A legal farce: Malaysian judge orders Anwar's lawyer jailed

Peter Symonds
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The trial of sacked Malaysian deputy prime minister Anwar Ibrahim is rapidly becoming a legal farce. On Monday, High Court Judge Augustine Paul sentenced Zainur Zakaria, one of Anwar's defence lawyers, to three months jail on charges of contempt of court.

What was Zainur's so-called crime? He presented an affidavit in the court on behalf of his client calling for two prosecutors, Abdul Gani Patail and Azahar Mohamed, to be discharged from the trial for attempting to blackmail an associate of Anwar, Nallakarruppan Solaimalai, into giving false evidence against Anwar concerning sexual relations with five women.

Nallakarruppan, one of Anwar's tennis partners and the former executive director of gaming company Magnum Corp, is himself facing charges in a separate trial related to unlawful possession of 125 rounds of ammunition allegedly found by police in his safe.

Under the country's draconian Internal Security Act (ISA), Nallakarruppan faces a mandatory death sentence if found guilty. In a sworn statement attached to Zainur's affidavit, Manjeet Singh Dhillon, a defence lawyer representing the businessman, alleges that both prosecutors attempted to pressure his client to give evidence against Anwar in exchange for changing the ISA charge to a lesser one.

In an extraordinary legal decision, Judge Paul not only dismissed the affidavit, saying there was no supporting evidence, but then claimed that in filing the motion, Anwar's defence was attempting to 'undermine the integrity of a trial in progress'. Acutely aware of the political ramifications of the trial, Paul bluntly stated: 'It is my duty to guarantee that the persons who are following this trial are not hoodwinked in any way.'

Paul indicated that Zainur could be cited for contempt and jailed for three months unless he apologised unconditionally to the two prosecutors. Zainur refused but is free on bail pending a hearing in the Court of Appeal on Friday. The judge also ordered the arrest of Manjeet.

Hundreds of lawyers and Anwar supporters flocked to the court to protest Paul's decision. Both Zainur and Manjeet are highly regarded lawyers who have previously served as head of the Malaysian Bar Council. Lawyers present at the demonstrations called the decision a 'blow to every lawyer in the country' and called for an emergency meeting of the Bar Council.

Speaking to the BBC, Charles Flint QC, a British barrister observing the trial for the Bar Human Rights Committee, described the judge's actions as an extraordinary and extreme application of the law. 'It is essential that defence advocates are able to put forward a case that at the end of the day the court may find baseless. If the defence advocate is penalised, that must intimidate the defence team,' he said.

The ruling undermines even the pretence of impartiality that the judge has sought to project. The entire prosecution case rests on the allegation that Anwar used his political influence to direct Special Branch police officers to get two people to withdraw allegations of sexual misconduct against him. For the first two weeks of trial, one police officer after another has regaled the court with details of the methods used to compel witnesses to change their testimony and even political views--'turning over', as the Special Branch calls it.

Munawar Ahmed Anees, an Islamic academic and Anwar's former speech writer, filed a 55-page statutory declaration in his appeal case in mid-November detailing the police methods used to compel him to confess to engaging homosexual acts with Anwar. 'They stripped me of all self-respect; they degraded me

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and broke down my will and resistance; they threatened me and my family; they frightened me; they brainwashed me to the extent that I ended up in court on September 19, 1998 a shivering shell of a man willing to do anything to stop the destruction of my being.'

Yet when Anwar's defence alleges that similar methods have been used to pressure a witness to fabricate evidence, the matter is thrown out of court and his lawyer cited for contempt.

Judge Paul's attempt to intimidate Anwar's defence team reflects a certain panic within UMNO and ruling circles concerning the course of the trial. The longer the case proceeds the more it becomes apparent that the allegations against Anwar were simply fabricated as a pretext for his sacking and expulsion, using crude police methods of intimidation and torture.

The trial is not only fueling anti-government protests but also exacerbating divisions within UMNO itself. Jockeying is already taking place for the post of deputy prime minister, likely to be decided at party elections next June. Whoever wins becomes the heir apparent to Mahathir, who has now ruled Malaysia continuously since 1981.

Even though many of Anwar's supporters have been expelled from the party, UMNO plans an extraordinary general meeting in mid-December aimed at further restricting any opposition to the Mahathir leadership. A number of changes are proposed to the party's constitution including one to restrict the proportion of delegates elected by party divisions to next year's general assembly. Some estimates indicate that Anwar supporters could win as many as 30 percent of delegates under the present rules.

The deep-seated differences within UMNO indicate that the rift between Anwar and Mahathir was not over a sexual scandal or personality differences. As the economic crisis deepened in Malaysia, fundamental differences opened up within ruling circles over the policies to be pursued. Anwar championed the IMF's policies of further opening up the Malaysian economy to international investment, threatening to undercut sections of Malaysian big business with close ties to UMNO, the government and Mahathir.

These divisions are likely to be further exacerbated as the economy sinks further into recession. Official figures announced by the Malaysian central bank, Bank Negara, showed the economy contracted for the third quarter by 8.6 percent on an annual basis. Manufacturing, which accounts for a third of the country's GDP, shrunk by 14.3 percent in the third quarter. Bank officials estimate that the Malaysian economy will shrink by 4.8 percent over the year as a whole.

Malaysia's central bank governor Ali Abu Hassan blithely declared: 'It looks as if the worst is over and we can look forward to a gradual recovery of the economy.' He has only held the post since September when his predecessor resigned after disagreeing with new currency and capital controls implemented by Mahathir. Under his direction, the Central Bank is pressing other Malaysian banks to reduce their credit restrictions and increase their loans. Malaysian domestic debt already stands at 170 percent of GDP, the highest ratio of any country in Southeast Asia.

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