

Malaysian judge bars evidence of a political conspiracy in Anwar's trial

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If anyone had any doubts as to the political and biased character of the legal proceedings against former Malaysian deputy prime minister Anwar Ibrahim then the events of the week should have been enough to dispel them.

The trial restarted on Monday after a break of more than a week to allow defence lawyers time to prepare the case in light of substantial last-minute amendments by the prosecution to the four charges of corruption. The first defence witness to take the stand was Anwar himself who gave evidence and was cross-examined by prosecution lawyers.

The nervousness of the government of Prime Minister Mahathir Mohammad over Anwar's testimony was underscored by the decision of Attorney-General Mochtar Abdullah to turn up unexpectedly in court on Monday to take over the leadership of the prosecution team.

Mochtar told the court that he had not done so earlier only because he had previously expected to be called as a witness. But the real reason was all too evident. The Mahathir government had to have one of its own in the court room in order to prevent Anwar from revealing too much about its internal operations. At one point, Mochtar pointedly warned Anwar about divulging "state secrets".

Anwar, who was sacked from his positions last year and expelled from the ruling United Malays National Organisation (UMNO), is charged with having used his position to influence police to compel two people to withdraw written allegations of sexual misconduct against him. He is also facing a further charge of corruption and five charges of sexual misconduct.

Since he was seized under Malaysia's draconian Internal Security Act (ISA), Anwar has maintained that he is innocent of all charges. In the course of the

prosecution case, his defence lawyers effectively undermined the credibility of the two people who had made the allegations and began to link them to a high-level conspiracy against Anwar involving Mahathir's private secretary, Finance Minister Daim Zainuddin and Consumer Affairs Minister Megat Junid.

At the end of its case, the prosecution lawyers made a highly unusual application to the presiding High Court judge Augustine Paul to change the wording of the charges so that it was no longer necessary to prove that the original written allegations were true. Not only did Paul agree to the prosecution motion but he also expunged evidence of sexual misconduct from the record. Anwar's lawyers are now unable to challenge in court the lurid sex stories that have been splashed through the Malaysian media for weeks.

In the course of the last week, Paul has made a series of highly political rulings making it virtually impossible for Anwar to present evidence of a high level plot against him, and thus severely restricting the defence case.

On Monday, Anwar testified that he had encouraged police to look into the allegations even though they were made in letters that were written by his enemies. He stated that he had not asked police to arrest the two who had made the accusations or to force retractions from them.

He explained that as chairman of the committee on government management and corruption he had been privy to many allegations against ministers and state officials. He had been involved in investigating the alleged waste of billions of ringgit in the Department of Public Works and the Ministry of Defence.

The prosecution challenged the testimony, claiming that his position as chairman of the committee was irrelevant to the case. Anwar has alleged that one of the

reasons for the conspiracy against him was that officials and ministers feared the committee would expose them. Justice Paul upheld the prosecution objection, thus preventing any details of corrupt activity from being aired on court.

On Tuesday, Anwar gave evidence that in August and September 1997, Special Branch police officers had informed him of a high-level political conspiracy involving Zainuddin and Junid. Earlier in the day he explained that he had met on August 31, 1997 with Mahathir who said the allegations were baseless.

But as the defence lawyers sought to pursue the issues, Justice Paul intervened to block the line of questioning. In a sweeping ruling, he stated: "Evidence of political conspiracy, if any, is irrelevant...the issue of political conspiracy is too remote." He insisted that Anwar should stick to proving that he never abused his powers to cover up alleged sexual trysts.

Even within the strict terms of the case, the decision is deeply flawed. Senior police claim that Anwar ordered them to extract confessions. He denies it. If Anwar is to prove the police are lying then he has to be able to adduce evidence to explain how and why. By ruling that the defence cannot enter any evidence of a high level conspiracy between the police, government ministers and officials, the judge has denied Anwar any active defence.

Taken within the broader political context of the trial, the judge's decision directly serves the interests of the Mahathir government both by preparing the basis for a guilty verdict, and preventing his inside knowledge of its activities from being aired in court.

This was confirmed the following day when Justice Paul placed a ban on the press reporting Anwar's statements concerning discussions he had held with Mahathir or the former chief of police. He also ordered the media not to report what Anwar had said about the International Trade Minister Rafidah Aziz.

According to Anwar, the conflict with Mahathir arose as sharp differences emerged over economic policy. The decision to lay the charges was made after a confrontation with Mahathir on the day of his dismissal--September 2. The prime minister had delivered an ultimatum to resign or to face charges of sexual misconduct.

The conduct of the Anwar trial has broad political implications for working people in Malaysia. If, in the

glare of the international media, the rights of a former deputy prime minister to mount a legal defence to politically motivated charges can be flagrantly violated, the same anti-democratic measures can be used with impunity against workers and young people.



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