogans And Politicians

So, taxi-drivers are once again being told to remove all pictures of politicians from their cabs. Politics and business, it appears, do not mix - an ironic enough claim from a government which stands accused of doing just that for the past twenty years. I have another suggestion, however, to help the government in its campaign against these errant businessmen. Why stop at taxi-drivers? One need only stroll through downtown Penang or along Petaling Street in KL to see the extent to which restaurant owners also mix business and politics by displaying mounted photographs of politicians on their walls. I am surprised that the government has not picked up on this already - restaurant owners are, after all, much easier to catch than the mobile taxi-drivers. Surely the government’s failure to act on this has got nothing to do with the fact that pictures of Mahathir, Ling Liong Sik and Samy Vellu are much more common in restaurants than photos of Wan Azizah and Lim Guan Eng ...

GB
Kota Kinabalu, Sabah

All In A Haze

For the past few weeks we have again been subjected to choking, burning sensations in our eyes, throats and, who knows what else, as the haze thickens in various parts of Malaysia. What makes it even more troubling is the silence on API figures. We are left to figure out for ourselves where the air is “good”, “moderate” and “hazardous”. Where are the hot spots or are they everywhere? Such information should have been given from day one.

I miss birdsong in the morning. Have you noticed how few birds fly over our skies recently? They are wiser than many of us who still carry on our daily activities nonchalantly (for many of us there is no choice as it is a case of “cari makan” or livelihood). As I drive to work, I view with alarm mothers still wheeling their babies for a stroll in perambulators as they have been told there is no cause for worry and, for whatever reason(s), believe in it. Schoolchildren are still having physical exercise classes in the open even as the air gets more foul. There are many other such sights that trouble us. It is as if we are denying the evidence of our own eyes because we are warned that, if we complain about the haze, we would be tarnishing the image of the nation.

On bad haze days, we can feel the grittiness of the air even indoors. Our offices are no escape. Even indoors the air is slightly smoggy and a burnt smell invades our concentration. We begin to feel an important sense of frustration, fast building into a silent rage as there seems no recourse to anyone for protection from a health-hazard which has been blighting us at regular intervals for a number of years. Is there anything at all we can do?

Accurate information dissemination on health risks and measures to minimize damage to health for people of different medical needs, different states of health, different ages, etc. should have been made publicly available from day one. This would greatly increase our diminishing confidence in the au-
authorities. As it now stands, we feel as if we have to say that there are clothes on a naked Emperor and that there is “good” air in a polluted, particle-filled environment. The ultimate health dangers may take decades to surface but that is hardly a consolation and certainly no excuse not to engage a political will to find honest solutions to a recurrent problem. Changes in wind direction, etc. that all lead to explanations which centre around “acts of God and no fault of men” are simply unacceptable.

Wong Soak Koon
Penang

DPM’s ISA Threat Betrays Bankruptcy

Deputy PM Datuk Seri Abdullah Ahmad Badawi’s statement that he did not rule out the use of the Internal Security Act (ISA) where necessary to detain those who spread lies about the government staging the arms heist by the Al-Ma’unah deviationist group in Grik recently, while not surprising is most disappointing.

Is that all that the Deputy PM is capable of in the arena of open arguments and the democratic exchange of ideas and opinions? Is that all he can offer Malaysians in this much celebrated New Millennium, by unthinkingly, robotically and certainly most cowardly hiding behind the ever-protective shield of the ISA?

If certain allegations made by some people against the government are untrue or ridiculous, surely most Malaysians are mature enough to discern? Or has the government become so paternalistic, patronising and paranoid that it can no longer trust the people’s ability to think responsibly, independently and creatively for themselves?

The Deputy PM’s threat to detain people under the ISA for making dissenting views, however far-fetched and inconvenient they may seem to be, seriously betrays an intellectual and political bankruptcy of the highest order. This is a bad sign for the future of Malaysia. All thinking Malaysians should strongly condemn this desperate threat to detain people under the ISA simply for expressing their views. This sort of censorship through intimidation and detention without trial cannot be tolerated by free human beings anywhere.

History has repeatedly reminded us that repression and the culture of silence can never scare the people forever. This was shown in the case of Iran under the Shah, India under Gandhi’s so-called “Emergency” (the 25th anniversary of which is now being commemorated in India), South Korea under the generals, Indonesia under Suharto and, most recently, Taiwan under the Kuomintang, Zimbabwe under Mugabe, and Mexico 71 years after the Institutional Revolutionary Party (PRI).

Will Dr. Mahathir, Abdullah Ahmad Badawi and others of that ilk ever learn? If they are not able or willing to learn the big lessons, are they prepared at least to learn the little lesson that daily over-exposure via their controlled media kills their credibility slowly but surely?

Fan Yew Teng
Former Member of Parliament

Prejudging Guilt

I hope Chief Minister, Tan Sri Dr Koh Tsu Koon, realises the parameters of the law of defamation when publicly stating I should not defend Al Ma’unah leader Mohd Amin Mohd Razali for his involvement in the Sauk incident. What he had said is clearly defamatory of me. Dr Koh, should therefore, be prepared to face the consequences.

Further, what Dr Koh has said amounts to prejudging the guilt of Mohd Amin who has been charged in the High Court, Kuala Lumpur with the trial pending and this amounts, beyond the pale of a doubt, to manifest contempt of Court. This matter will be brought up before the Judge trying the case. I hope Dr Koh sought legal advice before launching on the public attack on me.

There is a presumption of innocence in law when a person is charged in Court. Treason is a serious charge. It carries a punishment of life imprisonment or death. The trial is being conducted under the draconian Essential Security Cases Regulations, 1975 which were declared unconstitutional by the Privy Council in December, 1978. In January 1979, Parliament met and validated the regulations which were nationally and internationally condemned as making a mockery of the law.

Dr Koh should be mature enough to comprehend the position and not import racial considerations into what is purely a legal matter.

Karpal Singh
National Deputy Chairman, DAP
“Liberty of thought means liberty to communicate one’s thought.”

Salvador de Madariage
1886 - 1973
Spanish diplomat, writer, critic

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Aliran Monthly 20(6) Page 38
Dear Reader,

Recent events have left many Malaysians feeling profoundly disturbed over the direction our country is heading. If you are feeling outraged, you are in good company.

So why not do something constructive about it? You may think there is very little a single individual can do to change the course of history. Well, we have news for you: YOU can make a difference.

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Thank you

Aliran Monthly Editorial Board
Bewildering Justice

It is difficult to accept how a guilty verdict could be handed down in the face of glaring discrepancies.

The 8th of August has a special significance to thinking, caring and feeling Malaysians. It will forever be remembered as a shameful and scandalous day for justice.

12 years ago, on this day of infamy, the Lord President of Malaysia, Tun Salleh Abas, was sacked from his office. The dismissal of Tun Salleh was perceived by the general public as a travesty of justice for the allegations against him were totally ludicrous. The composition of the Tribunal itself – that found Tun Salleh guilty – raised a basic question of its integrity.

12 years later, it would appear that things are not very different and little, if any, has changed. Observers of history must be forgiven if they are revolted by the repetition of a similar event.

It is in this context that Aliran views Anwar’s guilty verdict which has left all thinking Malaysians bewildered and confounded.

They would find it difficult to accept how a guilty verdict could be handed down in the face of glaring discrepancies.

Questions of integrity were left hanging, controversies surrounding the year and date regarding the commission of the crime had not been laid to rest beyond a reasonable doubt, the truth of the allegation raised contentious questions especially after the so-called victim had admitted on three occasions in an earlier trial that he was not sodomised and there was no corroborating evidence to sustain the allegation.

Rightly or wrongly, the common perception is that the allegation did not deserve to be prosecuted further after the purported dates for the alleged commission of the offence kept on changing from 1994 to 1992 and finally to one night between January and March 1993. In the light of this, Anwar will forever be seen as a victim of a political conspiracy. This perception, notwithstanding the court decision, will persist and haunt our sense of justice.

More than imprisoning a politician the verdict has dealt a deadly blow to justice itself. Instead of arresting the erosion of public confidence in the system of justice, it has a tendency to undermine our concept of justice even further.

P. Ramakrishnan
President
8 August 2000