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**RAHIM:
DID HE
OR
DIDN'T
HE?**



RAHIM: Did He or Didn't He?

Malaysians outraged by A-G's decision not to charge Rahim

In what appears to be a new twist to criminal proceedings, the alleged victim of a rape case is taken into police custody while the alleged assailant in this case is allowed to roam free.

Ignoring existing provisions of the law, the Attorney General, in an unprecedented and unrestrained manner, reveals to the press details of the minor's so-called sexual escapades and the number of men involved while remaining tight-lipped about the alleged offender's conduct.

A deputy minister in the Prime Minister's Department calls for the prosecution of the minor for engaging in illicit sex and conceiving out of wedlock while observing stone-silence about the men responsible for the girl's condition.

In this article, ANIL NETTO, takes a closer look at the case and wonders whether Tan Sri Rahim Thamby Chik did it or didn't.

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"By some twist of logic, the child victim is the one who has to face detention and interrogation rather than the accused"

Zarizana Abdul Aziz,
secretary of the Women's
Crisis Centre.

"The wheels of justice are seen to trundle on swiftly when an ordinary citizen falls foul of the law...But when a politician of some standing is in a similar predicament, the wheels of justice seem to be reluctant to roll on"

P Ramakrishnan,
Aliran president

When Attorney-General Mohtar Abdullah dropped a bombshell on 21 October saying that he had no *prima facie* evidence to charge former Malacca Chief Minister Rahim Thamby Chik in court for the statutory rape of a minor, many concerned Malaysians could only shake their heads in disbelief, perhaps gripped by a sense of *deja vu*.

They must have recalled the infamous Vijandran videotape scandal, where the previous A-G dumped incriminating evidence into a bonfire. In the process, he probably saved the skin of a former parliamentary deputy speaker, who was said to have revealed plenty of it while 'acting' in pornographic tapes.

And can Malaysians ever forget how the director-general of the Anti-Corruption Agency (ACA) hastily cleared Energy Minister Samy "Cleanest Hands" Vellu of charges that he misappropriated nine million Telekom shares originally allocated to Maika, the investment arm of the Malaysian Indian Congress (MIC)? Although fresh evidence forced the ACA to re-open its file, right now it looks like it is gathering even more dust on somebody's desk, somewhere ...

More recently, Malaysians were dumbfounded when they learned that the A-G had inexplicably dropped all corruption charges against the former Sabah Foundation head Jeffrey Kitingan soon after he had 'hopped' over to the ruling Barisan Nasional coalition from Parti Bersatu Sabah (PBS).

WHERE IS JUSTICE?

In the Rahim case, no one could fail to notice that the former UMNO Baru Youth leader was free to trot around the globe on holiday while the alleged rape victim, the minor, remained under police custody. "By some twist of logic, the child victim is the one who has to face detention and interrogation rather than the accused," observes Zarizana Abdul Aziz, secretary of the Women's Crisis Centre.

Certain politicians, including Prime Minister, Dr Mahathir Mohamad, were quick to spring to Rahim's defence, arguing that a person was presumed innocent until proven guilty. Mohtar himself said justice and the law required him to prove beyond all reasonable doubt the guilt of the accused.

And yet, the irony is that these same gentlemen can see no wrong, no injustice, when Malaysians are presumed guilty and detained without trial under the notorious Internal Security Act (ISA).

Where is justice then? Scratch the surface of our materialistic, spectator society and you will see a lot of folk wondering whether we have two standards of justice - one for the ordinary *rakyat* and another for some of the elite; double standards.

"The wheels of justice are seen to trundle on swiftly when an ordinary citizen falls foul of the law," says Aliran president, P Ramakrishnan. "But when a politician of some standing is in a similar predicament, the



AG Mohtar: Insufficient evidence to prosecute?

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Pendek Ahmad,
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Kota Baru MP



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RAHIM'S COLOURFUL BACKGROUND

Pendek Ahmad, the minor's grandmother, was not about to take all this sitting down. She was reportedly furious over the A-G's decision not to prosecute the former Malacca Chief Minister, and was particularly incensed over his disclosure that the girl had lodged 17 reports about relations with 14 men.

"He has not been fair to us and is one-sided," said Pendek. Added Pendek's son, Mohammed Sabri: "Injustice has been done to an underaged girl."

The All Women's Action Society (AWAM) also expressed concern about Mohtar's disclosure of the girl's history: "Contrary to the Evidence Act, the 15-year-old's sexual history has not only been made public and come into question, but it has also appeared to have affected the outcome of these particular investigations," said Susanna George and Tan Beng Hui, in a joint statement issued by AWAM.

Such an investigation should be conducted to determine whether or not rape has been committed regardless of the victim's sexual history, they added. "There appears to be an attempt on the part of some authorities to shift the focus of our attention from the real issue at hand - the alleged sexual involvement of a prominent politician with a minor."

Others wonder why, if the background of the girl was considered relevant by those with a warped sense of justice, the police did not investigate Rahim's background which should have been equally relevant. "Is the Attorney General prepared to publicly reveal the background of Rahim and let the people decide who has got a more 'colourful' background?" demanded opposition leader Lim Kit Siang in Parliament.

THE NEW 'JUDGES'?

While Malaysians long for justice to prevail, the Judiciary, still reeling from recent unsavoury disclosures, appears to have taken a back seat. The new arbitrators inquiring into the guilt or otherwise of an accused party, especially if a leading politician is implicated, appear to be the A-G and the director-general of the ACA.

Have these gentlemen now assumed the combined role of prosecutors, 'judges' and 'executioners' in our post-1988 legal system? Why haven't they referred the many suspicious cases involving top politicians to court for judgement?

Suspicion stares you in the eye, the more you peer into this case. "Police investigation into the case has cast strong suspicion on Tan Sri Abdul Rahim," said the A-G in a statement. But, Mohtar also said, the circumstantial evidence obtained in this case was not sufficient to prosecute Rahim in court.

Immediately, a couple of obvious questions leap straight into the air: Is it possible to have strong suspicion with insufficient evidence? Can the A-G institute court proceedings on the basis of "strong suspicion"?

"As long as the A-G has strong suspicion, he can go ahead and prosecute - if he wants to," says a lawyer in Penang. The court would then decide if the evidence was sufficient, she adds.

"Whether Rahim is innocent or otherwise should be decided by the court, and not, by the A-G," asserts Kota Baru MP Ilani Isahak. A *prima facie* case, she explains, means a case to answer and thereafter the prosecutor has to prove it beyond reasonable doubt.

"Thus there was no need for the A-G to determine beforehand whether the facts as investigated by the police proved beyond reasonable doubt the sexual allegation against Rahim," adds Ilani.

"Is the Attorney General prepared to publicly reveal the background of Rahim and let the people decide who has got a more 'colourful' background?"

Lim Kit Siang
Parliamentary opposition leader

Excerpts from the press interview with the A-G:

Q: Datuk, does this mean that the girl's background was also taken into consideration in the investigation?

A: Oh yes, the girl has made statements regarding her background and all I need to say at this stage, without revealing, in the course of police investigation, this is additional information, the girl has lodged 17 police reports against 14 persons, 14 individuals, for having sexual relations with her. Eight of those individuals had admitted in their statements to having sexual relations with the victim. This is one factor that I took into consideration, not the only factor.

Q: Did Tan Sri Rahim deny having sex with the girl?

A: I can't reveal that statement.

Q: Datuk, with today's decision, does it mean that the girl has made a false accusation againsts Tan Sri Rahim?

A: Not necessarily.

Source: *New Straits Time*,
22-10-1994

It is common knowledge that rape as defined under the Penal Code is difficult to prove, said the Sisters of Islam (SIS) in a statement. But the absence of adequate proof to warrant a *prima facie* case does not necessarily mean that the rape did not happen, they added.

ILLICIT SEX?

What enraged a lot of people was deputy minister Dr Abdul Hamid Othman's proposal to charge the girl under Islamic law for illicit sex and pregnancy outside marriage. "It is outrageous," says Zarizana.

"What about the exploiters?" demanded Ilani. "Why isn't there an equal enthusiasm to charge them? I detect a strong male bias against females in this affair."

Under the Penal Code, sexual intercourse with a minor is rape with or without consent. But, as SIS pointed out, the Penal Code is contradicted by provisions in state Syariah criminal laws which stipulate that, upon menstruation, a female is regarded as an adult and therefore liable to prosecution for illicit sex.

"There will be a flagrant miscarriage of justice if the minor questioned under one legal system is now rendered liable for prosecution under another system based purely on her initial statements which could prove incriminating," declared SIS.

So, now the victim will end up in a juvenile home, a welfare home, for an alleged crime committed against her. But what of the accused - where will he be sent? Doesn't he need counselling?

SO, DID HE OR DIDN'T HE?

Meanwhile, Malaysians are waiting for the ACA report - into allegations that Rahim had corruptly used his position to amass wealth. The ACA has not yet submitted its report to the A-G's chambers for 'judgement'. Will it suffer the same fate as the report on the allegations against Samy Vellu in the re-opened Maika share scandal investigation?

Some political observers feel that the entire saga could jeopardise the Barisan's prospects in the general election especially in Malacca. Indeed, Barisan leaders will do well not to underestimate the extent of the people's discontent over their dismal handling of this mess.

The opposition is sure to use this issue as cannon-fodder in the coming election campaign, especially among female voters, pointing especially to the attitude of top politicians. "The Prime Minister himself has not displayed outrage against the young girl's sexual exploiters," says Ilani. "He seems more concerned about Rahim."

In the 1990 elections, the Barisan won four of the five federal seats in Malacca and 17 of 20 state seats. With the simmering outrage over the handling of the Rahim case, together with considerable disquiet over high-handedness in several cases of land acquisition, the Malacca Barisan will be hard-pressed to repeat its 1990 performance at the ballot box.

One final question begs to be answered: did Rahim do it, or didn't he? "I think you can understand that what I can reveal, I will let you know," said Mohtar when interviewed by the Press. Unfortunately, most people do not understand why the A-G cannot reveal the whole truth. What is there to hide?

Mohtar may have discontinued investigating Rahim but as he says: "Whether it exonerates him or not is for you to conclude." Needless to say, the people have reached their own wise conclusions in the tribunal of the ordinary *rakyat*.

And, ultimately, that is what counts. ■

Victim Under Custody - Alleged Offender Roaming Free

We are deeply disturbed and dissatisfied by the outcome of the police investigations into the alleged sexual relationship between former Malacca Chief Minister Tan Sri Rahim Thamby Chik and a 15-year-old school girl, as reported by the Attorney General yesterday.

As one of the organisations which advocated reforms to the laws relating to rape in 1989, the report released yesterday puts into question the effectiveness of the reforms that we had campaigned for during the time.

Namely, the sections relating to Statutory Rape (Section 375 Penal Code) and the Evidence Act (Section

tigations should be to determine whether or not rape has been committed regardless of a victim's sexual history.

Up till now, the public has been forced into patience while awaiting the outcome of the investigations. We have witnessed the victim put under police custody while the alleged offender has been allowed to roam free, not to mention tolerating the other privileges which have been extended to the alleged offender during this time.

We strongly believe that the gravity of this incident, the alleged sexual intercourse with a minor, and the statement of the victim, should be enough for a case to be prosecuted in court. Until then, we cannot believe that this country's legal system has done everything within its power to protect its citizens.

Perhaps most disturbing for members of the public, is the lasting impression this incident will leave with younger women who have or are being victimised in this way by other adults, especially adults in positions of power. Not only will they distrust the law to act justly, they will also perceive this incident as a victory of adult men who abuse younger women.

"younger women who have or are being victimised in this way...will also perceive this incident as a victory of adult men who abuse younger women"

Susanna George & Tan Beng Hui
All Women's Action Society (AWAM)
25 October 1994

A Hair-brained Idea

146A) appear to have been contradicted in this incident.

In the case of statutory rape in Malaysia, the law provides that if a victim is under the age of 16 years, any sexual intercourse will be deemed as rape, with or without her consent.

The decision to prosecute when sexual intercourse has been committed with a minor, should not be dependent on whether or not clear evidence can be provided. If the victim, who is a minor, has given a statement on the matter, this should be sufficient to warrant a case being brought up in court.

Also of great concern is the fact that, contrary to the Evidence Act, the fifteen year old's sexual history has not only been made public and come into question, but it has also appeared to have affected the outcome of these particular investigations. The bottom line in such inves-

Wanita Gerakan is proud of our Government for the firm action it has taken against child abuse. Parliament has even amended the punishment for rape, which includes statutory rape, to a mandatory minimum sentence of five years jail. This means that any person who has had sexual intercourse with a girl who is below the age of 16 may be convicted for the offence of statutory rape and shall on conviction be sentenced to a minimum of five years in jail if evidence adduced in court is sufficient to prove beyond reasonable doubt that the offence has been committed. Consent conduct or the social status of the girl involved is irrelevant.

The main purpose for the creation of the offence of statutory rape and for Section 16 (1) of the Women and

O U T R A G E !

Girls Protection Act 1973 is to protect young girls against sexual abuse.

The current reports quoting the Attorney General's remarks in the Rahim case have caused genuine concern and anxiety among many people besides the 'victim', and her parents and relatives. One wonders at the motivation of the Attorney General in revealing such details, and whether it is ethical to divulge such information to the public. Here obviously is a young girl who has been a victim of abuse by other people. Through negligence on the part of those who were supposed to have guided her as well as people who were willing to exploit her, she has become a victim of sexual abuse and as a result is allegedly pregnant.

Wanita Gerakan is appalled that a Deputy Minister seems to be sympathising with the men who could be

irrefutable fact is that she is below 16 years of age and the men who had sexual intercourse with her had, by their act, committed statutory rape and must be brought to book. We therefore would like to urge the Minister for National Unity and Social Development to extend a helping hand to this young girl in her time of need and also ensure she is granted full protection of her rights as spelt out by Law.

Madam Kee Phaik Cheen
National Chairman
Wanita Gerakan
Parti Gerakan Rakyat Malaysia
25 October 1994

"Apart from being sexually abused as a minor, the victim is now pregnant and instead of receiving help from the authorities concerned as well as protection, we get this hair-brained idea that the girl should be charged for illicit intercourse under the Syariah Law."

charged under Statutory rape rather than the girl who is the 'victim'. Apart from being sexually abused as a minor, the victim is now pregnant and instead of receiving help from the authorities concerned as well as protection, we get this hair-brained idea that the girl should be charged for illicit intercourse under the Syariah Law.

Islam is universally well-known for its tenet that women and children must be protected. Regardless of whether the victim is promiscuous or not, the basic

Strong Male Bias Against Women

Personally I feel all those who took advantage of an underaged girl should be charged and brought to Court. Whether Tan Sri Rahim Thamby Chik is innocent or otherwise should be decided in court and not by the Attorney General.

A *prima facie* case means a case to answer and thereafter the prosecutor has to prove it beyond reasonable doubt. Thus there was no need for the Attorney General to determine beforehand whether the facts as investigated by the police proved beyond reasonable doubt the sexual allegation against Rahim Thamby Chik.

The proper thing to do is to bring to book all those who took sexual advantage of the young girl. Her morals should not be made an issue. Otherwise the law would not provide for statutory rape.

The Attorney General appears to wish to distract the public from Rahim Thamby Chik whom the girl alleged had sexual relations with her.

The authorities entrusted to enforce Islam in Malacca should ensure justice is seen to be done and not be satisfied that justice is done. They should go after Rahim Thamby Chik and those who exploited the young girl. They should note that Muslim women have voiced ap-

"The Prime Minister himself has not displayed outrage against the young girl's sexual exploiters. He seems more concerned about Rahim Thamby Chik"

prehension with regard to the authorities' capability to ensure justice for all.

The Government through the Deputy Minister, Dato' Dr Abd. Hamid Othman, appears in a hurry to have the girl charged under Islamic Law for illicit sex and pregnancy out of wed-lock. What about the exploiters? Why isn't there an equal enthusiasm to charge them? I detect a strong male bias against females in this affair.

The Prime Minister himself has not displayed outrage against the young girl's sexual exploiters. He seems more concerned about Rahim Thamby Chik. Thus the Prime Minister, the Deputy Prime Minister and all the cabinet Ministers have all been conspicuously and deafeningly silent about the Attorney General's unethical conduct in revealing the minor's background. Ah yes, except for Syed Hamid Albar who strenuously defended the A-G in Parliament. Aren't they therefore false champions of the Caring Society?

***YB Hjh Ilani Bt Dato' Hj Isahak
Head of Woman Information
Parti Melayu Semangat 46
25 October 1994***

Complainant - Not Accused - On Trial

The handling by the relevant authorities and the media of the alleged rape of a 15-year-old girl by former Malacca Chief Minister Tan Sri Rahim Thamby Chik is extremely disappointing and has raised concern in our organisation.

From the beginning, when the case was first reported by the media, the girl was placed under immediate police

custody supposedly for security reason. By some twist of logic, the child victim is the one who has to face detention and interrogation rather than the accused. This can only have prolonged psychological effect on the child and puts into question the evidence elicited from the child throughout this detention.

Still, at that early stage, there was reasonable expectation that the matter would be investigated which would result in the institution of criminal charges against any person found to have committed statutory rape against

"Interestingly, the sexual background of the alleged rapist was never made public nor was it ever a consideration in the Attorney-General's decision to close the case...What Dato Mohtar has done acts as a deterrent for rape survivors to report and have their rapists charged..."

the girl.

Subsequently the statement made by the Attorney-General Dato Mohtar Abdullah as reported in the media on 22 October 1994 brought to the fore a disturbing development in the said investigations which is not only irrelevant to the criminal case but can only be construed as a regression into **putting the complainant and not the accused on trial.**

This age-old legal defence strategy in rape trials whereby defence counsel seeks to totally demolish the complainant's character by suggesting immorality through suspect sexual liaisons with other men reinforces the myth that **"bad girls deserve to be raped"**.

This strategy is now prohibited under the Evidence Act, 1950. Section 146 of the Act states: **In proceedings in respect of the offence of rape, no evidence and no question in cross-examination shall be adduced or asked by or on behalf of the accused, concerning the sexual activity of the complainant with any person other than the accused.**

It is ironical that while defence counsel is unable to raise such questions in court to assist in the acquittal of

the accused rapist, Dato' Mohtar, as head of the legal service, has seen it fit to use the same arguments in a local/international press conference.

This amendment to the laws (passed in 1989) relating to rape was a result of a six-year campaign by women's organisations to provide protection for survivors of rape and ensure she is not victimised in court for having the courage to insist that her rapist be punished - despite the social stigma which uncannily blames the survivor.

The eight men who have allegedly admitted to having had sexual relations with the girl have actually confessed to having statutorily raped her and the Women's Crisis Centre (WCC) demands that rape charges be forthwith preferred against them. Interestingly, the sexual background of the alleged rapist was never made public nor was it ever a consideration in the Attorney-General's decision to close the case.

What Dato Mohtar has done acts as a deterrent for rape survivors to report and have their rapists charged in court as it has placed serious doubt as to whether they will get any justice through the legal system or even at the investigation stage. If this can happen to investigations on statutory rape where the survivor's consent is not even an issue, one can only imagine what an adult rape survivor has to face.

This also brings into question any investigative procedure which results in the underaged complainant having to answer charges in the Juneville Court which ordered that she be sent to a rehabilitation home.

Charging rape survivors with criminal prosecution under the Syariah laws sets a legal precedent that WCC strongly objects to. It must be borne in mind that the Penal Code deems a child below 16 incapable of having consented to sexual relations. It is outrageous for the Deputy Minister in the Prime Minister's Department, Dato' Abdul Hamid Othman to have called for the prosecution of the 15-year-old rape survivor under Syariah laws for *zina*, namely consensual sexual relations.

The Attorney General's statement and the sensationalising of this case by the media seriously question the social responsibility of both the relevant authorities and the media.

It is naive to think that the mere non-disclosure of the girl's name is sufficient to protect her identity when the names of her school, her father, grandmother and uncle were revealed in several news report. A television station even filmed the school and attempted to film the girl's face as she was leaving the court.

The identity of a child implicated in a case of rape is protected by various laws, including the Women and Girls Protection Act 1973 and the Child Protection Act 1991. Section 41 of the Child Protection Act 1991 states that, **No person shall publish or cause to be published any material which is intended, or likely, to identify:**

a. any child in respect of whom any of the offences under Part VI of this Act or under Chapter XVI of

the Penal Code has been or is suspected to have been committed; or

b. an address or school as being that of a child referred to in paragraph (a).

Chapter XVI of the Penal Code includes the rape provisions. The word "**publish**" is defined in the Child Protection Act and includes "**broadcast by radio or television**" and material includes "**any picture or representation**".

Any person who contravenes this section shall be guilty of an offence and shall, on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Perhaps it is more appropriate for the relevant authorities to busy themselves investigating all these contraventions rather than occupying themselves with matters irrelevant to this case.

Sensationalising the incident only goes to show the insensitivity of the media towards a rape survivor and a minor. During the height of the campaign against rape, the media was a staunch supporter and sympathiser of rape survivors. What happened to the caring policy?

As the fate of the underaged girl gets closer to being sealed in a most disappointing way, we appeal to the relevant authorities to:

- * allow justice to be done by charging the perpetrators. It is for the court to decide whether there is sufficient evidence to convict;
- * allow the girl to be sent home to her family and provide counselling for her;
- * reconsider the decision to close this case or disclose the result of the investigation which justifies the earlier decision to close this case;
- * investigate and charge the persons responsible for having disclosed information likely to identify the girl.

It is time for us to recognise that no matter how rigorous our laws may be in protecting survivors of rape, in particular, child survivors, without the effective administration and implementation of these laws by persons entrusted with the same, women will continue to be victimised and forced into silence. It is WCC's fervent hope that this mishandling of the case will serve as a lesson to all concerned and will not be repeated lest other would-be criminals get the impression that young girls can be taken advantage of without fear of punishment.

Zarizana Abdul Aziz
Secretary
Women's Crisis Centre
26 October 1994

Appallingly Ill-judged And Irresponsible

The statement by Datuk Dr Hamid Othman that the 15-year-old schoolgirl allegedly involved in a sexual relationship with Tan Sri Rahim Thamby Chik should now be prosecuted under Syariah law for illicit sexual intercourse with other men, is appallingly ill-judged and irresponsible. It is especially pernicious following a most unsatisfactory procedure and outcome of a police investigation in a matter of great public interest.

Many seem to have forgotten that the minor was not, in the first place, the subject under investigation. She was not the offender, but a possible victim of statutory rape. She was held in police custody for questioning in an investigation initiated by a police report against Tan Sri Rahim's conduct. What tragic irony that the minor may now become the accused under state Syariah law.

We find that many aspects of this case have now raised so much doubt in the public mind whether justice has been done. Further clarification to the public is crucial in the context of the following questions:

Police Investigation

* Why was the minor placed under police custody? Throughout that period, did she have ready access to independent legal advice, to a support system such as family members and trained counsellors? Why was SCAN not called in to protect the interest of the minor?

* Was the minor properly cautioned about the implications of her co-operation with the investigation on Tan Sri Rahim, and that her statements and her subsequent police reports could possibly implicate her in a criminal offence?

Statutory Rape

* Under the Penal Code, sexual intercourse with a minor is rape, with or without consent. The law presumes that a minor is not mature enough to be held responsible for her actions. She is therefore protected under the law. The questions to her character and sexual history do not arise, are totally irrelevant to the offence, and should therefore not have influenced the outcome of the investigation.

Conflict between two parallel legal systems

* The protection in the Penal Code is contradicted by provisions in state Syariah criminal laws. Was the minor then cautioned that as a Muslim she was bound by two systems of law? In her present circumstance, the Penal Code provides her protection in that she is a minor. Yet under the Syariah, upon menstruation, she is regarded as

an adult and therefore liable to a prosecution for illicit sex.

* There will be a flagrant miscarriage of justice if the minor questioned under one legal system is now rendered liable for prosecution under another system based purely on her initial statements which could prove incriminating.

* With two parallel systems, the state appears to have wide discretionary powers to impose either system for prosecution. Such a choice is not however extended to its

"The questions to her character and sexual history ...are totally irrelevant to the offence"

Muslim citizens. What protection does a Muslim citizen have over possible abuses of this discretion? Currently, a Muslim cannot choose the Penal Code over Syariah laws. Under the existing Syariah system, a rejection of the law is tantamount to disbelief, an offence of apostasy which may be punishable by death.

Attorney-General's handling of the case

The A-G's press statement raised many more critical questions to this case which still remain unanswered. Many of his answers at the press conference failed to assuage the public that justice indeed has been done.

The A-G was evasive in answering questions that could in any way incriminate Tan Sri Rahim, but was ready to reveal information that could tarnish the minor's character and therefore undermine her credibility in the eyes of the public:

* In spite of persistent questioning, the A-G declined to elaborate on the circumstantial evidence which he decided, purely at his discretion, was insufficient to prosecute Tan Sri Rahim. Given the A-G's own admission that the evidence was enough to "cast strong suspicion on Tan Sri Rahim", shouldn't the court then, and not the A-G, be the proper forum to decide on this case?

* Why did the A-G decline to provide any details on the minor's allegations against Tan Sri Rahim?

* Why did he decline to reveal whether Tan Sri Rahim had admitted or denied having sex with the minor?

* Why did he reveal that the minor had lodged police reports against 14 individuals for having sexual relations with her?

* Why did he readily confirm that the minor was indeed pregnant; why was he so willing to elaborate that

based on medical evidence and the date of the alleged sex act between Tan Sri Rahim and the minor, Tan Sri Rahim could not possibly be the father of the baby?

It is unethical for the A-G to reveal incriminating evidence against the minor and to make statements that would prejudice her case should the matter go to court. Such injurious statements shall remain forever to cast aspersions on the minor's character and have already brought her into public ridicule and condemnation. These statements can now become the basis for action against the minor under Syariah law.

Response to the A-G's statement

We find it most unbecoming and ludicrous that Tan Sri Rahim should enthusiastically declare his innocence. It is common knowledge that rape as defined under the Penal Code is difficult to prove; the absence of adequate proof to warrant a prima facie case does not necessarily mean that rape did not happen. It is also hasty and improper for the new Chief Minister of Malacca, Datuk Mohd. Zin Abdul Ghani, to announce that Tan Sri Rahim would be brought back into public service when the latter's integrity has been undermined. Datuk Mohd. Zin should be reminded that Tan Sri Rahim remains under investigation by the Anti-Corruption Agency.

In a truly developed and progressive state, such as our national aspiration under Vision 2020, surely those who hold high public office are always accountable for their actions. The trust and power vested in them by the rakyat should not be betrayed, misused or abused. However great their success in bringing about material progress and economic development, such political leaders cannot be placed above the law.

Sisters in Islam
26 October 1994

Charging An Individual Doesn't Mean That He Or She Is Guilty

The Rahim saga has without doubt drawn towards it bitter reaction by a majority of the public. However, it is distressing to note that in the name of justice, some have voiced support for the events that have transpired, namely the decision by the A-G not to

prosecute the former Malacca Chief Minister. Whether it is the A-G's decision or the non-prosecution of Rahim that has drawn more bitterness, is but a matter of interesting speculation.

Certainly not a matter of speculation though is the doubt that has been cast today on the impartiality of the administration of criminal justice in our country.

Under the sixth limb of section 375 of the Penal Code, a man who has sexual intercourse with or without the consent of a woman under sixteen years of age, is said to commit rape. This limb of section 375 is said to provide for statutory rape, where penetration is by itself sufficient to constitute the sexual intercourse necessary for the

***"...the A-G must use his
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offence of rape, notwithstanding whether or not there has been consent by the woman.

The evidence in the Rahim saga, we are told, includes amongst others, the admission by the girl that she had had sexual intercourse with the Malacca Chief Minister, and that she was under the age of 16 at the said time. We are also told that she had sexual intercourse with some 13 other men, and that she was pregnant with the child of one of the said 14 men.

Surely, with this evidence, the implicated individuals ought to have been charged in court. The background of the complainant in cases of statutory rape should not be a factor preventing the charging of an individual implicated. It however can be a factor taken into account by the courts when meting out sentence if and when one is convicted. From these facts, despite the A-G having considered 'other information', which we do not doubt, charging the said implicated individuals surely is warranted.

Too much has been spilt in this saga. For the sake of instilling back the public's view of the impartiality and fairness in the system of our criminal justice, the A-G must use his discretion and reconsider his decision not to prosecute.

There must be one system of justice for all, and only then will that system mete out justice fairly.

Jagdeep Singh Deo
Lawyer
28 October 1994

HEART TO HEART

What comes from the lips reaches the ear, what comes from the heart reaches the heart. -Arab Proverb

THE STRUGGLE IS NOT A TEA PARTY

**The final part of the experiences of social activist
DR MOHD NASIR HASHIM**

I had an overdose of various forms of sloganizing and bombastic phrases thrown around by my 'progressive' friends during my university days. They glorified and romanticized this struggle. Unfortunately the loudest ones had gone astray, more excuses than actions. In fact people react negatively to sloganizing as it puts them on the defensive, which is good for the egos of those who sloganize but bad for the people because it is patronizing, demeaning, elitist and treats people as if they are born illiterates.

Whereas they had varied experiences throughout their lives and our role is to harness such rich experiences and integrate them into a meaningful whole through the various educational programmes. Only through such interactions that the people begin to realize their potential and consciously move to redeem their lost confidence and to appreciate the need for unity and discipline to chart their own destiny. This, in fact, is the essence of development.

Ideology For A Better Society

The point I am trying to drive at is that we do need a philosophy or ideology about the type of society that we aspire for our present and future generations. Have we done enough soul searching to confidently say that this will be our goal in life? Of course this spirit may grow

stronger or wither away depending upon how we perceive this struggle.

Whether we can differentiate clearly between the symptoms and the causes depends on our understanding of the problems and their historical development. For sure it is not easy. For sure it is not a bed of roses. For amongst those petals and cushiony leaves lay the hidden thorns waiting to bleed you when you make the wrong move.

Maybe we should be clear from

"I just wanted to be one of the many catalysts working together to eagerly prepare the stage for the birth of a more progressive generation."

the beginning that we are dealing with thorny roses and we have to weave and carefully pave our way through such entangled web of roses, thorns and leaves to seek the fragrance that we yearned for so much.

Transformation Of Reality

We certainly do not want people to have the notion that we should first and foremost, cleanse our souls to perfection before embarking on social actions. What we are suggesting is that we truly ask our very hearts what we really want in life.

If it is to uphold the principles of life where humanity stands supreme, then this heart, this commitment,

must constantly be tempered with reality. But then, if we totally succumb to reality, then we are threading into the world of utter opportunism and sectarianism. This in fact is the dialectics of life.

Theory Of Abstraction - A Story

We really do not wish to be equated to the story relating to a person with his new 'parang' (long knife). He wants his parang to be very sharp so that he can cut down the tree with ease. So he sharpens his parang and constantly feels the blade of the parang to make sure that it is sharp enough. He comes to the conclusion that it is still not sharp enough for the task he has in mind. So he sharpens it again and again following the same logic to reach perfection.

Finally the parang became so worn out (due to repeated sharpening!!) that when a passerby sees the parang he or she would believe that the owner must be a man who works very hard in the fields and his parang must have served him well. The greatest irony is that the parang is already worn out but the tree is still not out.

The owner stuck to theory rather than practice. What he should have done is to test the sharpened parang on some wood or on something similar to the task ahead. If he finds it not sharp enough then he should utilize such experience to help him sharpen the specific edges of the

blade that are used more often. Then test it again on the same piece of wood. Only then he is applying theory and practice. Only then he is developing to be an organic intellectual.

A Struggle By Design Not By Chance

As for me, my involvement with the people, is not by chance but by design. I do it on a matter of principle. I do it not only for the people but also to fulfill the ideology in me for I do not condone any form of exploitation at any level of society.

This may be one of the reasons why I am attracted to socialism simply because to my mind it is the only system that has been successful in exposing the internal logic of capitalism that strives on exploitation and maximization of profits by destroying humanity and its environment.

In fact the sorry state of affairs in Russia and Eastern Europe was not the demise of socialism but the emergence and death of 'state capitalism' and 'bureaucratization' where the ownership of property and wealth are no longer in the hands of the people but by the State governments and administered by the bureaucrats who behave like capitalists. The people were exploited and were totally repressed to prevent them from staging another revolution.

Genesis Of My Struggle

My humble contribution to society is also not out of sheer benevolence, charity or sincerity but wanting to find out why the rich are getting richer and the poor getting poorer. I am also interested to know why the poor are exploited to the core and at the same time why justice and democracy remain paralysed, only to rear their ugly heads to defend (through repressive laws) the property of the rich and the powerful.

Actually I have to go beyond my compartmentalized profession to understand society and become politicized in the process. I tend to internalize such hardships because I came from a big family that survived on overtime and pawning of cheap jewellery. I was on peoples' scholarship for as long as I can remember and had made a vow that I will return to the people to learn and to serve them and will expose and oppose anybody who betrays them.

When I was detained by the government for 15 months under the draconian law, the Internal Security Act (ISA) code-named 'Operation Lalang' in 1987, the interrogators made it a point to tell me that my struggle was a waste of time and I should concentrate on my profession, my family and join the ruling racial political party. To them I would be considered as being rehabilitated if I change my ways and stay away from social issues.

It is easier to stave off such suggestion if we know what we want in life. I did it on a matter of principle and not on some wild romantic ego trip to be the hero or champion of the people. But I derive great satisfaction from their successes and feel happy to be part of them. I just wanted to be one of the many catalysts working together to eagerly prepare the stage for the birth of a more progressive generation.

Some of my friends who were detained with me were somehow influenced by this warped suggestion (by the government interrogators) and will stay away from direct involvement or partially flirt with social issues. They now suffer from self-censorship and if they are not cautious enough they may even end up being apologists, proxies or voices of the ruling elites and a damper to the peoples' struggles.

They somehow refuse to foresee that it is not only the people who become blatant victims of oppression but they are also trapped by such (maybe subtler) oppression. So we will be better off to keep our feet

firmly on the ground and refrain from romanticizing this struggle.

This Struggle Is Not Wrapped In Theory

Our successes and drawbacks greatly depended on our sensitivity to changes and how the people decisively react to new situations. For all intents and purposes the People's Action Committee comprising the local inhabitants, should provide the leadership in the struggle to fight for their rights and to chart their own destiny.

If this is not yet possible, then every effort must be made to ensure that they acquire such skills to analyse their own society and to effectively lead their people to greater heights. For sure we cannot replace them in their struggle but together we can become a formidable force.

In the beginning our contribution (as catalysts) is crucial to ensure continuity of the struggle. But we must be sensitive to the fact that this relationship must constantly raise the people's level of consciousness and at the same time not create dependency. For dependency not only paralyses the community but also destroys dignity.

And as the committee members continue to understand their responsibility to their people and their commitment to the struggle against those who try to deprive them of their rights, our role as catalysts gradually diminishes. From then on, we know that it is time for us to pack up and move on, with the confidence that these leaders will soon become future catalysts to provide their services to others.

We are happy because they can take care of themselves and sad because our services are useful elsewhere. If we have understood our role in this dialectical relationship then we as catalysts have understood the struggle.

There is actually no room for arrogance but only humility and respect for our people. For we are

just one of those people who derive lessons and strengths from others, walking on their stepping stones and in turn placing our own stepping stone just ahead of them, in the direction that we believe, will open up the horizon for a better future for generations to come. We fade away in the process and the cycle continues. For sure we will reach our destination. If we are dead and gone then our spirits will celebrate the coming of such a glorious day.

Careerism In The Struggle

The involvement of NGOs in social issues must be one of struggle, commitment and sacrifice and must never be regarded as a career. For if one considers it as a career then this struggle is lost because it will be so jealously guarded even at the expense of the people and finally to the detriment of one's own organization.

The excuse given is that they do not wish to see their organization get deregistered but in fact they are more fearful of losing all the financial perks, prestige and power that come along with it. In short they have become so dependent on external funding that they tend to abide by subtle pre-conditions set by the sponsoring bodies.

Without financial support they become paralysed and all their programmes become frozen when in fact funding should and must be considered as temporary (interim) measures as we rapidly prepare ourselves to be self sufficient by promoting programs that can generate income useful to the people and our organizations. It is also interesting to note that the person(s) who controls the purse strings or money (locally and internationally) usually control(s) the organizations.

The most unfortunate and debilitating aspect of it all is that if we allow such dependency to go unchecked then we are guilty of perpetuating the capitalist relationship that maintains power, wealth and

prestige by promoting dependency, divisive tendencies and exploitation.

Dictators, Dependency And Proxies

Finally, when NGOs are not clear of their own principles and ideology then they tend to rely heavily on the welfare approach to resolve the problems of their society. Such an approach promotes dependency and will finally succumb to the use of capitalist tactics to control their members and the participating communities in a dictatorial manner simply because these people are regarded as mere vehicles or tools to ensure that external funding keeps flowing (flooding!) into their own pockets and to their organizations.

They may even end up as proxies for the ruling elites to stifle dissent at the most critical moments of the struggle. When this happens (it's already happening now!!) the people are trapped further in the yoke of oppression. As such the people must constantly and critically review their relationships with others to ensure that their struggle to fight for their rights will not be in vain.

Opportunism In The Struggle

Opportunism is rife in our society. It is the monopoly and the culture of an exploitative system that controls people, organizations and communities. Unfortunately we have taken too much for granted that it is natural ('human nature', 'human instinct', 'common knowledge', 'survival' etc) to be opportunistic simply because it has been around for generations.

We fail to recognize the fact that it is bound by the ideology of the society which dictates the psyche of the individual, the family and society. The appeals through conscience, humanitarianism and spiritual obligations have been ineffective to counter such opportunism which is basically an arm of the exploitative economic system. As such

those who reconcile within this capitalist mould will undoubtedly become opportunistic and exploitative in their dealings with others. It will therefore take another ideology or system to negate such exploitative tendency.

Opportunistic tendencies also exist amongst the exploited people. It is expected. We must not become unduly depressed when we find that some of the active members of the community are no longer with us once their immediate needs have been met.

But we must also realize that, as with others, the poor are also trapped in the capitalist mould. Only a few will continue to be loyal to this struggle. But for a start, this is good enough. For to change everybody overnight is sheer wishful thinking and empty idealism.

But the history of the world has shown us time and again that we must never underestimate the spirit and the power of our people. The winds of change comes in leaps and bounds and this quantum leap defies statistical extrapolations and human expectations!! But such change does not happen in a vacuum! We have to create an environment that is most conducive for such change where humanity stands supreme and opportunism becomes a nullity.

Conclusion

We as catalysts must constantly interact and work with our people so that they can feel and understand the impact of the social, political and economic realities of their society. They must also be political so that they can go beyond their immediate economic and emotional needs to feel the pain and suffering of others in the various sectors of our society.

Thus their role is not merely to be contented in interpreting reality to fit some notions of pre-conceived theories. The point is, they must together change it. ■



CORRUPTION: PUBLIC ENEMY NO. 1

Aliran is pleased that the ACA is finally going all out to nab those guilty of match-fixing and corrupt practices in Malaysian football. We hope they will succeed in curbing this menace.

It would be wrong to view these unethical practices as something peculiar to the football scene. In a sense, what is happening in football is merely a reflection of the larger Malaysian society - showing us how low the level of integrity in society has sunk. It is merely the tip of a gigantic iceberg, frozen by apathy and chilled by legislation like the OSA and the Printing Presses and Publications Act - which discourages public-spirited individuals and groups from blowing the whistle.

It is a spillover of what is happening in society. The attitude seems to be: everybody else is doing it, why should we miss out on a slice of the action? If we want proof, none of us needs to look very far to come across instances of corruption in everyday life where the culprits get away scot-free. But for some inexplicable reason, the ACA seems either powerless or unwilling to act. Is it because it is not truly independent?

A culture of corruption seems to have taken root in society. By right, the political will to combat this menace should come from the very top. But unless, top political leaders are willing to become outstanding examples of integrity and virtue, we will sink deeper and deeper into this morass of scandal and corruption. So long as we pay lip-service to our spiritual traditions

- Islam, Buddhism, Hinduism and Christianity - which exhort us to abhor corruption, we will never find the life-line to clamber out of this terrible bog.

The ACA for its part should display the same zealousness as it is showing now against suspected footballers when it comes to investigating unethical politicians, businessmen and civil servants - no matter how powerful or well-connected they may be.

In the same way that football players may now be required to declare their assets, politicians and top civil servants should also be made to declare their assets - and this declaration should be published in a public register.

As things stand, those sanctimonious parties who are making a big hoo-ha about corruption in the football scene are doing us all a big disfavoured by pretending that it does not exist in nearly all other facets of Malaysian life. Why the deafening silence when it comes to areas outside the football field?

*Anil Netto
Exco Member*

23 August 1994

(The above statement has not appeared in any mainstream English daily)

CANING: LOOK AT JUSTICE NOT PUNISHMENT

Aliran is surprised to hear about the proposal to cane illegal immigrants, male or female, who overstay.

First of all, Aliran is against the move to widen the use of punitive measures to cure so-

cial ills. Caning is a form of violence and using such violence to combat social ills is not the hallmark of a humane, caring society. A study should be carried out to find out whether caning has had any impact on the level of crime in society.

As in dealing with all other problems, it would be much better to tackle the problem of illegal immigrants at source. How are they entering the country? Shouldn't the relevant authorities share some of the blame for this problem? We realise it is difficult to patrol our long coastline thoroughly, but, this does not absolve the authorities from all responsibility.

Those who advocate caning for illegal women immigrants have argued that the punishment would not be the same as that administered to people convicted of certain crimes. Instead, it would be "more or less like the caning received by delinquent students in school."

But, as far as we know, female students in school are not allowed to be caned; so using this argument to justify caning women illegal immigrants is misleading.

Moreover, we have to bear in mind that illegal immigrants who enter this country are often very poor; they have no family nearby; they live in unhygienic accommodation; and they are often exploited by both their employers and unscrupulous middlemen or "agents". They surely cannot afford the services of a lawyer. Under such circumstances, how can anyone have the heart to inflict further suffering on them? What good is caning them going to do?

Since we are facing a severe labour shortage, can't the necessary measures be taken to legalise their status instead?

As for the proposal to introduce caning for white-collar criminals, we feel that this will not arrest the declining standards of integrity in society. Again, the problem has to be tackled at source. Children have to be taught the importance of ethics and integrity while still at school. This is where our various spiritual traditions have an important role to play. Our leaders have also got to be shining examples of honesty and integrity, something which is sorely lacking at the moment.

In this respect, we are disturbed to note that politicians who indulge in money politics seem to have been exempted from the caning proposal; obviously, a case of double standards. Before all this talk about caning, we have to ensure that justice is meted out fairly to everyone, no matter how powerful he may be. Would a Minister be able to escape from the law after misappropriating millions of shares meant for the poor? Can a high-ranking politician implicated in a murder case be able to get away scot-free? Is our judiciary totally honest and independent?

All these issues are far more important than proposals to widen the use of caning.

Moreover, Aliran believes that the focus should be on remedial rather than punitive measures. We must remedy the root causes of these problems rather than thinking of new ways to punish offenders, who may often be the victims of social ills.

In the final analysis, what is far more crucial than the mode of punishment meted out is whether Justice will be allowed to take its course, irrespective of how powerful or well-connected the accused parties may be.

*Anil Netto
Exco Member*

23 August 1994

DRUG ADDICTION: ELIMINATE SOURCES OF DRUGS

Aliran is concerned about the level of drug addiction in society. Despite all the harsh penalties for drug trafficking, drug addiction remains a serious social problem.

Of course, many factors are responsible for this growing menace. Perhaps our model of development which dehumanises the individual and which places more emphasis on capital rather than the human being has something to do with the growing disillusion felt by certain individuals. These individuals could eventually resort to drugs as a form of escapism.

Whatever the causes, a crucial question we have to ask is: how are these drugs entering the country? Aliran hopes that the police and customs are tightly monitoring all possible entry points into the country. If drugs are entering the country on such a large scale, then it means that surveillance at possible entry points has not been effective. Thus the relevant authorities must share equal responsibilities for the situation we are in.

We believe that if the sources of the drug inflow into Malaysia can be traced and eliminated, we would have scored a major victory in our battle against drug addiction.

To achieve this victory, it is essential that the integrity and honesty of the relevant enforcement personnel should be beyond question.

P. Ramakrishnan
President

23 August 1994

(The above statement has not appeared in any mainstream English daily)

HAS BAN ON PUBLIC RALLIES BEEN LIFTED?

Aliran would like the government to clarify whether the ban on public rallies has been lifted. At yesterday's gathering at the Dataran Merdeka 30,000 people were reported to have turned up to celebrate the 20th anniversary of the formation of Barisan Nasional. Top Barisan politicians delivered speeches that were highly political in nature.

A week earlier, 4,000 to 5,000 people attended a "unity" gathering in Kepala Batas with the main attraction being a show of solidarity between two UMNO Baru leaders, Anwar Ibrahim and Abdullah Badawi.

Both these gatherings were definitely public rallies. Since both these rallies were permitted by the Government, Aliran would like the Government to confirm whether the ban on public rallies has been lifted.

It would appear that both these rallies seem to confirm the fact that the country is ready for public rallies and that the police is able to cope with this kind of mass gatherings. Aliran, therefore, calls upon the government to lift the ban on public rallies forthwith.

Aliran Executive Committee

25 August 1994

(The above statement has not appeared in any mainstream English daily)

ASHAARI'S DETENTION

ALIRAN notes the close cooperation between the Government of Thailand and Malaysia in the detention and deportation of Ashaari Muhammad to Malaysia.

Ashaari's detention seems to prove that when the government wants to get its man, there are ways of achieving this.

It is clear now that by revoking the passport of a Malaysian residing outside the country, he is rendered an illegal visitor and thereby subject to detention and deportation to Malaysia.

Why wasn't this procedure used in similar situations in the past where other Malaysians implicated in the BMF and CCB financial scandals had sought refuge abroad? In those cases, the Malaysian Government did not bother to revoke the passports of the culprits and have them deported to Malaysia to face charges.

We hope that Ashaari Muhammad will be treated fairly by the Malaysian authorities in accordance with

our democratic tradition. After all, the Attorney-General has stated that "a person under investigation has his rights ... and his safety and interest should be secured". In addition the A-G has also stated that a person is deemed innocent until proven otherwise.

We therefore call upon the Malaysian Government to immediately charge Ashaari in a court of law and produce whatever evidence they may have in a fair and open trial.

Executive Committee

3 September 1994

(The above statement has not appeared in any daily)

ELECTION COMMISSION: ENSURE DEMOCRACY AND FAIR AND HONEST ELECTIONS

Aliran welcomes the statement by Datuk Abdul Rashid Abdul Rahman, Secretary of the Election Commission, in a working paper presented at a Journalism Seminar, calling for the empowerment of the Commission so that it can determine a fair and balanced programme for political broadcasts and advertisement through state-owned media for all political parties in elections.

It is absolutely clear to all Malaysians, from the recent experiences of the 1990 General Elections, the 1991 Sarawak State and 1993 Sabah State elections, that the Barisan Nasional government has repeatedly abused the state-owned media (in addition to the mass media that its

various parties control and own) to project itself and to denigrate the opposition unfairly. As Rashid himself clarified, the government-owned media would exclude any opinion or critical views, as well as distort the position or actions of opponents, and further, deny them the opportunity to defend themselves.

In fact, to ensure that the elections are fair and honest, there are several other moves that the Election Commission should undertake.

On past occasions we have stressed the need for, and called on the Election Commission to:

- restore public rallies (which the Commission has recently recommended);
- grant more time for campaigning;
- set the date for elections independently, without succumbing to government pressures;
- overhaul the system of postal voting, reserving that right only for people not resident in their original constituencies, and ensuring the presence of Commission officials as well as representatives of the political parties at the time of voting;
- disallow the abuse of the Information Department and other government agencies and facilities by the incumbent once parliament and the state assemblies have been dissolved;
- act to ensure that all parties and candidates do not exceed the legal limits imposed on electoral spending without waiting for complaints to be lodged; and of course
- register the voters fairly and conduct the re-delinea-

tion of constituency exercises without favouring any one party as has been constantly alleged by observers.

Under the Federal Constitution, the Election Commission has been set up as an autonomous body. It should interpret and play its role in this spirit. In this regard, the Commission should begin reporting to the Malaysian Parliament rather than to the government of the day as is currently the practice.

*Dr Francis Loh
Hon. Secretary*

6 September 1994

THE ONLY HONOURABLE THING TO DO IS TO STEP DOWN AS CHIEF MINISTER

Malaysians should not be fooled into thinking that Tan Sri Abdul Rahim Tamby Chik has conducted himself honourably by relinquishing his position as UMNO Baru Youth leader.

Neither should UMNO Baru Youth be credited with any moral victory for forcing out Rahim Tamby Chik from the UMNO Baru Youth hierarchy.

This would be an erroneous impression.

Rahim Tamby Chik's action and the role of UMNO Baru Youth in this affair has nothing to do with taking a moral position. They are only safeguarding the image of their political party.

Of far more consequence would be, if UMNO Baru Youth had demanded that Rahim should vacate his position as

Chief Minister of Malacca in the interest of the nation. This would have enhanced the image of the country and strengthened the democratic principle of accountability.

The public office that Rahim Tamby Chik holds is far more important than his position in a political party. As Chief Executive of a State, his moral conduct should be beyond reproach and above question.

The only moral position open to Rahim Tamby Chik is to resign honourably and wait for the police investigations to vindicate him. The serious nature of the allegation against him is such, Aliran would like to urge Rahim Tamby Chik to follow this course of action. In doing so voluntarily, he will be the first politician to promote the culture of accountability and do the nation proud, besides ensuring that the office he holds will remain untarnished.

*P. Ramakrishnan
President*

8 September 1994

(The above statement has not appeared in any daily)

**"Wisdom
ofttimes consists
of knowing
what to do
next."**

Herbert Hoover

THINKING **allowed**

NOUVEAU-RICHE

A local billionaire (his lawyer's description) has just become even richer. In the process, he has very likely put a business magazine out of business and the journalist defendants bankrupt. This ex-insurance salesman-turned-billionaire, took offence at the way the magazine and its writers had portrayed his business practices, and his victory in court has struck fear in the hearts of all journalists. But they don't fear sensitive billionaires like him as much as they fear editors who are concerned only about saving their own skin and little else.

The manner in which the editor-in-chief of the magazine denied responsibility for the articles written was deplorable. Instead of standing up for his reporters and his magazine, he claimed he was innocent because he did not see the articles before they went to press. His excuse: he was forever out-of-town attending some UMNO Baru meeting or other. That's what you get when you put a politician in the editor's seat.

But this chap is evidently not alone. In another suit brought by Samy Vellu against the editor of a Tamil magazine, the editor told the court that he did not go through the offensive article after it was written. He read the article only after it was published. One wonders whether these guys understand what editors are supposed to do. It involves work and responsibility and it is quite different from politics.

But coming back to this 'billionaire' business, the most intriguing thing about it was not the libel suit as much as the claim to billionaire status. For a start, this is the first time that anyone has openly, and convincingly, declared himself or herself a billionaire. Most Malaysians tend to be quite reticent about advertising their worth in so vocal a manner.

Secondly, he must be a pretty newcomer to billionaire's row. At most, he is a two-year-old billionaire for wasn't it just a year or two ago that the Finance Minister informed Parliament that according to the Inland Revenue Department, there were only two billionaires in Malaysia? The department, which goes by the declared income submitted by the taxpayers, said one of them was a lawyer and the other an accountant. There were definitely no insurance salesmen, resort owners or industrialists listed.

Incidentally there were also no politicians listed as millionaires by the Inland Revenue Department although going by most accounts, Rahim Thamby Chik is allegedly a millionaire several times over. Then there are all those sons, daughters and sons-in-law of Ministers, and even judges, who so effortlessly cough up millions of ringgit to

buy shares. There seems to be some under-declaration of income here, I would think.

It appears as though the Income Tax chaps have fallen into the same swamp as the Anti-Corruption Agency. Both are apprehensive about going after the big fish. They find it easier to tackle the *ikan bilis*.

WHOSE NOSTALGIA?

We are told to free ourselves of any colonial mentality, to think like Asians and to espouse Asian values and traditions. But those who preach do not practise. For instance, there is now a great deal of publicity over the Eastern & Oriental Express, a railway service designed to recapture the mood and ambience of the 1920s European Express. It costs a bomb to travel in its gilded carriages and understandably, the service is aimed primarily at well-shod Asians and foreigners who wish to relive the glory of an empire long sunk.

It would appear that for a little foreign exchange, we are prepared to play the docile and subservient native so that the Tuan and M'am can travel in colonial nostalgia and relive the imperialistic dream.

ROMEO WILL RETURN?

Lat, the cartoonist, showed what a classic social commentator he has become when he drew the cartoon above. The phrase, "I'm innocent until proven guilty" has assumed new meaning thanks to the Rahim Thamby Chik issue and Lat could not have said it any better.

But the man responsible for loading on a whole new perspective to this aspect of natural justice was none other than Dr Mahathir. During the latter part of the episode, Mahathir sprung to the defence of Rahim, complaining how horribly the poor man (not in a ringgit and sen way, naturally) had been persecuted, particularly by the media, and insisting that the Malaccan Romeo was "innocent until proven guilty". In doing so, Mahathir lent a whole new meaning to those few words as evident from the way all and sundry shrank back in mock horror in Lat's cartoon.

The mock horror has since changed to real horror now that the Attorney-General has cleared Rahim of the allegation that he had sex with the most famous 15-year-old



Reproduced from the New Straits Times

in the country. Although we are not insisting that Rahim is guilty (since we also subscribe to the golden rule of innocence), it must be said that the AG was hardly convincing in explaining why there was no case against Rahim.

The AG claimed there was insufficient evidence to prosecute Rahim, which is fine, since that happens quite often in criminal investigations. It just means there is some evidence, but that it is insufficient. Yet the AG seemed suspiciously anxious to close the case instead of leaving it open as is the practice in criminal cases. He wasn't only anxious to clear Rahim's name, but he overstepped the boundaries of legal propriety when he cast aspersions on the young victim's reputation although as the AG, he knows full well that under the Evidence Act, a rape victim's background has no bearing on her evidence.

But the most telling part of how overly eager the AG was in closing the case was when a reporter asked how many times the girl was alleged to have had sex with Rahim. The AG's answer was: "I can't reveal". It is significant that he did not deny that Rahim had ever had sex with the girl but merely declined to say how many times.

The progress of this sordid affair is highly disturbing from the way the police restricted access to the victim while handling Rahim with kid-gloves, to the AG's skin-deep reasons for closing the file on Rahim.

The young girl was virtually a prisoner and it seemed unfair that she was denied access to people who could advise her on her predicament, on her rights as a minor and on what she is entitled to. It appeared as though certain parties were trying to hide something by keeping the victim under police custody.

The other noteworthy point lies perhaps in the way the AG responded to the question of whether this meant that Rahim was innocent and that he had been exonerated. The AG's answer: "Whether it exonerates him or not is for you to conclude." Well, Mr AG, I think you know our conclusion. And we feel rather sorry for you because you seem to be starting your career as Attorney-General in ardent defence of characters whom people have very little faith in or respect for.

The ambivalence of the AG was not infectious for on the same afternoon, Rahim issued a hand-written statement (the joke was no typist wanted any part in the statement) declaring that justice had been done, that he was not guilty of the allegations, that he had been declared innocent and that he would leave the question of his political future to the party leadership. The last part was particularly frightening for it implied that he has not abandoned hope of returning to the political arena.

POLITICAL HOODLUM

We have lost count of the numerous crooks and conmen who have tried to pass off as royalty, pretending to be the police and of course, posing as politicians. Just a few months ago, a two-term municipal councillor was exposed to be an illegal immigrant. We thought that was the pits, but recently, a Penang politician, also prominent in the Penang Chinese

Chamber of Commerce, turned out to be nothing but a hoodlum. The man, since arrested by the police, is the boss of a triad known as Peh, with some 2,000 members in the state. All one can say is that the gangster must have felt very at home in politics.

TOY BOY

Party hacks of Japan's Socialist Party, whose chief is now Prime Minister of Japan are trying to improve his image. The man, who is somewhat long in the tooth, is the owner of a rather dour face that they fear would not go down well with voters. And true to form, the party hacks have commissioned 1,000 Murayama dolls selling for about 1,800 Yen or RM45. Even before the dolls were on the shelf, the party had received 100 reservations, although it is not clear whether they were reservations for the dolls or reservations over the kooky idea. All one can say is that Mr Murayama ought to be thankful that he is not the PM of some Caribbean state where voodoo is widely practised.

DEADLY POLITICS

When Nazri Aziz, the acting UMNO Baru Youth chairman, stood his ground against the UMNO Baru president, some thought that the Youth wing (also known as the Echo) was on the way to regaining a mind of its own after so many years of inconsequence. His outburst against Mahathir's defence of Rahim Thamby Chik made headlines.

Unfortunately, his moral stance collapsed into crumbs of humble pie a few days later and it was a thousand apologies to the president from a greatly humbled Nazri.

His round-about turn shows that his fit of temper was nothing more than a childish one, though some people joked that he was so daring because he reportedly had almost become Dr M's son-in-law several years ago.

But if one goes back to the UMNO Baru election last year, one would recall that Nazri had been one of the most vocal and earnest advocates of Rahim in the latter's bid to be UMNO Baru Youth chairman. Nazri, if one will recall, was also one of the most 'kasar' of those pressurising Ghafar Baba to step aside in the race for the vice-presidency.

His support for a man so poorly respected and attacks on another much respected cost him votes and he could not even win a place in the UMNO Baru Supreme Council. So why act so moral now? It is not as though he was unaware of Rahim's reputation even then. His recent and high moral babble smacks of hypocrisy and self-interest since he stands to gain from Rahim's going.

Nazri must have, at times, wished he also had a bomoh to help end his political bad luck although the one his late uncle turned to ended the latter's political career for good. His uncle is none other than the late Datuk Mazlan. Mazlan's past life is now being laid bare in the trial of Mona Fandey, her husband and their sidekick, who are alleged to have murdered him by chopping him up into pieces.

The deceased was said to be a devoted believer in bomohs for purposes ranging from retaining his youth and vigour to furthering his political career. It is claimed that he had consulted Mona to help him become the next MB of Pahang. Actually, the practice of consulting bomohs is said to be highly commonplace among Malay politicians. Many Malay politicians, it is said, go to see a bomoh at some point in his or her political career. In the case of at least two *menteris besar*, it is believed, they have a few full time bomohs working for them.

Some even go all the way to Thailand and Java to seek supernatural help for their career (foreign consultants are always better-*lah!*).

It is said that there is a very famous bomoh in Solo whom many well-known politicians had consulted at one time or another. One politician who apparently did not visit this Solo wizard was said to be Musa Hitam. He reportedly sent an aide on his behalf. Maybe that's why he lost his bid for the party leadership.

DOWN TO EARTH

It appears as though Abuya has finally returned to the right path. The 'confession' by Ashaari Muhammad and several key Al-Arqam followers at a dialogue (although one fails to see how the event could be termed a dialogue when only one party was allowed to ask the questions) organised by Pusat Islam and the police can be seen as a major coup for the Special Branch.

Gone are the images of detainees reading grimly from prepared texts. This one even had an audience, albeit a dumb one. And when everything was over, both sides got up and shook hands cordially enough though there were no hugs as is often evident when the brethren get together. The police, it would appear, have been able to reconvert Ashaari where Pusat Islam had failed all these years.

Shame on you, Pusat Islam! In fact, this is the first time that we have witnessed detainees thanking their captors so profusely.

JUDGING A BOOK BY ITS SPINE

This Tan Sri, a very wealthy and well-known developer, had just won the award of Property Man of the Year. He was mightily pleased about it and so were his friends and business associates. So they took out pages of congratulatory advertisements that were accompanied by a photograph of the man, looking most learned as he posed before a shelf containing rows of impressive-looking books in what appears to be his library.

But closer scrutiny showed the books to be nothing more than copies of the Encyclopedia Britannica. Poor man, why pretend to be what he is not? Why not pose on the land that he has stripped for development or all those skyscrapers that clog up the KL skyline? Of course, the moral to this story could very well be that you don't have to be an avid reader to make it big. Except that those who make it big like to

create the impression that they got there because they were well-read.

Not too long ago, a well-known secondhand bookstore in KL got a call from the personal assistant of a local tycoon, enquiring about buying books to stock two walls of shelves in the office of his boss. The bookstore owner sent a recommended list of books on management, philosophy and whatever it is that tycoons are supposed to read. The assistant called back to say that they would take anything leather-bound and which had embossed lettering in gold on the cover and spine. The subject matter was irrelevant.

THE FAMILIAR DIRT ROAD

Even before the dust of battle has settled in Sabah, the victors are already squabbling over the spoils. Two groups in UMNO Baru Sabah are at loggerheads over a multi-million ringgit timber deal. The object of dispute is Sabah Softwoods whose main asset is 60,000 glorious hectares of forest. A group within UMNO Baru Sabah had opposed the sale of a controlling share of Sabah Softwoods to NBT, a company whose chairman is none other than the state UMNO Baru Youth leader and nephew to the Chief Minister. Well, well, could the BN government in Sabah be going down the familiar road taken by first USNO, then Berjaya and finally, PBS? This was the road that led ultimately to a betrayal of the people and political disaster.

SHAKY SAMY

Never has the political terrain felt so unsteady for Samy Vellu. And never has he been more hesitant or unsure about his political future. Gone was the usual pre-election bravado and boastful threats about party candidates being dropped unless they toed the line or pulled up their socks. Instead, he told reporters that the names and seat-allocation will only be known on the eve of the general election (as if we don't know).

But he did say that the majority of MPs and State Assemblymen would be retained. There's no doubt he hopes he will be one of those retained. A few days later, he announced that the MIC would organise a mammoth gathering (read as public rally) at Stadium Negara for Indian Malaysians to show their support for the government and its leaders. He said that the PM and DPM would be invited (note: he did not say that the PM and DPM had agreed to attend).

As if this brazen *kaki-bodek* gathering was not bad enough, the MIC leader also intends to take the rally on a state-to-state tour. One would think that the money could be put to better use like providing scholarships to estate children or putting up libraries in estates. Funds spent this way would surely generate more benefit than the hot air to be expected from such political propaganda.

QUESTIONS FOR MONEY

There was an uproar in the British Parliament over MPs being paid to ask questions on behalf of Harrods, an up-market department store in London. It seems that two Tory MPs were paid thousands of pounds for asking questions at £2,000 a time. As we have said so many times, politicians are really quite the same the world over - they are generally disgusting. However, I'm not sure whether Malaysian MPs have received money just to ask questions in Parliament. One is more inclined to think that some of them, especially those from the ruling party, are perhaps paid to shut up and remain dumb. The last part ought not to be too difficult since some of them are really so.

MISSING PARENTS

The president of the MCA was quoted as saying that parents in the Federal Territory spend an average of only 30 minutes a week with their children. He attributed this as the cause of social problems such as *boh sia*, *lepak* and drug addiction. One would not be surprised if the Minister also falls within this category of parents since politicians, as we know, are forever out attending one meaningless function after another.

Incidentally, these functions may be meaningless, but they can be quite fruitful for certain politicians. For instance, there was this former MB, who after awarding a multi-million ringgit tourism project to a multinational company, insisted on a formal ceremony to mark the signing of the contract. But before that, his press secretary was despatched to casually inform the company that the MB would like to see some exchange of gifts at the signing.

The suggestion was quite specific: matching bracelet, cufflinks and tie-pin. There were to be two sets - one for the company's managing director to hand over to the MB and the other for the MB to present to the MD. But the bill for both were to be footed by the company.

This did not occur once, but at several stages throughout the project. One would not be surprised if by the time the project was ready to be formally handed over, the one-time MB would be ready to set up a jewellery shop. Is it any wonder then why simple public projects are so costly?

COLD WAR HANGOVER

The Cold War is over. Or is it? The way the Malaysian military seems to be eyeing new arms does not seem to suggest so. First, there was the high profile Ops Halilintar in Langkawi, a showy land, air and sea military exercise that had some of our neighbours taken aback. Then, the Defence Minister, after a week of glorious publicity, spoke of the need to upgrade the armed forces capabilities for "high intensity conflicts". Whatever that means, it sounds very expensive.

Who on earth are we defending ourselves against now? Surely we are not going to haul out that old Cold War argument about deterrence and counterforce and how an arms build-up would deter attack?

Whatever it is, no taxpayer is going to be happy about more money for arms. Moreover, our confidence about the way our hard-earned money is being spent on armaments could not have been boosted with the string of airforce crashes, the most recent of which came shortly after the glamorous Langkawi exercise. Looks like it was mostly glamour and little else. Looks too, like the Defence Minister was overly premature in pronouncing Ops Halilintar a success.

Meanwhile, a retired British air chief marshal, attending an air power conference here, urged the Malaysian military to acquire high precision guidance weapons which will probably cost us a bomb. The chap was one of the joint commanders of the British forces in the Gulf War. It's sad how all these top military chaps end up talking like "salesmen" of death when they retire.

While on the subject of arms, Margaret Thatcher's son allegedly made millions in arms deals struck during the time that mumsie was Prime Minister, according to *The Economist*. In one particular deal, the Al Yamamah arms contract, the young man was alleged to have been paid 12 million pounds for whatever it is that arms dealers do.

Mark Thatcher's money-making tactics were so indiscreet that Whitehall was forced to caution mumsie of its repercussions. Closer to home, a woman minister had a tough time washing her hands in Parliament. The Minister of International Trade and Industry told Parliament that she played no part in the allocation of RM1.5 million shares of Leader Universal Holdings Bhd to her son-in-law Fazrin Azwar. Will we be hearing equally vigorous denials from the Prime Minister (his son Mirzan Mahathir received 1.5 million shares), the deputy Home Affairs Minister (his son Megat Fairouz received 14.8 million units of FACB shares) and former Lord President Tun Abdul Hamid Omar (his son Ainuddin got 5.2 million units of FACB shares)?

YES, BOSS!

Despite what happened to Tun Salleh Abas and the controversy surrounding his successor Tun Hamid Omar, the Malaysian judiciary is still largely respected. It is not mired in corruption and kangaroo trials as in so many Third World countries. The majority of our judges are still capable of good and independent judgements.

Recently, the first woman to be made a High Court judge also became the first woman to be appointed to the Court of Appeal. Jolly, good show, we thought. She was naturally interviewed and came across as quite a decent sort of person until her concluding remarks.

Asked whether she was aware that some quarters had questioned the suitability of appointing a woman to the High Court, which calls for meting out death sentences, the woman judge replied: "It didn't really bother me ... if my superiors are happy with me, that's all that matters." And therein lies the cause of whatever unease the public may have about the judiciary: judges whose priorities are guided by their superiors' opinion of them, rather than on what their conscience tells them.

NPP

The Mystery of the Missing

Gold Coin

by Robert Peston

**A little Gold Coin went astray,
and it certainly created a stir;
the Minister huffed: I'd returned it,
the Bank cried: aye, we received it.**

**All was well, or so t'was thought,
until a knight emerged - out of the blue;
Behold! Sir Steven, dressed in shining armour,
riding gallantly to the Minister's rescue.**

**Too late, the mysterious knight gushed,
"It's all right, everything's fine;
I misplaced the blinking Coin,
The fault is no one's, but mine."**

**The Bank's shattered standard turned
from pale blue to an embarrassed red;
The CEO sighed, "We've said,
all there is to be said."
... and he went promptly to bed.**

**Oh, poor little lost Gold Coin,
You sure did cause a racket;
Are you feeling lonely and lost,
or safe in somebody's pocket?**

The Tale of the Lost Coin

... reading between the lines

Yesterday (20 July) he (Abdul Ghani Othman) said that he was shown a sample of the coin in a meeting with a delegation from the Hong Kong-based Mocatta in 1991 and had returned it to (Dr Stephen) Goh.
(NST, 22 July)

He (Ghani) said he was led to believe that Goh was the one who could return the coin to the owners at that time. "Dr Goh was one of the main persons during the discussions."

(The Star, 22 July)

Meanwhile, the Hong Kong-based Mocatta said it had no knowledge of a Dr Steven (or Stephen) Goh.

(The Star, 22 July)

He (Goh) also clarified that he was not a member of the Mocatta delegation but attended the meeting in his capacity as a businessman.

(The Star, 22 July)

"It is true that Ghani handed me the gold coin in question after the discussions with the officials at the Finance Ministry and I was asked to return the coin to Mocatta." - Dr Stephen Goh, on 21 July.

(The Star, 22 July)

"Everything is now in order. The gold coin was returned some time in late 1991. I do not know the exact date but it was returned and that is all there is to it." Standard Chartered Bank Malaysia Bhd executive director Razman Hashim, on 21 July.

(NST, 22 July)

"They the (foreign Press) don't know what they are talking about. It's easy to say the coin is missing when you don't carry out a proper investigation. -Razman Hashim on 21 July.

(The Star, 22 July)

Businessman Dr Steven Goh Swee Ngee yesterday (21 July) confirmed that he did receive from former Deputy Finance Minister Ghani Othman a gold coin worth US\$10,000 belonging to Standard Chartered plc's Mocatta bullion division in 1991 but he had misplaced it. He said he would compensate the bank for the loss of the one kilo gold coin.

(The Star, 22 July)

Asked why he had not given the coin back, Goh said Mocatta did not seek its return and he had misplaced it about two years ago.

(The Star, 22 July)

"I've seen the file concerned and it is clear that the gold coin was given with a letter stating that it is only a sample and has to be returned." - Finance Minister Anwar Ibrahim on 22 July.

(NST, 23 July)



Ghani Othman

Bank looks at Malaysia

Link to missing gold coins

By Robert Peston

Standard Chartered is investigating the disappearance of \$10,000 (6,400) of gold coins, allegedly given by its Mocatta bullion division to a Malaysian minister as a "trade sample".

The disappearance of the coins has emerged as part of a wide-ranging probe by the London-based international bank into allegations that Mocatta executives may have paid commissions to officials in the Philippines and Malaysia to obtain business.

"The investigation into what happened to the gold is still going on," commented a banker. "There may be a perfectly innocent explanation, though it all looks very odd."

The disclosure of the disappearance of the coins comes at an embarrassing time for the British government, which had been hoping that Malaysia might soon announce a lifting of its ban on UK participation in Malaysian government contracts.

That ban was put in place because of the Malaysian government's fury with the British press over the Pergau Dam alleged arms-for-aid deal and allegations of bribes paid to Malaysian politicians.

The Bank of England has been kept closely informed of Standard Chartered's investigation and is understood to be concerned about its implications for diplomatic relations between the UK and Malaysia.

The Malaysian High Commissioner in London, Mr Abu Kamaradin, yesterday met Standard Chartered's chief executive, Mr Malcolm Williamson, to discuss the bank's probe.

Last night Mr Kamaradin had no comment to make on the allegations.

Standard Chartered has also uncovered evidence that payments may have been made to officials at the Philippines central bank in order to win business.

The bank said yesterday that it had uncovered "a small number of unusual transactions" involving the Far Eastern operations of its Mocatta subsidiary, as part of its attempt to improve controls in the group. More recently, it has discovered "discrepancies in expense claims".

It said that reasons given for the expenses "included gifts to individuals in certain countries to facilitate business, a practice contrary to bank rules and procedures".

The bank has not proved that the specific gifts were passed on to the alleged recipients or that the expenses were genuinely incurred, but the investigation is continuing.

The sums involved in the expenses claims run to tens of thousands of pounds, according to a banker.

Two senior Mocatta executives have been dismissed by the bank. One, who was based in Hong Kong, left the group in January. The other, based in London, went more recently.

Bankers said yesterday that the Standard Chartered disclosures would make life more difficult for many western banks operating in the Asia-Pacific region, which as a matter of course make payments to local officials in order to obtain business. ■

Source: Financial Times, 19 July 1994 (Front page)

Kedah MB abused power - says developer

On June 21, 1994, Kedah developer, SYED MANSOR BIN SYED SALIM created a stir in the Kedah Malay Chamber of Commerce Meeting by accusing the Menteri Besar of Kedah Tan Sri OSMAN AROFF of corruption.

In a widely circulated and signed document, SYED MANSOR accused the MB of Kedah of 9 counts of corruption and challenged the MB to take him to court to prove his innocence within seven days.

The MB responded by declaring on 22 June 1994 that he was going to sue SYED MANSOR. But later, on 3 July 1994 the MB changed his mind and decided that he was not going to sue after all.

We carry SYED MANSOR's charges in full.

Charges

You, Osman @ Md. Daud bin Aroff, K/P: 4177466 are hereby charged with committing irregularities by abusing your power as Kedah Menteri Besar for your personal and family interests. You had also committed a criminal offence of corruption which violates the Anti-Corruption Act, 1961 (Act 57).

You are hereby charged with the following:

[i] You are found to have led an opulent lifestyle including owning luxury houses on Jalan Menteri and 1929-U, Taman Darulaman, Jalan Stadium, Alor Setar. You and your children possess luxury cars KU 2, KAB 11, KY 1, and KH 1. You must declare your assets publicly.

[ii] You had taken an additional 3 lots of Government land at Jalan Menteri without following the proper Government procedures and practices.

[iii] You had bought land Lot 561 at Jalan Menteri, owned by Chartered Bank, through a **Syarikat Is Massive Sdn**



TUDUHAN

TERHADAP

OSMAN @ MOHD. DAUD BIN AROFF

Daripada :

SYED MANSOR BIN SYED SALIM

The cover of Syed Mansor's statement

Bhd at a price of RM600,000/ using the name **Izhar Sulaiman** as the Company Director.

[iv] You had also bought 4 plots of land GM471, Lot: 2209, GM472 Lot: 2210, GM473 Lot: 2211 and GM474 Lot: 2212 all of which are in Mukim Alor Malai, together with a bungalow near Taman Mahkota, Jalan Stadium, Alor Setar using the name **Izhar Sulaiman**. This bungalow, bought at a price of about RM1 million, has been left vacant for two years.

[v] You had conducted business with Kuari Sdn Bhd by providing the company a guarantee of RM31,163,024.60 - according to a civil case C23-129-1986 at the Kuala Lumpur High Court. The civil suit was filed by Bank Bumiputra Malaysia Berhad against you.

[vi] To settle your debts with Bank Bumiputra Malaysia Berhad, you had given State Government contracts particularly to a certain Izhar Sulaiman, K/P No:4653148

residing at 83-A, Sri Taman, Jalan Sultanah, 05350 Alor Setar, Kedah.

[vii] You had appointed the abovementioned Izhar sulaiman as your proxy in Sisma Management Sdn Bhd which obtained State Government contracts totalling three hundred and fifty-four million (RM354 million) for the privatisation of water purification for 15 years. You had also granted special concession to this company by allowing them to pay an implementation bond of only RM1.2 million, when it should have been RM17 million, that is 5% of the total project cost of RM354 million.

[viii] You had given a contract to build the Kuala Kedah bridge at a cost of about RM8 million to Syarikat Harijaya

(M) Sdn Bhd bearing the address 1934, Jalan Stadium, Alor Setar, Kedah Darul Aman. This company had also obtained a contract to build the new Langkawi District Office building.

[ix] You had used the name Izhar bin Sulaiman in Syarikat Ideal Appraisal Sdn Bhd bearing the address No. 23, Tingkat Satu Seberang Jalan Putra. Because you have interests in this company, you had used your power as the Chairman of PKNK by acquiring land from the area behind Taman Ria, Sungai Petani up to Sungai Lalang, covering an area more than 7,000 acres for an estimated compensation value exceeding RM500 million.

As Chief Executive of the Kedah State Government you had agreed to the acquisition of the land mentioned above in a Kedah State Government Exco meeting in March 1992.

With regard to the proposed development on the said land, the Kedah State Government and also you as the Menteri Besar had neglected your responsibility in safeguarding the interests and rights of the Malays by surrendering the power to determine the Bumiputra quota to the developer.

With regard to the above charges, you are given a period of seven days to take court action against me. If you do not respond to this challenge, and choose to remain silent, you are deemed to have committed corrupt practices under the Anti-Corruption Act 1961 Act 57).

The above charges are made by Syed Mansor bin Syed Salim, K/P: 3696009 who resides at 292, Taman Nilam, Alor Setar, dated: 21 June 1994.

Signed

MB to sue developer

The Menteri Besar's immediate reaction was made at a Press conference at his office at Wisma Darul Aman. Osman had earlier officiated at the chamber's opening ceremony.

Osman said he would file a defamation suit against Syed Mansor and described the allegations as wild and baseless.

It was an attempt by Syed Mansor to tarnish his name, he said, adding he would instruct his lawyers to file for an injunction to stop Syed Mansor from further distributing the statement to the public.

The Menteri Besar also said he was willing to be investigated by the Anti-Corruption Agency (ACA) to clear himself.

Osman said: "I was shocked ... he approached me after lunch (after the opening ceremony) about the matter.

"Later, I was informed that he had distributed the thing (statements) earlier. "He must now prove his allegations. Syed Mansor has made a lot of allegations ... I don't know what his intentions are. I don't know his motive ... he was trying to embarrass me. He has the guts to challenge me, probably he has proof ... I want to know. Probably he is giving me an opportunity to clear my name. Osman said he would respond to Syed Mansor's challenge to take him (Syed Mansor) to court for making the allegations.

He did not discount the possibility that Syed Mansor was used by the opposition to discredit him and the State Government.

"Whatever I did was for the development of the State," he said in reponse to the allegations that he awarded projects for his own benefit.



Osman: Shocked

New Straits Times, June 22, 1994

MB won't take court action against trader

Sungai Petani, Sat. - Menteri Besar Tan Sri Osman Aroff said today he will not seek legal redress against a businessman for alleging he was involved in corrupt practices.

He said his lawyers had advised him against taking any action against housing developer Syed Mansor Syed Salim.

"We studied the allegations and my lawyers have advised me not to take any action against Syed Mansor. His allegations are nothing new. Similar allegations in poison-pen letters have been sent to me on

numerous occasions before," he said.

Osman, who regarded Syed Mansor's actions as being politically motivated, said the businessman and the Opposition parties were "trying to trap me".

"They want me to go to court and this is part of their smear campaign against me, especially now that they (Opposition parties) know the general election is around the corner.

"I will not be dragged into this mess. I do not think Syed Mansor really knows what he is doing. At any rate, I will not bring myself down to his level," he said.

Osman added he believed the State Anti-Corruption Agency was aware of the allegations made by Syed Mansor.

"I leave it to the people to judge for themselves. A lot of people in Alor Star know who Syed Mansor really is. The people are also mature on these matters. I will not stoop to his level by entertaining his allegations," he said.

The Menteri Besar added that his "case", if brought to court, could give rise to a lot of speculation.

New Straits Times, July 3, 1994

Notice of action served on Chairman of Kedah Malay Chamber of Commerce

APOLOGY DEMANDED

Syed Mansor, who is also a Commissioner for Oaths, has demanded an apology from the Chairman of the Kedah Malay Chamber of Commerce, Syed Razak bin Syed Zain Barakbah who found himself embroiled in the controversy involving corruption allegations against the Kedah MB. In a press statement, Syed Razak had declared: "What he (Syed Mansor) did can be considered biadap.

We reproduce the Notice of Action below from Syed Mansor's lawyers, Thomas, Bala & Associates addressed to Syed Razak:

We act for Tun Syed Mansor bin Syed Salim of PJS., Sdn. Bhd., Lot 171, Tingkat 1, Komplek Alor Setar, Lebuhraya Darulaman, Alor Setar, Kedah Darulaman.

We are instructed by our client that you, on the 30th day of June, 1994 made a press statement in which statement you falsely and maliciously uttered the following words against our client:-

"What he did can be considered biadap"

and which statement was published in the New Straits Times on the 1st day of July, 1994.

We are further instructed by our client that the aforesaid words which you uttered and which was published in the Newspaper meant and were understood to mean that our client is uncivilised, savage, primitive and ill-mannered. Our client is therefore seriously injured in his character, credit, and reputation, brought into public scandal, odium and contempt and had been lowered in the estimation of right thinking persons generally.

Our client is a Commissioner for Oaths and also a housing developer and a prominent businessman.

Without Prejudice to our client filing legal proceedings for damages in respect of the said libellous statement, we are instructed to demand an apology from you, which apology to be published immediately with appropriate prominence in the New Straits Times and all other Newspapers which carried the aforesaid defamatory remarks in the future.

If we fail to receive a suitable reply from you within seven (7) days from the date of receipt of this notice our instructions are to institute legal proceedings against you for damages for libel and other appropriate reliefs.

Dated the 21st day of August 1994

Thomas, Bala & Associates
Advocates & Solicitors

LETTERS

The Editor
ALIRAN MONTHLY
P.O.Box 1049
10830 Penang
Malaysia

We welcome letters from readers. These letters may be edited for purposes of space and clarity. The views may not be those of ALIRAN MONTHLY. Pseudonyms are accepted but all letters should include the writer's name and address. Letters should preferably be typewritten with double spacing; if handwritten they should be legible. Letters should be addressed to the Editor, ALIRAN MONTHLY.

THE ENVIRONMENT: GOD'S PRECIOUS GIFT TO US

Man and his environment are God's gift to us. God created the earth with all its beauty and splendour and living creatures so that man will have dominion over all that God has created. How much do we appreciate all this? We have gone about indiscriminately destroying our environment. What we leave behind will be a trail of destruction which we will have to live with all our lives. We were made to live in harmony with our surroundings, to treasure and preserve it, and perpetuate life and all living creatures and the surroundings.

Instead, what we have done is to build more and more concrete buildings while chopping our trees, constructing roads while working our way into our jungles - the preserve of birds, animals and people who live there. We have disturbed our environment to such an extent that there is no room for these living beings to move anywhere. In order to move forward in life, it is not necessary to destroy our environment so indiscriminately. We can

always find ways and means to develop and progress while preserving our natural habitat which is to be treasured because man cannot create this. Man can only create man-made substances, machinery and the like with the knowledge God has given him.

The world today faces an acute shortage of natural resources, fish, animals, birds, plants and trees. We have to make do with man-made substitutes. The world can afford to go slow in its modernisation and progress in order to preserve the most precious gift God has given us - our beautiful earth. So many people think or take lightly this issue of our environment because it does not affect them directly and their lives. The consequences of our destruction will bear fruit in years to come when our children will face a whole new world with no more trees, lakes, seas, blue skies, birds and animals to enjoy. We may not see that day but the future generations will. Many are man's follies but man's greatest mistake would be not to check what he does to his own natural environment.

Dr Margaret A Fernandez
PENANG

JEFFREY'S REWARD

When he was in the opposition, Jeffrey Kitingan was charged with corruption - many charges, big and small. But after he defected to the ruling Barisan Nasional Coalition in Sabah, all charges were dropped by the DPP without any explanation.



Jeffrey Kitingan: All charges against him dropped without explanation.

Malaysians can only gape with wonder at this sudden about-turn by the authorities.

Dark Justice II
TAWAU

INCULCATING SUBSERVIENCE

This letter is written without fear or favour and as such I wish to relate what is transpiring in some of the Tamil schools despite the call for a caring school campaign by our Director-General of Education.

Recently I was posted to a Tamil school and during the course of my duty I observed some serious problems. The New Remuneration System has promoted many teachers in Tamil schools who have no leadership qualities. I find that the basis for promotion and award of

diagonal or vertical increments is none other than subservience displayed by the recipient. Those who say "yes" or are allied to a political party and are able to cringe conspicuously manage to go up. Teachers with principles and character cannot advance under the present system.

Some heads in Tamil schools have created the hidden curriculum for their schools to teach unquestioning respect for authority (headmaster/headmistress). This authoritarian climate in the school, trains the child to be docile, obedient and compliant. Even independent thought and critical questioning and thinking has been discouraged among teachers and students.

Sad to note but Tamil school teachers are often trapped within these rotten institutions by circumstances or economic necessity. And often enough, their decent intentions and sincere efforts are frustrated, if not perverted by the nature of the Tamil schools they work in.

Administrators of Tamil schools should have a certain caring attitude which will win the respect of fellow teachers. He should be honest, sincere and stand by certain accepted principles and should not use threats to get work done. He must respect others and must not aim to please everyone, especially his PTA chairman.

However, the best people to know the misconduct of the headmasters are the Tamil school teachers themselves. Tamil school teachers know there exists a number of headmasters who misuse funds and shrink from their responsibility.

But few teachers are brave or responsible enough to point out and protest against such irregularities because nobody wants to stand up to the NRS/SSB headmasters. And if they dare to do so, they might have a tough time in the rigid bureaucratic system.

And generally, Senior Assistants and other senior teachers tend to take a "do-not-rock-the-boat" attitude. Since many of them are hoping to move up in the hierarchy, sensitive and controversial issues are the last things they would want to bring up. Therefore as a concerned teacher, I hope the Education Ministry will look into the conduct of these "authoritarian headmasters" in Tamil schools.

*S Sundralingam
TAIPING*

SINGAPORE PM SHOULD NOT VISIT BURMA

It was disappointing to read that Singaporean Prime Minister Goh Chok Tong will be making a three-day visit to Burma.



Goh Chok Tong: His Burma visit lends legitimacy to a violent government.

He will be only the second head of government to visit Burma since the 1988 military crackdown, when soldiers violently put down a national uprising for democracy. (The only other head of state was Laotian Prime Minister Khamtay Siphandone).

The Burmese regime is an illegitimate one having driven out and persecuted the rightful political party which scored an overwhelming victory at the last election. Aung San Suu Kyi, a Nobel Peace Prize winner, remains under house arrest. Hundreds have been murdered and imprisoned.

The illegitimate Burmese regime is desperate for international recognition. Burma needs Singapore much more than Singapore needs Burma at this stage.

I urge Goh Chok Tong and other ASEAN leaders to isolate the immoral Burmese regime. A few extra dollars in trade is not sufficient reason to overlook basic democratic principles.

*Remember 1988?
JOHOR BARU*

WESTERN AID ORGANISATIONS UNDERMINING SOMALIS

I am at a loss after reading the letter titled "US Violated Human Rights in Somalia" written by Dr S Husin Ali in *AM* 1993:13(8). You may wonder why - mainly due to his attempt to define the term 'human dignity' in the Somali context. He clearly described the real situation prevailing in Somalia prior to the US interventions. Then he went on to condemn the US for her interventions. For him, the US determination to disarm the various Somali sections who were determined to disrupt any attempt to help the Somalis was too much for the Somalis to stomach. Is the writer making fun of the Somalis? I am really lost. I need not be an intellectual to understand his thinking. My understanding of human dignity is entirely different than his. Permit me to explain my understanding of human dignity.

Prior to the US interventions, every aid organisation operating in Somalia had to pay thousands of dollars as bribes to various warlords in order to unload and transport their aid materials to those in need. Still it would not guarantee a safe arrival. My brothers and sisters could see the food being unloaded in Somalian ports but they had no strength to wait for its arrival. This is not the dignity we expect from an independence struggle.

I am not an intellectual to give you an academic definition of the term 'human dignity'. A nation's dignity is represented by its independence from all kinds of foreign intervention. In the case of Somalia, the major threat to its independence is from the aid organisations and people who bribed the warlords to continue the anarchy. They should be condemned for their action. Why? You are no doubt aware that western aid agencies are under tremendous financial difficulties because of the recession in the major donor countries. Less money is collected. People who work for aid organisations feel threatened. Top aid officials in western capitals are in dire need of pictures of living human skeletons and human suffering displayed on TV screens to ensure their personal survival. Thus they want, at whatever cost, to prolong the human suffering. I can understand the aid organisations' opposition to US intervention. They are fighting for their survival.

Why is Dr S Husin Ali feeling guilty? What is his contribution to stop the human carnage in Somalia or, for that matter, in any other place? Does he believe that the people of Somalia should not be given priority in receiving international help just because the US didn't stop the human carnage in other places? Human dignity represents our courage to stand up for justice and peace. People of Somalia need a regime which can guarantee peace in that war-torn country. Who

can guarantee this? None of us has the ability now.

How long should we, in third world countries, tolerate our leaders' nonsense? I am fed up with their rhetoric. They ignore our sincere suggestions and views. They always tell us that the West is manipulating our mind.

I respect Dr S Husin Ali's view in portraying Mohd Aided as the symbol of resistance to American imperialism. To me, Mohd Aided is no better than Bentong Kali. Bentong Kali was treated as a hero by certain quarters in this country. Being an Indian Malaysian, I am proud to write that I never considered Bentong Kali as a symbol of resistance to any of the injustices in this country. Rather I treated him as a social menace. He should be treated accordingly. My sisters and brothers in Somalia would definitely treat Mohd Aided in the same manner.

I therefore appeal to all aid organisations operating in Somalia to leave at once and not to interfere in the efforts of the people to restore their dignity once again.

May God bless the people of Somalia in their efforts.

Varughese George @ Manoj
PETALING JAYA

STRANGE DEMOCRACY

Indonesia's Armed Forces Chief General Feisal Tanjung has said that the military supports openness but warned that liberal democracy was not for Indonesia.

Although the military is committed to the current drive to allow more freedom of expression and to lessen intervention in party politics, some groups were misusing their new opportunities, Tanjung said.

"They are forcing a concept of democracy based on equality and freely exercised political rights," Tanjung said, adding that such a

liberal form of democracy could lead to anarchy.

What an alarmist! What is wrong with equality and freely exercised political rights? I think the Armed Forces Chief General needs a refresher on certain crucial democratic concepts.

Democratic Watch
KUCHING

POLICE INSENSITIVITY MARS TEMPLE FESTIVAL

The Hindu community condemns the action of a few policemen at a recent temple festival in Butterworth.

If the policemen thought that the refreshment sheds did not comply with certain procedures, they should have consulted the temple officials who had the authority to control the refreshment stalls. Instead they took the law into their own hands and went around threatening the devotees and young girls who were serving drinks to the public. This unwanted action by the few policemen nearly created chaos when a few thousand devotees had a peaceful demonstration in front of the Butterworth Police Station.

The Barisan Nasional government is practising religious tolerance and understanding and fostering a caring society, but a few black sheep are spoiling the good image of the police force in particular and the Barisan Nasional government in general.

We hope that the Chief Police Officer of Penang will investigate the incident thoroughly and take appropriate disciplinary action against the policemen concerned.

P Balakrishna
BUKIT MERTAJAM

POLICE METHODS ENDANGER ILLEGAL BIKERS' LIVES

I can still remember vividly the news scene on television where our local policemen tried to stop an illegal bikers' race. I watched in horror as they swung their batons onto the bikers' helmets in an attempt to stop them, whilst they were travelling at top speed, some bikers collided into one another trying to evade these policemen. Yes, these bikers were definitely wrong to race but did their misdeeds warrant possible death punishment at the hands of these inconsiderate policemen? Surely there must be other ways other than brute force.

Malaysians know so little about their individual rights; it is sad to note that we submit to alleged police brutality without defence most of the time.

Is one in uniform given such rights to abuse someone even though the suspect is innocent until proven guilty?

So much outcry about human rights at the homefront about Bosnian refugees but are we talking about the same fundamental human rights here?

Concerned
KUALA LUMPUR

TOK MAT'S DOUBLE STANDARD

Tok Mat recently got all hot and bothered when CNN did not carry Mahathir's denial of a CNN news item which alleged that Malaysia was supplying arms to Bosnia.

He said that CNN should explain why Mahathir's denial was not aired.

"If there is freedom to air reports, there must also be an equal

freedom to air denial or explanation," he said.

Oh really, Tok Mat? If that is the case why doesn't RTM and TV3 allow equal TV airtime to the opposition in Malaysia so that they can rebut the numerous allegations made by Government ministers over our local news?

Double Standards
JOHOR BARU

ANTI-INFLATION: GOVT SHOULD SET EXAMPLE

All Malaysians welcome the anti-inflationary campaign launched by our "Popular Prime Minister", Dr Mahathir Mohamad on 19 May 1994 to mark World Consumers' Day.

Malaysians are famous for all sorts of campaigns. We held a campaign to clean up our clogged drains. I am sure this can go into the Guinness Book of World Records. We have had campaigns to promote coconut water, rabbit meat, *jagung*, the planting of trees, curbs on smoking and drugs, and also the famous Semarak campaigns.

However, I think all this fanfare is organised by the government to increase inflation because we are very fond of spending huge sums of money for opening and closing ceremonies for the most insignificant of functions.

If the government is serious about curbing inflation, I suggest the Prime Minister should direct all Cabinet Ministers and Menteri Besar to set the example to be fully committed to fight against inflation and to be knowledgeable about the problems faced by consumers, especially price increase of essential food items.

For a start, all government leaders right from the Prime Minister to State Assemblymen should

stop accepting advertisement messages such as "Congratulations", "Thank You", "Welcome" and others in the newspapers.

The cost of such advertisements which can be as high as RM20,000 is finally passed on to the consumers by the companies concerned. So if leaders can stop this wastage of funds, I am very sure that the production cost will be lower.

The above can definitely be one of the measures to fight inflation.

The amount spent by state governments or their agency companies to place advertisements in newspapers to welcome the Prime Minister's visit to their respective states can be better used in providing basic facilities such as low-cost houses for needy Malaysians. The government should stop spending huge amounts of public funds to please leaders who officiate at opening and closing ceremonies for seminars, conferences, workshops and launchings.

One other area of concern which must be pointed out is the annual award of titles by the King, the Malay rulers and the four Governors. I am not saying that those deserving should not be awarded a title. What happens is, when one is awarded a title, one has to spend unnecessarily in making lounge suits to receive the title. This may cost between a few hundred to a thousand ringgit. And in most cases, the suit probably is used only once or at the most once a year. Why not allow the recipients to use our national attire (batik shirts), instead of lounge suits?

Make batik shirts compulsory attire for all government and public functions especially outdoor functions. Batiks are not only cheaper than lounge suits but also more comfortable and suitable for our hot climate. Surely wearing lounge suits is not part of the Vision 2020 objective.

Anti-inflationary measures must start with the government first. In

this respect, I wonder whether the Bukit Kayu Hitam-Johor Baru electric train project announced by the Prime Minister is an anti-inflationary measure.

**V Vembarasan
KELANG**

SABAH ELECTIONS: DANGEROUS POLITICAL TRENDS

The recent state election in Sabah where the PBS won by a simple majority revealed a dangerous trend of politics practised by the Barisan Nasional. It revealed three trends: bribery, communalism and individualism. Here are a few factors that need to be taken into account:

Bribery

The Barisan Nasional political strategy of luring the people of Sabah overemphasising economic development and aid is tantamount to political bribery which equals corruption. It is corruption because the funds used by political parties do not come under proper scrutiny due to the lack of an effective mechanism to check abuse. This erodes competitive politics because the richest political party has an advantage over its competitors.

The Barisan strategy creates an unhealthy environment whereby the people would want to be bribed into supporting the government. If the people can be bribed by material gains by their own politicians then the nation is also vulnerable to foreign imperialistic bribery. The relationship between the government in power and the people in the long run will merely be based on economic gains and not in the wider social dimension of political morality and solidarity.

Development is the responsibility of the Government in power. It cannot be used as a weapon to

deny the people's will to exercise their conscience freely.

Communalism

The Barisan always speaks about multi-ethnic unity but when it comes to election time it practises the contrary. This is because the unity that it speaks of is based on ethnic groups working for political stability which is seen as a prerequisite for economic development, and not in a deeper context of universal spirituality that stresses the oneness of humanity.

This is why when UMNO Baru finds that the party is unable to get the support of a particular ethnic group, it goes all out to touch on communal and religious sentiments.

The Prime Minister's tactics in accusing the PBS of frightening the Kadazan community by saying that churches will be destroyed if the Barisan comes to power was a last minute political and psychological strategy to get the Muslims to vote for the Barisan on election day, as he knew the Kadazan-Dusun community were strongly behind the PBS.

What is the motive of revealing such an issue in a multi-ethnic society? The political objectives of Vision 2020 can only be achieved if there is an absence of voting along communal lines.

Individualism

After the PBS victory by a simple 25-23 majority, Barisan attempted to entice State Assemblymen from the PBS and it ultimately succeeded. The collective will of the people was no longer important. This kind of practice encourages extreme individualism which is contrary to the Asian emphasis on the collective interest of society. It also demonstrated the unchecked power of the Barisan which is capable of imposing its will in denying the rights of the majority of voters.

If party-hopping is encouraged, in the long run it could lead to a

passive response from the people to their democratic responsibilities because there is no guarantee that their choice of political party will be respected. When the Prime Minister said that the rights of society should take precedence over the rights of individuals, what did he really mean? Is this not hypocrisy on the part of our leaders?

It is vital for the people of Malaysia to understand the type of election strategy used by the UMNO Baru-led government which is based on material development, unity based on contradiction, and the encouragement of party-hopping which is individualistic. This strategy, in the long run, threatens to overwhelm ethical and spiritual values which are vital in confronting global challenges.

**Ronald A/L Benjamin Joseph
IPOH**

HAMID GOT WHAT HE DESERVED

Thank you for featuring all those interesting articles about the Hamid Omar saga. The A-G has said his piece and it appears that Wee Choo Keong has jumped from the frying pan into the fire. Although the mainstream press will, as usual, swallow the official version hook, line and sinker, I hope your magazine will continue to probe and ask questions.

First of all, I am very confused about the dates. When did Hamid sell the car after getting the final revised offer from the Finance Ministry? Wee claims the final offer by the Finance Ministry was given on 29 June 1991 after which Hamid sold the car to New Kwong Soon on 19 March 1993 (Note that this is less than two years). Wee also claims New Kwong Soon transferred the car to MBF on the same day.

According to Hamid's version, in his interview with *Malaysian*

Business, he got the final approval from Daim on 15 May 1991. He sold the car in February 1993 (he shows copy of cheque (? or is it receipt) to MB. Whatever, it is still less than two years. This is important because although the AG tries to say there is no problem with the sale, the fact is all senior government servants are not allowed to sell cars they have bought from the government within a two-year period (Ahmad Sarji himself said that soon after). While Hamid cleverly tries to pull in people like ACA Chief Zulkifli Mohammad, he has still committed a technical error of 'profiteering' from the government's good faith by getting rid of his car before the two-year period.

(It may interest readers if Aliran can probe and find out how senior government servants mysteriously buy new vehicles for their departmental use just before they retire. Even after waiting for a two-year grace, these vehicles can be disposed of for a tidy profit after that because they were bought without taxes and the required duties.)

So, whether New Kwong Soon transferred the car to MBf on the same day (as alleged by Wee) or later, as the A-G's version implied, is not quite the point here even if we were to give Hamid the benefit of the doubt in that he did not know where the car was finally going to end up.

On the so-called shares purchase by Hamid's son-in-law, again the new A-G has shown his highly 'non-inquisitorial nature' by dismissing it out of hand as not being Hamid's problem. There must be many finance companies Hisham could have got financing from, but why MBf? Ditto for the case of his daughter!

The A-G, if he bothers to investigate, can check out Hamid's residence and ask how, even on his very high salary as LP, his property almost doubled in size in less than

two years? As a friend who stays nearby put it, 'Hamid's wealth has grown ostensibly in the past couple of years!'

Perhaps Hamid is still indispensable after all, which is why he is being cleared. I was very upset when Salleh Abas was sacked in those circumstances and I sometimes feel like Hamid is getting what he deserves. But I feel that the greatest tragedy of all is that a once proud Judiciary has now been so scandalised that we may not be sure of our day in court anymore. Imagine Hamid saying in his interview with MB that he knows everyone from Lim Goh Tong to Vincent Tan, etc. I admire his candour but I would hesitate going to court before him if I have a case against Berjaya or Genting.

Of course in the whole affair, Wee himself has not come to the court of public opinion with clean hands. And I think he can save himself a lot more trouble if he desists from making remarks like 'after all the A-G was recommended for Judgeship by Hamid ...' Once the issue is clouded by such personal attacks on both sides, it puts off people like me who are interested in justice not only being done but being seen to be done. Thank you.

Aliran Monthly Reader
KELANA JAYA, SELANGOR

HYPOCRITES

Recently, the Deputy Prime Minister, Anwar Ibrahim, was very right when he spoke to Chinese Malaysian audiences with the Chinese saying, "We are one family". How nice to hear.

If we are one family, why are Malaysians still divided into bumiputras and non-bumiputras? And even worse, why are Chinese and Indian Malaysians who have been in this country for many generations regarded as non-



Anwar:
"We are one family"

bumiputras, while illegal Indonesians or Filipino immigrants who came only last month and got false identity cards and documentation treated as "bumiputras"?

Previously, when general elections were around the corner, ruling party leaders used to go to China and India. This is happening now.

What a smart way to fool the 'brother' voters who are in 'one family'! Carry on Anwar! We, people of this country, can be fooled by you leaders easily.

J Apalasamy
CAMERON HIGHLANDS

FLIPPANT ... MISLEADING ... MISCHIEVOUS

It's strange that Dr S P Choong should dismiss my letter as flippant, misleading and mischievous in his response [AM 1994: Vol 14(7)].

I asked him whether he was a heritage man or just a plain politician [AM 1994: Vol 14(5)].

His reply has confirmed that he is a plain politician. How else could one explain his conduct? He was responding as a heritage man and yet recruiting members for Party Gerakan through the Aliran Monthly!

That to my mind, Dr S P Choong, is being flippant, misleading and mischievous. There's no doubt about it.

Anti-Ambivalence
PENANG

An Appeal: **Aliran's Building Fund**
ALIRAN needs a home

In three more years ALIRAN will be twenty years old. For the first seven years Aliran functioned from members' homes. Since 1984 Aliran has been leading a nomadic existence moving from one rented premise to another. In fact, during the last four years Aliran has moved three times!

Besides being very disruptive, it has also been expensive as the rent kept increasing from RM400 in 1989 to RM580 in 1991 and to RM850 presently.

Aliran has decided that we need a place of our own where we will be permanently based. Aliran has finally decided to buy and build our very own place.

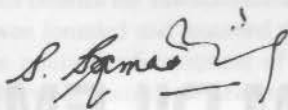
To do this Aliran needs your generous support. Aliran has sufficient funds to buy a small piece of land but not enough to put up the building. We need approximately RM150,000 over the next two years to cover the building cost.

Aliran would be very grateful if you could donate towards our building fund. We depend entirely on people like you, concerned citizens and well-wishers who cherish and champion the same ideals and aspirations as Aliran's.

Help us to serve you better.

Please make a contribution.

A friend of ALIRAN is a friend of truth and justice.



P. Ramakrishnan
President, ALIRAN



I wish to donate to Aliran RM

by cash/cheque/draft/mo/po No.

Name:

Address:

Please send your donation to:

**The Treasurer
ALIRAN
P O BOX 1049
10830 PENANG
MALAYSIA**



Slum-like conditions at Kampong Makam

THE KAMPONG MAKAM DILEMMA

The Deputy Chief Minister of Penang (the one Malay who counts the most in Penang) made a highly commendable statement when he was addressing a cross-section of the population of Kampong Makam on 31 August. The statement indicated his care and support for the welfare and development of the kampong.

I, as a resident of the kampong, can safely assume that almost everyone who came to hear the Deputy Chief Minister, Ibrahim Saad, wanted to know what was in store for them regarding their housing predicament; what was the deal like? They were willing to listen.

The statement by the DCM - assuring them that there will be no development unless the residents themselves wanted it and found it compatible; that the authorities were pledging their support and cooperation in seeking financial resources - was very well-timed and most welcome.

In contrast to the prevailing talk of plans by Tenaga Nasional to develop the 8-acre site, and following a chain of events preceded by the emergence of DAP influence and representation in Kampong Makam (an UMNO Baru stronghold), this change of tune was music to the ears of the residents.

The residents cannot go on tolerating the poor conditions which have surrounded and affected their lives for decades. They can't stand being repeatedly hit by floods at the most unlikely periods. They resent the slum-like surroundings. There is no proper planning and no proper sanitation.

Now, and most unexpectedly, comes a leader with some sympathy and understanding about their plight. Why this unexpected change? What sort of 'chain-of-events'? To clarify matters, please allow me to enlighten readers about the history of the kampong.

The book "Personalities of Penang", published in 1978, featured a brief profile of Haji Kassim. It states that,

soon after his arrival at the location in the early 1800s, he became popular among the residents as a religious teacher and, accordingly, was donated the site by the British. He, in turn, donated the land to the residents in the hope that the gesture would encourage religious activities.

Haji Kassim helped to build the mosque (named after him) in 1840, which was mainly financed by public subscriptions and he also conducted Islamic classes. Thus, the site acquired *wakaf* status. Since then, it has become an unwritten obligation for succeeding generations of residents to see to the smooth and proper running of the mosque as well as making it function as an Islamic teaching centre.

Owing to its *wakaf* status there are certain rules and regulations. It cannot be sold, for example, and it is only meant for the residents belonging to the Muslim community. The observance of these rules and regulations, the administration of the mosque and the organisation of religious classes are supervised by the mosque council namely, the Jawatankuasa Khariah Masjid Haji Kassim, in compliance with the terms provided under by the Khariah's constitution as enshrined in the Buku Pentad-biran Agama Islam 1959.

In the course of time, the population of the kampong increased and so did the level of economic attainment achieved by the individuals there. Another organisation was needed to coordinate the various social bodies and political parties besides the Jawatankuasa Khariah Masjid. UMNO was founded and assumed the role of custodian for the political advancement of the kampong. Admittedly, there has been a little headway in improving the quality of life for the residents but, by and large, things have been just as they were. Our worst nightmare, i.e. the recurring floods, the slimy mud left behind which makes sanitation almost impossible and the over-crowded area all remain to haunt the residents.

Then, in 1967, something happened which resembled exploitation. Syarikat Pakatan Setia, under the chairmanship of Syed Abbas Al-Habshee, with or without the blessing of the Majlis Agama Islam, Penang took a lease on parts of the site to enable the construction of a petrol and service station. The company attempted to buy a number of houses, paid out compensation and then demolished a few houses.

One of these houses was occupied by one Salim bin Hashim. The owner of the house, who was his father-in-law, was paid compensation and agreed to the demolition of the premises. Salim was left in the cold without a cent awarded to him.

He then organised a protest claiming that the sell-out was only to serve the vested interests of a group of capitalists and that the deal was *ultra vires* the rules and regulations governing the running of *wakaf* land which prohibited non-Muslim occupation of the kampong. The deal would also have displaced the residents concerned

and allowed for the commercial utilization of the land in violation of the original purpose of the land which was meant solely for the residence of Muslims.

Salim received considerable support among the residents who generally felt that the project did not have the interests of the people at heart. Probably, because of the inability to meet certain legal requirements and also because of the opposition from the residents, the project failed to materialise although some compensation was paid out and some houses demolished. Since then, promises of development to uplift the living conditions of the kampong folks have been frequently made albeit without any tangible follow-up commitment.

To further aggravate the problem, the residents themselves have not been able to make a collective decision to commit themselves to change. This unpredictable attitude is due to the lack of confidence and suspicion over any attempts at development. As has often been the case, they fear that it will bring about the displacement of residents and that the real benefits will go to the powers-that-be.

Presently, with the rapid mushrooming of illegal buildings and the practice of accommodating relatives and friends in existing homes the place has become hopelessly overcrowded. Thus, the urgent need for change.

Change we must and the residents are ready now! They are willing to forego the conveniences they have customarily enjoyed in leading a kampong life-style. But they are always apprehensive about the nature of the development which is offered; matters pertaining to compensation; the type of building structure; the price range and other related matters. A random survey which we conducted shows that a majority of the residents are in favour of development.

Some prominent and life-long residents of the kampong offered their views:

Salim, mentioned earlier, feels that the authorities are 'taking the residents for a ride'. Referring to his own experience over the petrol pump controversy he claimed, "I was victimised along with a few other residents just to enrich the coffers of some unscrupulous entrepreneurs who may not be residents or even Muslims."

He is, however, all for development. He prefers a traditional kampong setting preserving certain kampong designs, styles and structures, which would prove to be a tourist attraction. Incidentally, he is putting his hopes in the DAP Melayu and 'Tanjong III'. He feels that the Jawatankuasa Khariah Masjid's inability to curb the building of illegal structures has caused overcrowding, a fact which led our DCM to comment that "a crane would be needed to move out the body in the event of a funeral." Salim also stressed that the mosque, the mausoleum and the cemetery site around the mosque should be restored to their original condition. He added, "I do not want the fate of Kampong Makam to be similar to the fate of other *tanah wakaf* around George Town." These *tanah wakaf*,

he alleged, had been subjected to unfair exploitation, where the residents have generally not reaped the benefits.

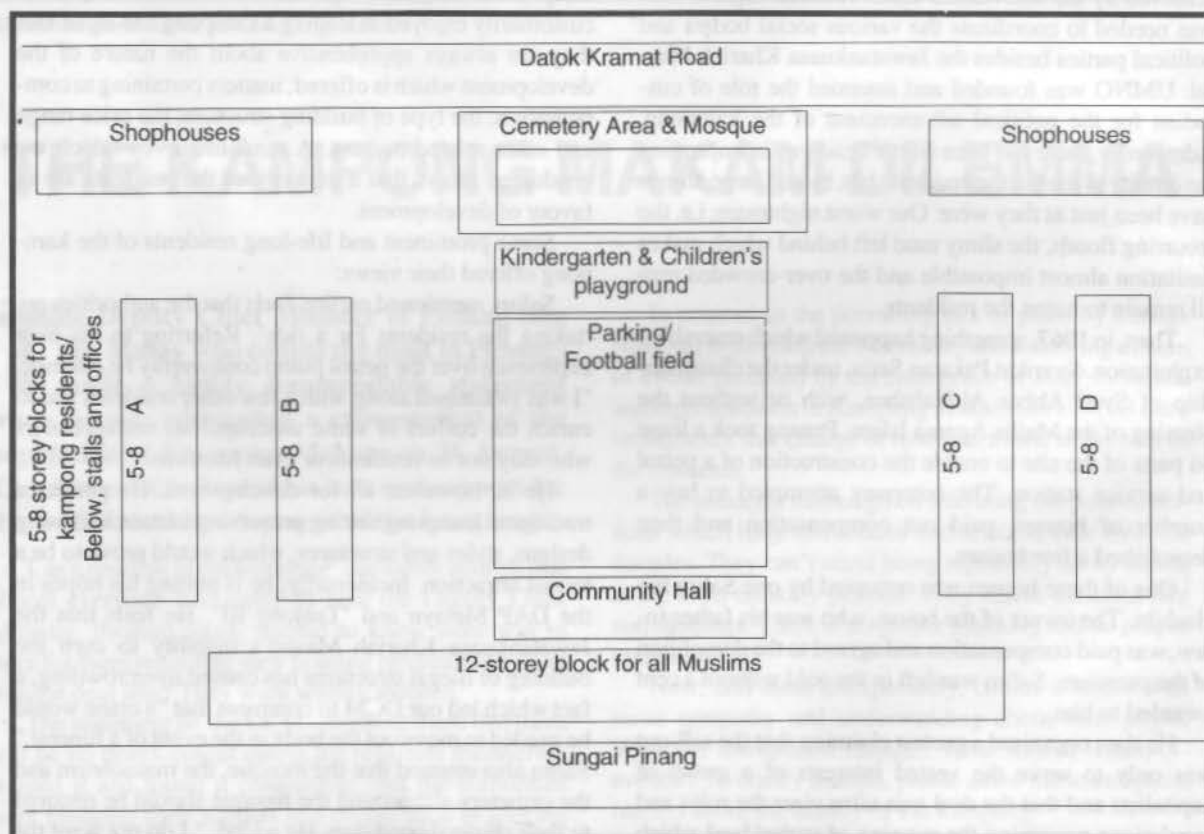
Another prominent and life-long resident of Kampong Makam, Yusoff Ghouse, was apprehensive and uncertain about what to expect. "We certainly want development, but we do not want to be the victims of development." He seemed to imply that the high cost of housing units and inadequate compensation, made worse by the low earning capacity of the majority of the residents, could lead to the displacement of residents and the migration of Malays from urban to rural areas. Demonstrating his practicality, and a willingness to sacrifice personal comfort for the sake of community advancement and well-being, he is willing to accept whatever development has to offer. But, he stressed the need for a building structure which caters to the religious and cultural requirements of residents. In material terms, he expects a three-room unit, a proper toilet system and facilities suited for occasions like weddings, funerals and other community functions. Finally, he added that he had his own development blue-print but declined to disclose it for fear that people would wrongly judge his motives. "We will cross the bridge when we come to it", he mused.

The youth wing of the kampong, Kelab Belia Tanah Wakaf Haji Kassim, also expressed their enthusiasm for

development. The chairman of the youth club, Mahmud b Halim had this to say about development: "The residents must be Muslims and subservient to the terms stipulated in the *Wakaf* constitution. We wish to restore and preserve the perimeter of the mosque, mausoleum and the cemetery site of our founding residents as far as possible in their originally condition. It is our ardent hope to see a more just distribution of facilities made available by any development. The allotment of shop-houses, stalls and office space to local entrepreneurs should be given priority."

The present UMNO Baru branch committee, under the able leadership of Dr Mohd bin Hamzah, can be relied upon to be instrumental as a vehicle or intermediary to initiate and to forward the wishes of the residents pertaining to development. Working hand-in-hand with the Jawatankuasa Khariah Masjid, these two most authoritative bodies of the community will make collective power bargaining a reality. In the words of Haji Syed Abu Bakar bin Syed Mansur, the Chairman of the Jawatankuasa Khariah Masjid Haji Kassim: "When our kampong folk can sit down and work towards a common cause in the spirit of unity and compromise, we can achieve even the impossible."

Therefore we can safely say that the general consensus is that the majority of the residents want change. They



The sketch above is my own idea (as a layman) of a proposed site plan for development which I reckon will be generally accepted by the majority of the residents in Kampong Makam.

want proper and decent living conditions. They certainly do not want development which will lead to displacement.

A resident, Abd Ghani bin Abd Kadir said: "I've been living here since I was born and my parents before me. Alhamdulillah! Our family income has improved, but sadly, our house is crammed. The worst part is we have to share a lavatory with two other families. The floods are still coming and it has affected my daily sales." Ghani sells currypuffs and other cookies besides receiving a pension. When asked about a new housing scheme, he said: "Of course I want it. I've been waiting all along. Low-cost houses will do just fine."

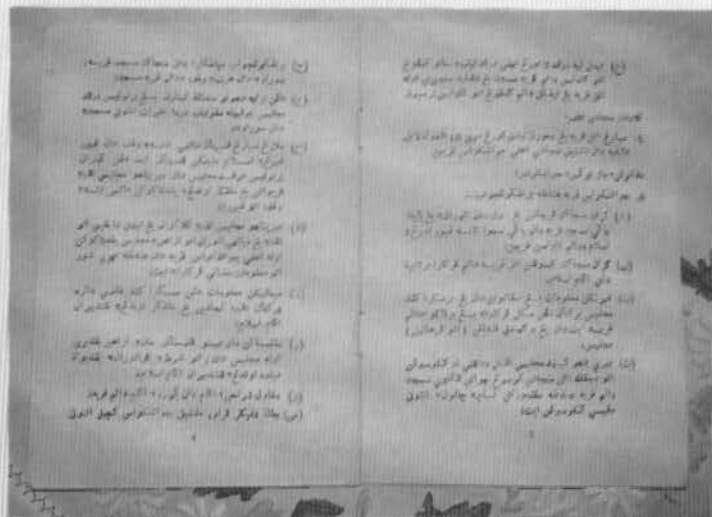
Another resident, Ismail bin Md Khir, a former labourer at the Royal Australian Air Force base in Butterworth and now a hawker, shares the same view. He added: "The overcrowding is caused by illegal structures. But we can't blame them. In this era of scarce and costly housing schemes, when each family expands, they need new, cheap and conveniently built small houses." He, too, wants low-cost houses or subsidised ones with the price ranging from RM30,000 to RM40,000.

Another resident, Sharifah bt Syed Harun, a nurse and daughter of the late Sharifah Nor (a prominent founding leader of UMNO and a well-known social activist) had this to say: "Please help us to get out of this rut. We are desperate! Five to eight storeyed blocks of flats with a price range of RM30,000 to RM50,000 will do fine."

Zaleha Omar, another life-long resident, when questioned about affordability says: "I'm not saying we're rich, but as far as houses are concerned, I think the



Haji Kassim's grave



Islamic administration, 1959

majority of the residents - with the right compensation - can afford houses within the price range of RM30,000 to RM50,000."

I also had the opportunity to meet Ahmad Nor, the MP for Bayan Baru, who had a booklet in his hand, flicking it slightly to show the words "*SELAMATKAN TANAH WAKAF*". "See this! We have big plans for all the *tanah wakaf* in Penang. For Kampong Makam, if the villagers support us, we will develop it for sure!"

Well, the general mood among the residents is one of frustration and desperation. They are in a dilemma! They are frustrated with the way things are! They are desperate for change! But what if the change is lop-sided, causes displacement and proves too expensive for them? With the election around the corner, any political party who can help them to improve their lot will swing their votes in its favour ■



Salim



Ghani

THE KAMPONG MAKAM DILEMMA

What is happening in Kampong Makam, an obscure, flood-prone village in the heart of George Town?

Woefully undeveloped and bursting at its seams, the overcrowded village sits on valuable prime land which was donated in the early 19th century by a Muslim religious teacher and designated exclusively for religious or burial use (*wakaf* or endowment land).

With the Penang state government, spearheaded by UMNO Baru, now proposing to develop the kampong, the DAP has plunged

into the fray with its rallying cry "*Selamatkan Tanah Wakaf*". The opposition party is banking on the *wakaf* land issue to draw Malay voters in its "Tanjung 3" bid to seize control of the Penang state government.

The residents are bemused by all this political activity. But do they really want their historical kampong to be developed? GHAZALI YUNUS, a long-time Kampong Makam resident, walked around his village one afternoon to talk to the ordinary kampong folk.

See page 36 for his story

