

Malaysia's opposition leader acquitted

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Malaysian opposition leader Anwar Ibrahim was acquitted yesterday in the High Court on the charge of sodomy after a trial that began in February 2010. Like the trial, the decision was a political one, dealing a significant blow to the government's efforts to undermine Anwar and the opposition People's Alliance (PR) in preparation for early elections.

Anwar had been accused under the country's reactionary anti-homosexual laws of a sexual encounter with a former aide, Saiful Bukhari Azian, and faced up to 20 years in jail. Anwar had denied the allegation and insisted that the charges had been trumped up by the government of Prime Minister Najib Razak.

The trial was not by jury and High Court Judge Mohamad Zabidin Mohd Diah took just three minutes to deliver his not guilty verdict. He declared that the court could not be certain that DNA samples—the only evidence supporting Saiful's accusations—were not contaminated. "And because it was a sexual offense, the court is reluctant to convict on uncorroborated evidence. Therefore the accused is acquitted and discharged."

The prosecution is yet to rule out an appeal against the decision.

Despite the weak prosecution case, the not guilty verdict was unexpected. Anwar had previously been convicted on bogus charges of corruption and sodomy after falling out with Prime Minister Mahathir Mohamad in 1998 and being expelled from the ruling United Malays National Organisation (UMNO). Anwar was released after almost six years in prison after the Federal Court overturned the sodomy charges in 2004, declaring the conviction to be "unreliable."

Following the court's verdict, Anwar told the media: "It is a surprise, but we welcome the decision... It's a pleasant surprise because looking at the process, looking at the trumped up charges, looking at the fabrication of evidence, looking at the massive media campaign against me [I thought] no way we can get an acquittal."

During the trial, the judge had appeared to favour the prosecution, particularly in May 2011 when he overruled the defence and declared that Saiful was a credible witness. The defence lawyers presented evidence that Saiful had met with Najib, then deputy prime minister, and Najib's wife and senior police officers, in the two days prior to his alleged sexual encounter with Anwar. Saiful continued to meet with senior UMNO figures before he formally reported the alleged sodomy to police.

The DNA evidence had all the hallmarks of being planted. Saiful was only examined medically two days after he claimed to have been sodomised by Anwar. Samples for DNA testing were not only taken belatedly but had not been frozen and had been tampered with. The government chemist who claimed to have identified Anwar's DNA admitted under cross examination that other DNA profiles were present in the samples.

The pro-government media clearly expected a guilty verdict. On Sunday, the *New Straits Times* published an article entitled "He resorted to all legal avenues." It implied that after Anwar had used all "loopholes in the law" to get 60 adjournments, he faced conviction and the end of his political career.

The government also appears to have been caught by surprise. The prosecution of Anwar was part of its

efforts to undermine the opposition parties and prepare for national elections. In the previous poll in March 2008, the ruling UMNO-led Barisan Nasional (BN) suffered a serious setback. Anwar's PR won power in 5 of Malaysia's 13 states and boosted its representation in the national parliament from 19 to 82.

Since taking over as prime minister in 2009, Najib has focussed on using all means available to undermine the opposition and restore the BN's two-thirds parliamentary majority so that it can make constitutional changes. UMNO-led coalitions have held power in Malaysia since formal independence in 1957 and have not hesitated to use the state apparatus, including the courts, to maintain their position.

Attempting to put the best possible face on yesterday's verdict, Information Minister Rais Yatim declared: "Malaysia has an independent judiciary and this verdict proves that the government does not hold sway over judges' decisions."

The record of the country's judiciary demonstrates that it has repeatedly been a political tool of UMNO and the ethnic Malay ruling elites. The fact that a High Court judge ruled against the government points to deep-going divisions in ruling circles.

The Malaysian economy, which is heavily dependent on exports, is confronting the contraction of markets in Europe and the United States and signs of a slowdown emerging in China. In a bid to attract foreign investment, Najib has adopted some of the pro-market measures advocated by Anwar, as deputy prime minister and finance minister, during the 1997-98 Asian financial crisis. At the time, Anwar's proposals were bitterly opposed by Prime Minister Mahathir.

At the same time, the government has been concerned about mounting hostility among ordinary working people to its economic agenda. In his October 2011 budget, Najib ignored calls by finance capital for an end to food and fuel subsidies in Malaysia and set aside \$US10.6 billion to maintain them, at least until the next election, due by March 2013, is out of the way. The government's previous attempt to cut these subsidies in 2007 provoked substantial protests.

Sections of the Malaysian ruling elite could well regard Anwar as more able to implement the austerity measures required and to contain any resistance by the working class. Other signs of political opposition have emerged, including a large protest last July, in defiance of police bans, over the demands for democratic reform. The fact that Anwar has been acquitted and thus preserved as a useful political safety valve, indicates that turbulent times are being anticipated.



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