

# Anwar put on trial again as Malaysian government prepares for elections

Peter Symonds  
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A second trial of former deputy prime minister Anwar Ibrahim began last week in the capital of Kuala Lumpur as the Malaysia government of Prime Minister Mahathir Mohamad prepares for a party congress and national elections. Anwar and his adopted brother, Sukma Dermawan, have been accused of sexual misconduct or committing sodomy on his family's former driver Azizan Abu Bakar—a charge that carries a maximum penalty of 20 years jail and whipping for convicted persons under the age of 50.

The country's reactionary legislation illegalises consensual homosexual activities. The retention of such laws is aimed at conservative religious, particularly Islamic, layers in rural areas—a major social base for the United Malays National Organisation (UMNO) and also the opposition Parti Islam Se-Malaysia (PAS). The fundamentalist PAS controls the government in the northern state of Kelantan where it has instituted Islamic laws, forbids public drinking, nightclubs and gambling, and pressures women to wear a veil and Muslim garb.

Even within the framework of the Malaysian legal system, the evidence for the latest charge against Anwar is as threadbare and contradictory as that used to convict him of four charges of corruption in April and sentence him to six years jail. The defence lawyers have presented a motion to the presiding High Court Judge Ariffin Jaka to have the charges thrown out of court on the grounds of bad faith by the prosecution.

Defence lawyers have pointed out that the prosecution has amended its charges twice already. After initially claiming that the sexual activities took place in May 1994, the prosecution in April changed the time period to May 1992, citing a typographical error. When the trial commenced last week, Malaysia's Attorney General Mohtar Abdullah again shifted the time period to between January and March, 1993.

Such changes smack of a fabrication—times are shifted to cover-up newly-discovered facts that, if brought to light in a court, would immediately expose the entire charade. As Karpal Singh, defence lawyer for Sukma pointed out, the

latest amendment was necessary after the prosecution discovered that the apartment building where the offence is alleged to have taken place, had not even been completed in May 1992.

Furthermore there is considerable evidence that the testimony, on which the prosecution is relying, was coerced. To oppose the defence motion, the prosecution has submitted a statement to police made by Sukma last September outlining details of his alleged sexual activities with Anwar. Sukma has since repudiated the statement, saying that he was forced by police to accuse Anwar of sodomy. Sukma's lawyer Karpal branded the statement a sham confession and urged the High Court to disregard it.

The prosecution also presented a statement made to police in January by an acquaintance of Anwar—former Magnum company director S. Nallakaruppan—claiming that he had been involved in arranging several women to meet Anwar. Anwar's lawyers have previously alleged that Nallakaruppan was coerced into making the statement in return for a modification of the charges brought against him by police. Nallakaruppan had been charged under the ISA of being illegally in possession of a small quantity of ammunition and, if found guilty, faced a mandatory death penalty. He was instead convicted of an amended charge and sentenced to 42 months' jail by the High Court in February.

Judge Ariffin turned down defence requests to suppress the statements, saying: “The question of truth contained in the statement is not an issue at this stage.” The prosecution has made the statements available to the Malaysian media, which has highlighted the sexual details of the allegations. At the commencement of the trial last week, the judge granted a defence request to lift a ban on any media coverage or comment on the case.

Like the first trial, the latest move against Anwar is openly political in character. The former finance minister and deputy prime minister was removed from his posts by Mahathir last September and then expelled from UMNO after increasingly bitter disputes over the economic measures to be taken in response to the country's recession. The falling

out between the two men reflected sharp differences within the country's ruling elites over the implementation of the International Monetary Fund (IMF) demands for a further opening up of the Malaysian economy to international investors.

Anwar was only arrested after he began to stage a series of anti-government rallies culminating in a large demonstration in Kuala Lumpur at which he called for Mahathir to be replaced. Initially he was charged under the country's Internal Security Act (ISA) which allows for indefinite detention without trial. He was bashed by the then Malaysian chief of police, and only officially charged over a week later with five counts of corruption and five of sexual misconduct. His repeated applications for bail were denied.

The second trial is another attempt by the Mahathir government to smear a political opponent and his supporters. Its timing is not accidental. UMNO is preparing for its annual congress, due to commence on Friday, and commentators are mooting the possibility of a snap national election. Mahathir will undoubtedly utilise the sexual misconduct charges, both against his opponents within UMNO and against opposition parties, particularly the National Justice Party formed by Anwar's wife Wan Azizah earlier this year. Azizah has indicated that she will stand against Mahathir in his parliamentary seat.

The UMNO congress is the first since Anwar was expelled from the party. Mahathir, who has held the position of prime minister since 1981, has been publicly dismissive of Anwar's supporters within UMNO. "We have expelled altogether maybe 300 or 400 members," he told the media. "We have 2.6 million members. We are not worried about expelling these people. They are useless to the party anyway."

Privately Mahathir and the UMNO hierarchy are clearly worried at the potential for the emergence of an opposition within its ranks. In January, Mahathir postponed the triennial party elections, due to be held at this week's congress, thus preempting any internal challenge. Other changes to the party rules and regulations have minimised the possibility of Anwar's supporters being sent as delegates to the congress or being elected to party posts.

The congress is being held to prepare for national elections, which have to be held within two months of the end of the current parliamentary term next April. Mahathir last week appealed for unity, saying: "We want to tell them [the voters] they must not take things for granted. If we have a hung parliament, if we don't have a strong party to rule this country, then the good life that we are enjoying will no longer be there. They will suffer economically, socially and politically."

Party general-secretary Khalil Yaakub said the congress would be part of UMNO's "psychological onslaught" to gear

members for general elections. "We are acting according to a strategy and momentum mapped by the party president. We're now activating the party machinery to get ready for the general election."

That UMNO will exploit the sexual allegations against Anwar was confirmed when Mahathir spoke at a training program for UMNO youth leaders aimed at preparing them for the elections. At one point in the proceedings he ordered the media to leave, saying pointedly that he was going to be discussing "a certain case going on" and was concerned that his comments might result in legal action against him.

Acting UMNO Youth chief Hishammuddin Tun Hussein indicated the vitriolic and violent campaign being prepared against the opposition when he said: "We sometimes feel like rioting, burning their flags and slandering their leaders. It is an easy thing to do but I am thankful that UMNO Youth are mature... When the time comes, we will bare our fangs."

There is speculation that Mahathir will call an early poll to take advantage of a modest improvement in the Malaysian economy and to prevent opposition parties from having adequate time to prepare their campaigns. UMNO has been the dominant party in the ruling coalition of conservative parties ever since Britain granted Malaysia formal independence in 1957. It has not hesitated to exploit racial tensions, anti-democratic methods and outright police repression to maintain its grip on power.

The British *Financial Times* newspaper noted in an article on June 10: "Campaigning has not even begun, yet the authorities are using their powerful political machinery to undermine the opposition. They are pressing PAS's *Harakah* newspaper to confine sales to party members, warning civil servants to back the administration or quit and forcing students into government briefings.

"Parents have been instructed to report if their children in kindergarten are taught to spit and step on pictures of the leaders, which the authorities insist is happening. And to keep Malaysians from hearing an opposing view at mosques with political predilections, the government is considering outlawing attendance at prayers outside one's neighbourhood."



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