

# Malaysian government persists with bogus charges against Anwar

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Political tensions remain high in Malaysia following the arrest and release of de facto opposition leader Anwar Ibrahim on trumped-up charges of sodomy. The police, backed by the Barisan Nasional (BN) government, are pressing ahead with the so-called investigation, while Anwar has launched a political counteroffensive with the declared aim of forming a new government in September.

In scenes reminiscent of his 1998 arrest, Anwar was dragged away by masked police commandos from outside his home on July 16. He was questioned by police and held overnight, then bailed the following day as a suspect until August 18. The police are acting on allegations made by a former aide, Saiful Bukhari Azian, who claims that Anwar sexually assaulted him. If convicted, the opposition leader faces up to 20 years in jail and an automatic ban on political activity.

Anwar has vehemently denied the charge and accused the government of involvement in a frame-up. He and his lawyers are adamant that during his police interrogation Anwar provided an airtight alibi for the day on which Saiful alleged the assault took place. Anwar told the BBC: “We are clear, absolutely clear on the alibi, every single minute of the day.”

Anwar’s lawyer Sivarasa Rasiah told the media that the police have refused to make available the report containing the details of Saiful’s allegations, saying it “remains shrouded in secrecy”. The obvious implication is that the police may modify the details to get around Anwar’s alibi or other evidence as it emerges.

It would not be the first time. In 1998, in the midst of a deep political crisis provoked by his expulsion from the ruling United Malays National Organisation (UMNO), Anwar was arrested and eventually convicted on two bogus charges—corruption and sodomy. He was finally released in 2004 after the Federal Court overturned the sodomy charge, ruling that the original conviction had been based on “unreliable” evidence.

In fact, the original conviction was riddled with holes. The prosecution had to change the date of the alleged offence

several times after Anwar’s lawyers demonstrated conclusively that he could not have been at the place at the date nominated. So crude was the frame-up that in one case the building in which the offence was alleged to have occurred, had not even been constructed.

In the end, the court took the extraordinary step of allowing the prosecution to nominate 7.45 p.m. somewhere between January and March 1993. Even though the defence produced documents to account for Anwar’s movements for every day over that period, the trial judge ignored the evidence and found Anwar guilty. In both the sodomy and corruption cases, no jury was involved.

Last week, the pro-government press tried to raise suspicions of Anwar’s guilt over his refusal to provide saliva samples for DNA testing while in custody. As Anwar’s lawyer noted, the police already have his client’s DNA profile from the previous cases. Nevertheless, Prime Minister Abdullah Badawi, echoing other ministers, made the absurd claim that the DNA evidence from the previous cases was “too old so they [the police] need a new sample. What is wrong with that?”

Anwar is justifiably concerned that the police want samples, not to establish his DNA profile, but to incriminate him. In 2000, once the prosecution finally established a date and place for the alleged offence, a mattress was paraded through the court from which Anwar’s DNA had purportedly been extracted. Lurid accounts of what had taken place appeared in the media. Anwar’s legal team claimed at the time that the evidence must have been planted.

New evidence has emerged connecting Saiful to senior government officials. From the outset, Anwar’s wife Wan Seri Azzizah Wan, the parliamentary leader of the Peoples Justice Party (Keadilan), and other party officials have claimed that Saiful was an UMNO stooge and produced photos of him with UMNO officials. Anwar directly accused Deputy Prime Minister Najib Razak of being involved in the frame-up.

Najib denied ever having met Saiful but had to change his

story when it emerged that he had met Saiful just before he went to the police with his allegations. Najib claimed that Saiful, who had dropped out of university, had simply come to discuss scholarships. It is hardly credible that the deputy prime minister would simply grant an audience to the young man over a relatively trivial matter.

In this regard too, there are echoes of the past. Anwar's accuser in 1998 was a rather vulnerable Azizan Abu Bahar, Anwar's driver. If one took the prosecution case on face value, it took Azizan more than four years before he finally made his allegations in 1997. He only came forward after being pressured to do so by businesswoman Ummi Halfilda Ali, who had close connections with Anwar's rivals in UMNO.

The allegations coincided with a bitter political conflict inside the UMNO leadership over the direction of economic policy during the Asian financial crisis. Anwar, who was finance minister and deputy foreign minister, advocated the free market prescriptions proposed by the IMF and World Bank, which threatened layers of Malay businessmen closely connected to UMNO. Prime Minister Mahathir Mohamad sacked Anwar from his posts, imposed currency and capital controls and expelled his former deputy and supporters from the party. When Anwar organised anti-government protests, he was arrested and beaten.

The new accusations against Anwar have emerged as Prime Minister Abdullah and his UMNO-led coalition government struggle to hold onto power. National elections in March produced the worst electoral result for the ruling parties in their five decades of rule. The government won only 140 seats in the 222-seat parliament and has lost their crucial two-thirds majority needed to amend the country's constitution.

The opposition Peoples Front (PKR) increased its seats from 19 to 82. Anwar claims to have enough support among UMNO dissidents, particularly in East Malaysia, to bring down the government and has set mid-September to form his own administration. The parties of the opposition coalition hold power in five of the 13 states, including several of the most economically important. Anwar was not able to stand in the March election as a ban on political activity was still in place, but he is expected to enter parliament via a by-election.

Since his release on July 17, Anwar has intensified his political campaign, holding meetings in the states of Malacca, Pahang and Johor. He told a crowd of 5,000 at Jasin near Malacca that he would soon be contesting a by-election. During his tour, Anwar told crowds that he would shortly name four government MPs who would cross over to join the opposition.

For its part, UMNO is engaged in a rearguard action. It has

recently become public that UMNO has been engaged in secret talks since March with a section of the leadership of the Parti Islam se-Malaysia (PAS)—one of the three main opposition parties. PAS is an Islamist party based among Malay voters in the more economically backward north-eastern states. The talks have reportedly involved the prime minister and PAS deputy president Nasharudin Mat Isa. One PAS leader Khalid Samad disingenuously claimed that despite the “political overtones,” the discussions were just about “current Islamic issues, the Malays and national unity”.

The meetings indicate that some PAS leaders are disturbed by Anwar's opposition to the government's long-standing New Economic Policy (NEP), which discriminates against the country's ethnic Chinese and Indian minorities in business, education and government jobs. PAS leaders have never been comfortable with the inclusion of the Chinese-based Democratic Action Party (DAP) in the opposition alliance. DAP is strongly opposed to PAS's agenda of extending the application of Islamic law in civil society. In the mid-1970s, PAS, under the leadership of the Malay communalist Asri Muda, was in coalition with UMNO.

Behind the political feuding are the same deep divisions in Malaysian ruling elite over economic policy that fueled the conflict in 1998. A decade later, however, sections of business are clearly worried that the NEP and other forms of national economic regulation are acting as a barrier to the integration of Malaysia into the global economy. Fearing that the country will fall behind China, India and other regional competitors, they are backing Anwar as the means for opening up the economy.

Representatives of international finance capital have also supported Anwar. Ex-World Bank chief James Wolfensohn, former IMF head Michel Camdessus and former Canadian Prime Minister Paul Martin issued a joint statement last week expressing their “full confidence in his [Anwar's] moral integrity” and calling for the dropping of charges. Last Thursday US Secretary of State Condoleezza Rice called on Malaysia to ensure a “transparent” investigation into the charges against Anwar.

In response, Malaysian Foreign Minister Rais Yatim demanded that the US stop “interfering” in the case. Desperate to cling onto power, the government is determined to exploit the allegations to the full to smear Anwar and undermine the opposition.



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