

A highly political decision

Malaysian judge directs Anwar to answer charges

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The trial of Malaysia's former deputy prime minister Anwar Ibrahim has entered a new stage. The presiding judge Augustine Paul last Saturday rejected defence arguments calling for the dismissal of the charges and ruled that the prosecution had established a prima facie case. The trial is due to resume on February 8 when the opposition will begin to call its own witnesses, the first being Anwar himself.

Paul's decision to proceed with the case despite the flimsy character of the prosecution evidence confirms the political character of the trial and the crisis surrounding it. Prime Minister Mahathir Mohamad and his supporters cannot afford to have the charges dropped, leaving his former deputy free to mount a political campaign. Yet the further the trial proceeds the more it opens up rifts in the ruling coalition, generates conflicts in Mahathir's United Malays National Organisation (UMNO) and fuels anti-government sentiment and protests.

The weakness of the prosecution case was sharply revealed in the decision of the government lawyers to seek a modification of the charges--after they had presented all their witnesses. The original charges alleged that Anwar had abused his position by directing Special Branch police to force two individuals to retract their written accusations of sexual misconduct against him.

In the course of cross-examination, defence lawyers began to expose the bogus nature of the allegations of sexual misconduct, discredit key prosecution witnesses and raise doubts about the physical evidence. They also began to reveal the connections between those making the allegations and Mahathir and his key supporters, including Finance Minister Daim Zainuddin and

Domestic Trade Minister Megat Junid.

Having provided the Malaysian press for weeks with lurid accounts of Anwar's alleged misconduct, the prosecution lawyers then called for the charges to be changed so that they no longer had to prove whether the statements made against Anwar were true or not. Judge Paul not only rubberstamped this extraordinary procedure and expunged the evidence from the court records but has now ruled that Anwar has a case to answer. The withdrawal of the key evidence has undermined the credibility of the entire prosecution case, yet it is to proceed.

It is worth considering just what this prima facie case hinges upon. If the prosecution can no longer prove that the original accusations were true, then Anwar's alleged motivation for approaching the police in the first place is completely altered. The prosecution now alleges that Anwar was simply trying to avoid embarrassment. Its case rests even more heavily on the evidence of the former Special Branch chief Mohamad Said Awang who claims that Anwar told him to obtain retractions from the two accusers.

Said created an uproar in the first week of the trial by admitting, under cross-examination, that he would lie under oath in court if ordered to do so by "someone higher than the deputy prime minister". He and other Special Branch officers explained to the court in graphic detail the methods used in their "turning-over operations" used to pressure individuals to change their evidence and stated political beliefs.

In other words, in the murky world of the Malaysian Special Branch, "truth" is determined by interrogation and torture according to the requirements of the government of the day. It is on the evidence of such

police that the prosecution is relying to prove its case.

A second question also emerges. As the defence pointed out in its summing up, Anwar is alleged to have used his influence with the Special Branch police but he was certainly not the responsible minister. It is hardly conceivable that Said, a man used to working within the world of political intrigue, took any action on his own responsibility without first discussing the matter with his police chief and the Home Affairs Minister--a position held in this case by Mahathir himself.

Yet no-one has raised the necessity of indicting Mahathir, other members of the cabinet or the former police chief for aiding and abetting Anwar's alleged corruption. Nor, more importantly, has anyone, including Anwar and his supporters, called for the abolition of the entire apparatus of police state repression which has been a crucial prop of the ruling UMNO regime for more than four decades.

What becomes clearer and clearer as the trial proceeds is that the split between Anwar and Mahathir is a sordid political brawl within Malaysian ruling circles over the direction of economic policy. It has nothing to do with corruption and sexual misconduct, as Mahathir maintains. Nor is it about "democracy," as Anwar claims.

Furthermore there is every indication that the political crisis will deepen as the trial continues. Firstly, the defence lawyers have indicated that they may call Mahathir to the stand as well as other figures closely associated with the political decision to prosecute Anwar: Daim Zainuddin, Megat Junid and former Inspector General of Police Abdul Rahim Noor.

Secondly, following the amendments to the charges, Anwar has now launched legal action suing Mahathir, the local *Sun* newspaper, the US magazine *Newsweek* and CNN over their statements and accounts concerning his alleged sexual misconduct.

Thirdly, Mahathir has been forced to announce an inquiry into the police beating received by Anwar when he was taken into custody. When Anwar first appeared in court with a black eye and said he had been severely beaten, Mahathir claimed the injuries were self-inflicted. But sharp opposition, including within the ruling coalition, forced the government to admit the police had caused the wounds, to sack the police chief and now to initiate a further inquiry.

At the same time, anti-government protests are continuing. Last Saturday at least 500 people demonstrated outside the courtroom, chanting "Reformisi"--the chant of Anwar's supporters. The demonstration broke up after riot police ordered it to disperse. Many onlookers watched a further protest in the city centre calling for Mahathir's resignation. The same demand was repeated at a rally at a suburban mosque. Mahathir, who was at the World Economic Forum in Davos, Switzerland, attacked the organisers and said the government would suppress further pro-Anwar rallies.



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