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TURMOIL IN

keADILan

The New, The Old And The Ugly



Die Hard

The new, the old and the ugly in Parti KeADILan Nasional's turmoil

by Khoo Boo Teik

When the past catches up with us in our lives, it often does so as a shock. Rarely do we feel such a shock more greatly than when we head for new directions thinking we have left behind old problems and obsolete ways of doing things. Such, when they reappear, make us wonder if we are more than mere captives of circumstances or creatures of habits that die hard.

In the life of a nation the past doesn't just catch up but it continually haunts. And it never haunts more eerily than when people look to a future freed of age-old taints and stains only to find that new visions quickly surrender to ancient ambitions, passions and suspicions.

The result is people are left feeling that 'nothing has changed'. It is a sinking feeling that many *Reformasi* supporters will have known in the light of Parti KeADILan Nasional's recent turmoil.

The turmoil was apparently fueled by discontent over several issues that deservingly or otherwise revolved around keADILan deputy president, Dr Chandra Muzaffar.

Teluk Kemang And The Webmasters

Some time before nomination day for the Teluk Kemang by-election of 10 June, Chandra was reported to have threatened his party's withdrawal from Barisan Alternatif if keADILan was not picked to contest the by-election.

Around then, too, there were murmurs that Chandra opposed a proposal for keADILan to merge with Parti Rakyat Malaysia, apparently an idea that had substantial support within keADILan.

Ahead of the Teluk Kemang by-election, another issue surfaced when the webmasters of five *Reformasi* sites waged a 'cam-

paign of reflection' on the future of *Reformasi* by 'blacking out' their sites for several days.

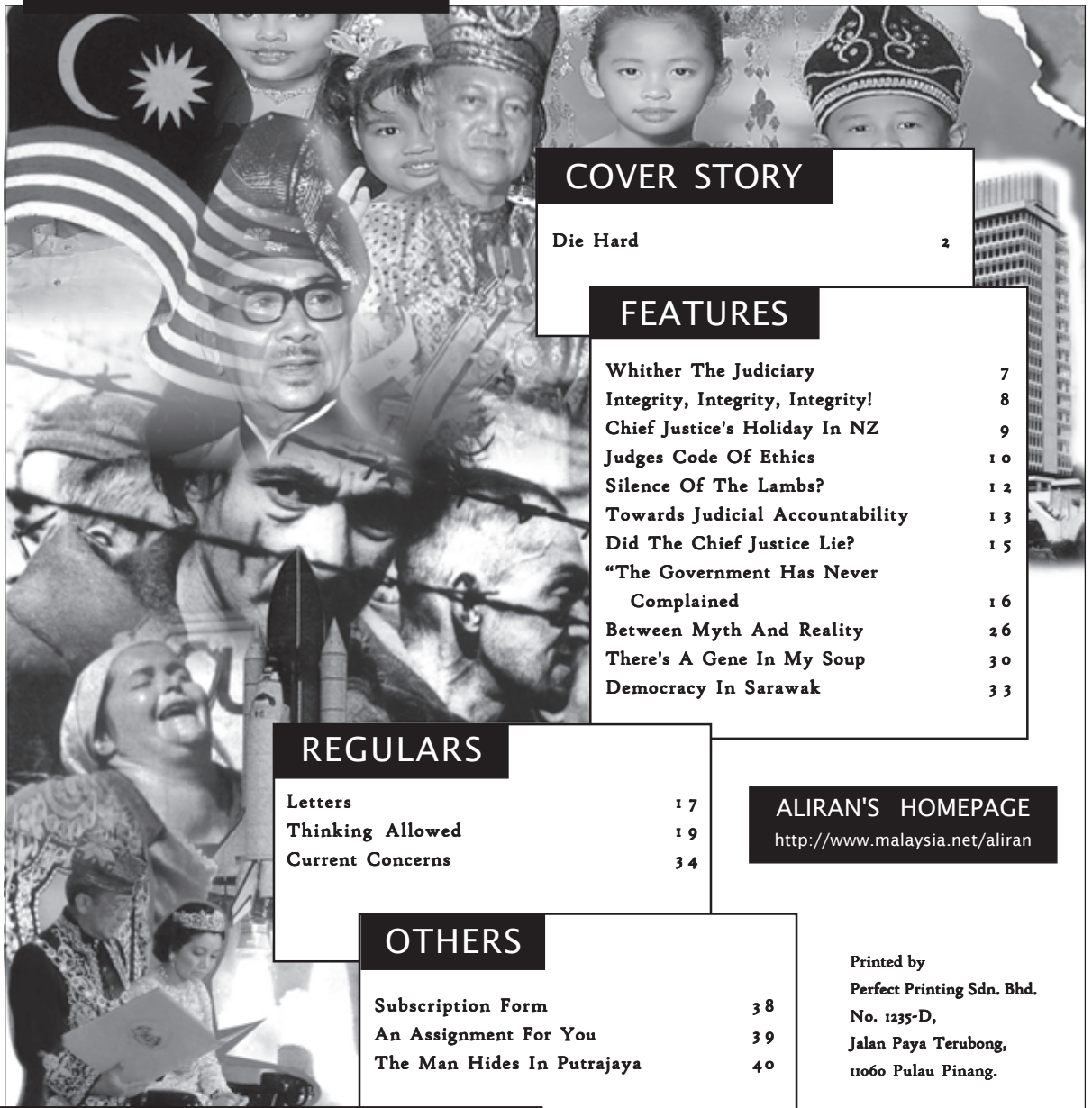
While some of the sites' regular visitors agonized over this 'information hunger strike', it leaked out that the webmasters meant to accuse Chandra and keADILan secretary-general, Mohd Anuar Tahir, of 'not adhering to Anwar Ibrahim's instructions'.

In the event Chandra denied having issued an ultimatum to BA. The keADILan-PRM merger is being explored. No webmaster clarified what Anwar's instructions were. KeADILan's Ruslan Kasim lost in Teluk Kemang (although he slashed Barisan Nasional's 1999 majority by 40 per cent).

Marina's Allegations

All that didn't prevent a further controversy from erupting on 26 June when *malaysiakini.com* published a letter from Marina Yusoff to Chandra.

CONTENTS



COVER STORY

Die Hard 2

FEATURES

Whither The Judiciary	7
Integrity, Integrity, Integrity!	8
Chief Justice's Holiday In NZ	9
Judges Code Of Ethics	10
Silence Of The Lambs?	12
Towards Judicial Accountability	13
Did The Chief Justice Lie?	15
"The Government Has Never Complained	16
Between Myth And Reality	26
There's A Gene In My Soup	30
Democracy In Sarawak	33

REGULARS

Letters	17
Thinking Allowed	19
Current Concerns	34

ALIRAN'S HOMEPAGE

<http://www.malaysia.net/aliran>

OTHERS

Subscription Form	38
An Assignment For You	39
The Man Hides In Putrajaya	40

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Marina had just resigned as keADILan vice-president for 'health and business' reasons. Were her letter recent and brief, the matter might have stopped there. Even its complaint of 'too much time (being) wasted by those jos-



ting for power and undermining each other' might have been read as a well-intended warning from someone who had party interests at heart.

But Marina's letter was dated 13 January 2000 and 'anonymously received' by *malaysiakini* five months later. Each of the '12 points' in the letter was a pointed accusation against Chandra.

Marina's letter alleged that Chandra had misrepresented things to Anwar Ibrahim and ignored Anwar's 'written instructions'. The letter also claimed that Chandra had 'harassed' keADILan president, Dr Wan Azizah Wan Ismail, packed keADILan's Political Bureau with Chandra's supporters and turned party meetings into 'monologues'.

KeADILan's Handling

Ten days before the appearance of Marina's letter, *malaysiakini* carried an interview with Chandra

by Ahmad Lufti Othman. In that interview Chandra spoke of problems concerning keADILan but made no reference to Marina. Chandra was overseas when Marina's letter was published. He has since written a letter to Marina, and released a statement replying partly to her charges.

KeADILan tried to rise above this incident. Wan Azizah described it as a 'personal matter' while the party's general assembly

elected without any fuss a new vice-president, Zainur Zakaria. KeADILan vice-president Tian Chua was earlier reported to have said that some quarters were trying to undermine Marina's position, but more recently said only that the party's supreme council hadn't taken a stand on the issue.

On the whole, however, the controversies retained an air of mystery not cleared by a sufficiently transparent handling.

Such an omission in our political climate was an open invitation to Malaysians (habitual consumers of conspiracy theories) to sniff out hidden hands, secret agendas and ulterior motives. Sure enough, detractors of both Chandra and Marina rushed letters to *malaysiakini*, some attacking the former and others denouncing the latter.

Remain Healthy Sceptical

What are less impetuous outsiders,

concerned Malaysians or *Reformasi* supporters to make of these developments?

They can, of course, condemn the webmasters for colluding in a form of internet tyranny to oust from keADILan people they deemed to be 'insufficiently dedicated to Anwar's cause'.

Alternatively they can dismiss Chandra as a party autocrat who abuses his 'idealism' to preach 'moral principles' that more properly belong to a non-governmental organization and not a political party battling for survival.

Or they can suspect Marina of timing the release of her letter to inflict maximum damage on keADILan in return for personal benefit (either related to business or her prosecution for sedition).

For the moment, however, what we have is a classic Malaysian political spectacle wherein opponents trade accusations and 'refutations' without anyone offering incontrovertible evidence to prove the correctness of their position.

Not for the first time, Malaysians should resist the temptation of accepting either that 'there is no smoke without fire' or that 'if you fling enough mud, some of it will stick'. If the Anwar affair taught us nothing else, it should have taught us to be healthily sceptical of unproven accusations and premature verdicts.

Political Change And KeADILan's Birth

About keADILan's turmoil, it is likely we won't know 'the truth, the whole truth and nothing but the truth'. So help us God, it

would be tragic if we now despair that ours is a society that can never change for the better.

KeADILan's continued existence contains one small truth about our recent past: Political change is attainable even if the process is imperfect and produces parties and politicians who mix bits of a better future with bytes of a lousy past.

Recall that keADILan was born in crisis, weeks before Anwar's first trial ended with his conviction. The party's leadership was hastily assembled. Its membership was unsystematically recruited. Its direction was ambivalent.

KeADILan had a broad leadership mix of ex-UMNO politicians, NGO activists and Anwaristas of different shades. It couldn't help being ideologically non-unified and largely untested. The combination of dissimilar figures meant that different agendas were bound to contest for priority and emphasis.

KeADILan's membership, nominally multiethnic, was mostly Malay and young, full of initiative and energy. Except for those who left UMNO, they were generally unaccustomed to party politics. Their organizational affiliation, if any, tended to be with Islamic groupings such as Angkatan Belia Islam Malaysia and Jemaah Islah Malaysia. Their ideological convergence was summed up in the popular slogans of 1998-99: *Justice for Anwar!* and *'Undur Mahathir!'*

Until BA developed its *Joint Manifesto* and *People's Budget*, KeADILan lacked a coherent programme. If there was one, it was based on a relatively loose under-

standing of *Reformasi* as contained in Anwar's *Permatang Pauh Declaration*.

This programme was constantly pulled in two main directions. Everyone knew there would have been no *Reformasi* without Anwar. Everyone also knew *Reformasi* couldn't go places if it didn't go 'beyond Anwar'.

Organizational Stresses

These characteristics of leadership, membership and direction brought keADILan its main strength of a popular base but also organizational stresses and ideological differences.

Given time to overcome its teething problems, keADILan's leadership might have developed a reliable framework for resolving such difficulties through skillful diplomacy and compromise. But the party had to face a general election within months of its existence.

In the past, some parties were able to construct viable organizational structures and efficient electoral machinery 'at the last minute' around large breakaway factions or even whole and tested parties.

The core of Parti M e l a y u Semangat '46 in 1990 was the Team B of the United Malays National Organization. In 1984, Parti Bersatu Sabah was formed from a big splinter of Parti Berjaya.

In 1969, Gerakan Rakyat Malaysia was built around the United Democratic Party, cohesive remnants from Labor Party, and politically experienced trade unionists.

KeADILan enjoyed no such advantage. The reputedly large contingent of 'Anwar's boys and girls' in UMNO didn't defect in as large a number as some had expected. Other than ABIM leaders perhaps, the NGO activists who boosted keADILan's leadership could summon few troops. Numbers aren't everything in politics, but party structures and networks can't be built out of spirit alone.

Add these factors to the pressures of the time. Mix in personal ambitions. Throw in 'different agendas'. And one can imagine patience wearing thin and tempers fraying at meetings that quickly turned into heated quarrels.

Hence Marina's account of keADILan's squabbles over seat allocations and candidate selections for the November 1999 gen-



eral election is plausible even if one doesn't want prematurely to judge her role and culpability as well as those of the individuals named in her letter.

History, Not Despair

Had Anwar been free, things might have turned out differently. Anwar could have used his personal stature, experience and the enormous sympathy for his predicament to unify the disparate elements, differing agendas and divergent loyalties in keADILan's leadership and membership.

But Anwar was in jail, rendered almost incommunicado, and permitted to emerge only in court. He couldn't have run a political party. Beyond being BA's rallying point he couldn't have been a source of instructions, written or otherwise, on strategy and practical details of agenda-setting or problem-solving.

The rest, as people like to say, is history. Even so, is it a history that should drive anyone to despair?

Looking back, what was BA if not keADILan writ large in the circumstances of 1999? Like keADILan, BA found ways for a diverse opposition to cooperate. Like keADILan, BA was sustained by high levels of public debate and political consciousness.

BA's limited gains in November 1999, like *Reformasi*'s incomplete progress, indicated directions for political change which few had imagined possible after BN's landslide victory in April 1995.

Managing Dissension

No political party is immune to internal differences, personal disagreements, and periodic quarrels.

Has there been a Malaysian party that in its early years didn't suffer turmoil similar to keADILan's?

Just recall Onn Jaafar's exit from UMNO, Lim Chong Eu's departure from the Malaysian Chinese Association, and Gerakan's split.

Each of these incidents, far worse than what's happened in keADILan so far, happened under conditions far more favourable than those which attended keADILan's birth.

I'm not trying to put a touchy-feely spin on keADILan's present troubles. Those are genuine enough, and more may come. If, for example, the keADILan-PRM merger takes place, no one should be so naïve as to think that the merger will only shower synergy but not bring its share of internal differences and dissension.

But disagreements within a party's leadership aren't resolved if those who leave as well as those who stay can cite nothing more worthy of quarrel than 'personal motives', 'hidden agendas', 'outside interference', and all manner of *fitnah* and *tohmah*.

Haven't we seen enough of that in the Anwar affair?

When keADILan was born it promised a breath of fresh air to blow away the stench of the Anwar affair which had reached 'beyond UMNO' into the very bowels of our political institutions.

KeADILan embodied a vision of a future that could break with what had become an unbearable past. That was what attracted the young and the old, politicians and activists, Anwaristas and concerned citizens to *Reformasi* in the first place.

The truly critical question, therefore, is what will become of keADILan after this bout, and who knows how many more bouts, of turmoil.

New Perspectives On Democracy

KeADILan leaders should be uncompromisingly realistic if they don't want to render themselves irrelevant to future politics.

Support for keADILan came mainly from the Anwar affair. Yet it came more deeply from new perspectives on democracy, reform and social justice in Malaysian society that are opposed to old ways of manipulative politics and authoritarian leadership.

KeADILan's significance is its insistence thus far that the way forward for Malaysian society is a multiethnic politics founded upon those new perspectives. To translate significance into reality, the party faces genuinely difficult tasks of providing a popular programme and an effective organization within BA's framework.

If keADILan is to perform these tasks satisfactorily and achieve real advances for Malaysian society, the 'party of reform' must find creative means to institutionalize mechanisms for resolving differences. Only then can the party avoid the spectre of each instance of dissension ending in spitting, smearing and bloodletting.

Either that, or the tensions between the new and the old in keADILan will turn uglier and uglier before resulting in the party's self-destruction. □

Whither The Judiciary?



Last month *Aliran Monthly* 20(4) featured an article entitled “Justice in Jeopardy: Malaysia 2000” as its back cover story.

It was based on a report bearing the same title submitted on behalf of four international organizations – the International Bar Association, the Centre for the Independence of Judges and Lawyers of the International Commission of Jurists, the Commonwealth Lawyers Association and the Union Internationale des Avocats – by a mission comprising two senior judges, one each from Scotland and Zimbabwe, and a senior advocate from the Supreme Court of India. During its fact-finding visit to Malaysia in 1999, the mission had met representatives of the Executive, the Judiciary, the Legislative, the Bar and NGOs. Their Report was posted at <http://www.ibanet.org/misc/pressrel.asp> and became widely available.

Many issues and problems in the relationships between the Malaysian Bar and the Executive, and between the Bar and the Judiciary, were highlighted. Provisions within Malaysian legislation which allowed for needlessly restrictive laws, the Report noted, had also “impacted crushingly upon the agencies of the law – the Judiciary, the legal profession and the police”.

It was in the midst of such concerns about the current state of Justice in Malaysia by Malaysian and international individuals and organizations that Datuk Dr Rais Yatim, Minister in the Prime Minister’s Department in charge of legal affairs, made his remarks about the judicial impropriety of the Chief Justice, Tun Eusoff Chin, holidaying with lawyer V K Lingam in New Zealand. Rais’ remarks were broadcasted over Radio ABC on 29 May 2000.

The public exchange between Rais Yatim and Eusoff Chin was reported in the local press. However, comments by Aliran, the Bar Council and Param Cumaraswamy, the UN Special Rapporteur on the Independence of the Judiciary and Lawyers, were not given their due attention by the local media. These comments are reproduced below. In two of them, reference is made to the so-called “Bowman Papers” which is a collection of travel itineraries of Eusoff Chin and Lingam, and their families, suggesting that their vacationing in New Zealand at the same time, was perhaps more than coincidental. For further information visit the website: malaysiakini.com

Against this backdrop, the Bar Council called for an extraordinary general meeting of the Malaysian Bar to discuss and pass resolutions arising from the conduct of the CJ and its implica-

tions for the Judiciary, and to make recommendations to restore full confidence in the Judiciary. However, the EGM was aborted. This was due to an injunction granted by Justice Dr R K Nathan, not on the merits of lawyer Raja Segaran’s claim that holding the EGM amounted to committing sedition and contempt of court, but on a technical point. AM reproduces the statements by Manjeet Singh Dhillion, former president of the Bar, in response to Nathan’s ruling which Manjeet believes “has allowed the will of one to be imposed upon the many and thereby made the judiciary, and the judge, the unwitting censor in a matter involving itself.” Lim Kit Siang, former Opposition Leader in parliament, expresses similar concerns. He also suggests what lawyers might now do to achieve judicial accountability.

Amidst this controversy, it would have been prudent to let the CJ retire on attaining the compulsory retiring age of 65 but the government extended his tenure by another 6 months thus enraging public sentiment. Aliran’s call to the CJ to turn down this extension for the sake of the Judiciary went unanswered and unreported.

This set of comments concludes with a reflection in verse by Martin Jalleh who reminds us of the relationship between the Executive and the Judiciary. q

Integrity, Integrity, Integrity!

Statement by Aliran Executive Committee

The Chief Justice of the Federal Court, Tun Eusoff Chin, has completely missed the point in his responses to Datuk Dr Rais Yatim's recent remarks on the judiciary.

Instead of addressing the crucial issue of integrity and the judiciary, the Chief Justice brusquely dismissed Rais by stating that the Minister is only in charge of the Registrar's office and "is responsible for logistic problems", but not the law and the judiciary.

When the Chief Justice asserted, "If we lack court equipment or rooms, then we go to him", he presumably meant that Rais should keep his nose off matters that extended beyond "chairs and tables".

All Malaysians whose memory of the problems of the judiciary goes further back than this current exchange between the Chief Justice and Rais know that the executive branch of the government bears a major responsibility for the damage that has been inflicted upon the judiciary since the sacking of Tun Salleh Abas, Tan Sri Wan Suleiman and Datuk George Seah more than ten years ago.

Rais, who knows all this very well, and who has in fact written many sharp criticisms of executive encroachment upon the independence of the judiciary, is him-

self a member of the same executive today.

Be that as it may, Aliran holds that all citizens, including Rais, have the right to comment on matters as critical as the integrity of the judiciary. This right cannot be anyone's exclusive privilege.

Under present circumstances, and stemming from his "feedback", Rais is not wrong to say pointedly that the judiciary needs rejuvenation. Based on our own feedback, and we are an organization that stood with the judiciary in previous crises, Aliran suggests that the judiciary needs not only to rejuvenate itself, but to redeem its lost reputation by purging itself of the negativity in which it is publicly held today.

If the judiciary is to be a beacon of hope and justice for ordinary people, our judges must themselves face this fact that the judiciary as an institution has reached its nadir in public standing, and must strive by all necessary means to retrieve its once proud reputation.

In principle, no one will disagree with the Chief Justice that VIPs sometimes have no control over how people pose with them to take snapshots. Sometimes, as the Chief Justice explained, "one can even put his face next to mine", or "when the man puts his hand on your shoulder, you can't simply shove it aside".

But the relevant photographs posted on the internet shows not a man "putting his hand on (the Chief Justice's) shoulder", but the Chief Justice putting his own left hand over the man's shoulder.

While no one is so foolish, especially in these times, to make unsubstantiated accusations against any notable public figure, who can deny that the photographs, the focal point of the exchanges between Rais and the Chief Justice, have raised a lot of controversial issues?

Given that the judiciary should be seen to be as the bastion of justice, impartiality and willingness to uphold the truth, the exchanges between Rais and the Chief Justice and other judges have arguably thrown this perception of the judiciary into doubt.

If so, Aliran proposes that the Government should hold a national opinion poll on the state of the judiciary that can help to settle any lingering doubts about public perceptions of the judiciary.

Such a poll, strictly and professionally conducted, will settle the exchanges between members of the executive and the judiciary, but more importantly, help to restore public confidence in the Malaysian judiciary.

Aliran Executive Committee
9 June 2000

Chief Justice's Holiday In NZ

Public statement by the Bar Council

The on-going public exchange of statements relating to events arising out of the Honourable Chief Justice's holiday in New Zealand has given rise to serious public concern as to the administration of justice, the image of the Judiciary, the proper relationship between members of the Judiciary and members of the Bar, and most importantly, the respective roles of the Executive and the Judiciary.

Some press reports have tended to give the impression that the Bar Council, through its then Chairman, Dato' Dr Cyrus Das, has played the role of examining documents relating to the holiday and pronouncing itself satisfied.

It is necessary, therefore, to clarify the situation both to members of the Malaysian Bar as well as to the general public.

In early 1998 when the photographs of the Honourable Chief Justice of the Federal Court of Malaysia on holiday came to public knowledge the then Vice-President of the Malaysian Bar, Saudara R R Chelvarajah, and the then Secretary, Saudara Mah Weng Kwai, met the Chief Justice. They asked him to recuse (disqualify) himself from sitting as

part of the panel to hear an appeal involving Dato' Param Cumaraswamy on the ground that the lawyer photographed with the Chief Justice in New Zealand, Dato' V K Lingam, would be appearing as counsel in the appeal.

After the two representatives of the Bar had put the position of the Bar to the Chief Justice they were informed that the Chief Justice would consider the matter. Subsequently, the Chief Justice informed the then President, Dato' Dr Cyrus Das, that the Chief Justice would not sit to hear any matter where Dato' V K Lingam was appearing.

In 1999 when Dato' Dr Cyrus Das was no longer President of the Malaysian Bar he had occasion to meet the Chief Justice several times over preparations for the Commonwealth Law Conference which was scheduled to be held in September 1999, as well as the special programme for Chief Justices from around the Commonwealth attending the Conference.

At one of these meetings the Chief Justice indicated a large stack of credit card documents and bills on his table and said something to the effect that those documents

would show that he had paid for his holiday. Dato' Dr Cyrus Das politely advised the Chief Justice to keep the documents safely.

Dato' Dr Cyrus Das was of the view that as he was not the President of the Bar when the incident occurred it was not something he should report to the Bar Council.

Upon ascertaining the above facts over the past few days and after considering the various statements issued, the Bar Council was of the view that as the whole issue of the photographs and holiday in New Zealand was now a matter of grave public concern it was imperative that the Malaysian Bar, in the exercise of its public duty of upholding the cause of justice, should deliberate on all the issues raised and express the considered view of the Malaysian Bar.

In the circumstances, the Bar Council is convening an urgent General Meeting of the Malaysian Bar to consider resolutions relevant to the whole issue of the integrity of the Judiciary.

Haji Sulaiman Abdullah
President
 9 June 2000

Judges Code Of Ethics

A constitutional perspective on judicial conduct

by *Param Cumaraswamy*



“Judges shall uphold the integrity and independence of the Judiciary by avoiding impropriety and the appearance of impropriety in all their activities”.

Beijing Statement of Principles of Judicial Independence in the Asia and Pacific Region 1995.

The latest controversy on the Malaysian Chief Justice’s travel to New Zealand in 1994 and in particular the issue as to inconsistencies between what he said on how he met the lawyer concerned and the revelations in the Bowman papers must be viewed from a constitutional perspective over and above international and regional standards of judicial behaviour.

In 1994 the Malaysian Constitution was amended and a new clause 3A to Article 124 was provided. This clause enabled the Yang diPertuan Agong on the recommendation of the Chief Justice, the President of the Court of Appeal and the Chief Judges of the High Courts after consulting the Prime Minister to prescribe in writing a Code of Ethics “*which shall be observed by every judge of the Federal Court*” (emphasis added).

Article 125 Clause 3 was also amended to provide for the removal of a judge of the Federal Court, inter alia, “*on the ground of any breach of any provi-*

sion of the Code of Ethics prescribed under Clause (3A) ...”

In the same year the Yang diPertuan Agong prescribed a Code known as the Judges Code of Ethics 1994 which was gazetted on December 2, 1994. Rule 2(2) of this Code provides that a breach of any provision of the Code “*may constitute a ground for removal of a judge from office*” (emphasis added).

By Article 125 Clause 9 the Code of Ethics applies to all judges.

Rule 3(1) of the Code provides that a judge shall not:

- a) subordinate his judicial duties to his private interests;
- b) conduct himself in such manner as is likely to bring his private interests into conflict with his judicial duties;
- c) conduct himself in any manner likely to cause a reasonable suspicion that:
 - i) he has allowed his private interests to come into conflict with this judicial duties so as to impair his usefulness as a judge; or
 - ii) he has used his judicial po-

- sition for his personal advantage;
- d) conduct himself dishonestly or in such manner as to bring the Judiciary into disrepute or to bring discredit thereto;
 - e) lack efficiency or industry;
 - f) inordinately and without reasonable explanation delay in the disposal of cases, the delivery of decisions and the writing of grounds of judgement;
 - g) refuse to obey a proper administrative order or refuse to comply with any statutory direction;
 - h) absent himself from his court during office hours without reasonable excuse or without prior permission of the Chief Justice, the President of the Court of Appeal or the Chief Judge, as the case may be; and
 - i) be a member of any political party or participate in any political activity.

In addressing the facts relating to the New Zealand travel, as they appear presently, to the provisions of the Code of a pertinent question for determination is whether the Chief Justice has breached rule 3(1)(d) of the Code without for the time being addressing breaches of any other rules in the same Code.

The competent authority to determine this is a tribunal appointed by the Yang di-Pertuan Agong under Article 125(3) of the Constitution. The facts re-

vealed in the Bowman papers contradict the facts as stated by the Chief Justice in material aspects. The Chief Justice to date has neither denied nor admitted the Bowman report. However, whether he admits or denies there still will remain the question of confidence in his credibility because he is also the Chief Justice whether his conduct has brought the Malaysian judiciary into disrepute and/or discredit in breach of rule 3(1)(d) of the Judge's Code of Ethics 1994.

Another fact which requires attention is the Federal Court's delay in delivering the decision and the grounds of judgement in the MGG Pillai vs Vincent Tan appeal. The appeal was heard more than 2 ½ years ago. It was heard by the Chief Justice and the Chief Judges of the High Courts of Malaya and Borneo. To date a decision has not been given. Such delays strike at the core of judicial accountability. With such disregard for judicial accountability, can the Federal Court of Malaysia, being the apex and the final Court of Appeal in the country, any longer claim legitimacy to set the correct standards for judicial accountability to be followed by judges and courts below? In any event is not a 2 ½ years of delay so inordinate as to constitute a breach of Rule 3(1)(f) of the Code? If there is a reasonable explanation for the delay who is to determine that? Again it has to be a tri-

bunal under Article 125(3) of the Constitution.

It may be that if further investigations are carried out further breaches of the Code may emerge. At this point suffice it to state that reasonable suspicion is sufficient to prove breach under Rule 3(1)(c) of the Code.

It may be well for the Chief Justice to remember Principle 7 of the *Beijing Statement of Principles of Judicial Independence in the Asia and Pacific Region 1995* to which he and thirty two other Chief Justices in the region were signatories. Principle 7 provides that "*Judges shall uphold the integrity and independence of the Judiciary by avoiding impropriety and the appearance of impropriety in all their activities*".

The continued refusal on the part of the competent authorities to address this issue quickly and arrest further deterioration of the vital constitutional institution in Malaysia will seriously harm public confidence domestically and internationally not only in the institution itself but also the integrity of the nation and its government. ♪

Dato' Param Kumaraswamy is UN Special Rapporteur on the Independence of Judges and Lawyers. The above statement was issued on 21 June 2000

Silence Of The Lambs?

One man's injunction is the Bar Council's deprivation

by Manjeet Singh Dhillon



I have now experienced, regrettably, after some 30 years of being involved in and with the legal profession, on both sides of the proverbial divide (the judiciary and the Bar), the single most predictable outcome of a legal dispute.

I am amazed that those in the know, those who judge, those few who take upon themselves the mantle of determining what is good for the many, have failed, once again, to see the trees for the forest. Talk about burying a head in the sand!

Surely the statements of *de facto* law minister Rais Yatim, disseminated around the world, had brought to a head, and officially confirmed what had been troubling and was a canker in the side of the Malaysian judiciary. And what of the rest of the stuff that followed and the Bowman papers?

There was in the Bar's move to resolve the Chief Justice Eusoff Chin fiasco a determination and desire to restore the jaded and tainted image of the Malaysian judiciary. Was that wrong? Was it not obvious? Could the powers-that-be not see, or sense, or hear, the rumblings that have been going on for so long? Was it necessary to shelter behind minor tech-

nicalities and thereby prevent a vested right to speak? Was it so necessary to deny the obvious?

I was one, of many I am sure, who wrote to the Bar Council asking for an opportunity for a public debate on the status of an institution that is vital to the well-being of Malaysia. I find it shocking and amazing that one person has been able to silence the many. I recognise anyone's, including lawyer K. Raja Segaran's, right to disagree with views that may or may not (he was premature in speculating) have been expressed at the Bar's EGM.

If he was so concerned, in his personal capacity, that he may have faced prosecution for seditious remarks made at that EGM, he was at liberty to attend that meeting and declare at the very outset that he was so stating. He could then have, at any subsequent prosecution, pleaded his innocence and disassociated himself from any resolution passed or decision made at that EGM that went contrary to his views. I would have defended him for free.

He could also have, and this would have been preferable and certainly laudable, attended the EGM and skilfully and ably stated his views and swayed the Bar to his viewpoint, whatever that may be. But he had no right to take

away from me and deny me my right to attend and speak, if I so chose. He was neither my nor the Bar's guardian. I can look after myself and so can the Bar.

This attempt to muzzle and thereby deny a right to free speech is one I will never endorse. I have a right to agree or disagree with any view, to assess a situation and thereafter make a considered decision, to state my stand and thereafter through cogent, valid, sound and persuasive arguments convince others to my viewpoint. And if I fail I can live with that outcome. So has everybody else.

Just as I recognise Raja Sekaran's right to disagree, he has to learn to respect and leave me my rights. He has no right to step onto my turf and dictate to me what he thinks I ought to think or say. Justice R. K. Nathan's decision has allowed the will of one to be imposed upon the many and thereby made the judiciary, and the judge, the unwitting censor in a matter involving itself.

Therein, to those who care to note, lies the tragedy in this farce.

Manjeet Singh Dhillon is former president of the Malaysian Bar Council. Statement released on 20 June 2000

Towards Judicial Accountability

by *Lim Kit Siang*

The Kuala Lumpur High Court yesterday issued an injunction stopping the Malaysian Bar from holding an EGM today to discuss and pass resolutions arising from the conduct of Chief Justice Mohd Eusoff Chin, including calls on the Prime Minister to make representations to the Yang di Pertuan Agong to set up a judicial tribunal or a Royal Commission of Inquiry to investigate Eusoff's conduct and "its implications on the judiciary" and to make recommendations to restore full confidence in the judiciary, and require Eusoff's suspension pending the outcome.

"Hearsay Evidence", Again

Justice Dr. R. K. Nathan granted the injunction on "one basic preliminary issue" without going into the merits of the application by lawyer K. Raja Segaran that the Bar had committed sedition and contempt of court in convening the EGM after he had asked counsel for the Bar whether it had confirmed that Rais Yatim, the Minister in the Prime Minister's Department had in fact made the state-

ment he was purported to have made about the Chief Justice.

Ruling that the Bar's exhibit of a newspaper report allegedly containing Rais' allegations was "hearsay evidence", Nathan said: "In this case, it is obvious to me that what the Bar says is 'we say, that the newspaper says that Dr Rais Yatim says, so and so'. As put by Mr Vijandran, this is hearsay thrice compounded."

Nathan said: "Great injustice would befall Datuk Dr Rais Yatim, the Chief Justice and all others reportedly having made statements whose quotations have been exhibited by the defendant, if they deny having made such statements. It would have been a simple process for the Malaysian Bar to have obtained a simple letter from Datuk Dr Rais Yatim stating that he stands by the report attributed to him."

In granting the injunction, the judge ruled: "To my mind there is no basis to call for an Extraordinary General Meeting on allegations attributed to someone who has not even been asked to verify its truth. There is no need for me

to ask the plaintiff to even go into the merits of his application. On this one basic preliminary issue alone the first defendant has been unable to satisfy me."

Technical Point

Malaysians who are deeply concerned about upholding the principles of judicial accountability, independence, impartiality and integrity are disappointed that the EGM of the Malaysian Bar had been aborted on a technical point, without a full canvassing of the substantive merits as to whether such an EGM was seditious and in contempt of court as contended by the applicant.

This is particularly the case as the veracity of Rais' statements in his interview with ABC Radio, which was broadcast on 29 May 2000, had never been a bone of contention in the court of public opinion.

Neither Rais nor Eusoff had queried the veracity of the statement made by Rais on ABC Radio in connection with the photographs which had been posted on the Internet, about Eusoff's New Zea-

The Malaysian Bar should launch a mass signature campaign among its 9,000 members to petition for full accountability by Eusoff Chin over his New Zealand holiday in December 1994

land holiday with lawyer V.K. Lingam, where Rais said: "Certainly such socialising, shall I say, is not in keeping with the proper behaviour of a judicial personality and we have intimated to the chief justice that this is behaviour improper and this has been intimated to him in no uncertain terms."

Verifiable

The transcript of Rais' interview with ABC Radio broadcast on 29 May 2000 is available on the Internet, and I have just accessed it.

Rais had never intimated that he had been misquoted or that his remarks were taken out of context. In fact, he subsequently publicly confirmed his statement to ABC Radio when he defended himself after he was "taken to task" by Eusoff on 6 June 2000. Eusoff also never doubted that Rais had made the statement concerned and questioned the accuracy of Rais' account, claiming that Rais had never met him to discuss anything on the judiciary but instead chose to talk to the press.

In *The Sun* of 8 June 2000, Rais went even further to confirm the veracity of his interview with ABC Radio when he explained "how the Australian media had asked him to comment on several photographs, in particular the one of Eusoff with lawyer Datuk V.K. Lingam".

The Sun had reported:

"Rais said he was only asked whether it was proper for someone of the chief justice's stature to be photographed with a senior

lawyer who appears before his court.

I replied that it was inappropriate for someone of that standing to be found in such a disposition. I could not deny the pictures as otherwise it would have reflected badly on me and the government as being irresponsible.

'This is not a personal vendetta,' he said, adding that the pictures were brought to the attention of the relevant parties at that time itself."

Rais' comment raised the question as to why the Internet photographs were only brought to the "attention of the relevant parties at that time itself" when they had been posted on the Internet for more than two years since early 1998, but this question could be deferred until later.

Rais also confirmed in the same *Sun* report that he and Eusoff had spoken over the phone in the past, but he did not see the need to touch on personal issues as "I think that for someone in such a high position, there is no need for me to advise on such matters".

The High Court injunction stopping the Bar from holding an EGM today has brought into greater focus the problem as to how society can uphold the principles of judicial accountability and independence, and in particular, how the Chief Justice could be made to comply with the Judges' Code of Ethics 1994, which he had formulated himself.

Confused

Finance Minister Daim Zainu-

ddin recently said that the people can make their views known if they think that judges have erred, and that although the judiciary is independent, judges should not think that they cannot be criticised.

The Malaysian people are now confused and would want to know how they could legitimately criticise judges for misconduct or who failed to avoid impropriety and the appearance of impropriety in their activities when the legal profession is not able to hold an EGM on the matter.

Eusoff himself should make clear that he and the judiciary uphold and respect the right of the public to criticise judges, not for their court decisions, but for their misconduct or failure to avoid impropriety or the appearance of impropriety in all their activities.

With the injunction against the holding of an EGM, maybe the 9,000 members of the Malaysian Bar should launch a mass signature campaign in the legal profession to petition for full judicial accountability by Eusoff Chin over his New Zealand holiday in December 1994, including an appeal to the Prime Minister and the Yang di Pertuan Agong for the establishment of a Judicial Tribunal into Eusoff's controversial New Zealand holiday and that until Eusoff has cleared the cloud of judicial impropriety and misconduct over him, he should abstain from exercising the powers of the Chief Justice whether in personally hearing cases or appeals or exercising the administrative powers over judges in distributing or rostering cases. q

Did The Chief Justice Lie?

Silence will not exonerate him

by P Ramakrishnan

Malaysians are aghast that the term of tenure of the retiring Chief Justice, Eusoff Chin, has been extended for another six months. Under normal circumstances, such an extension would not have raised one's eyebrows. But under the present situation, it would be seen as an affront to thinking Malaysians.

It is difficult to fathom how Dr Mahathir could have recommended this extension unless it is meant to mock thinking Malaysians and trivialise a serious issue that threatens the very integrity of the Judiciary.

The Bowman Report posted on the Internet convincingly contradicts the CJ's version of his chance meeting with V K Lingam in New Zealand. It seemingly contains damning evidence to suggest that the CJ may have lied.

The Bowman Report raises issues of honour and integrity of a judge. It demands a convincing rebuttal that must clear his name and dismiss all doubts surrounding his conduct. It is the only way to restore confidence in the Judiciary and convince the public that all is well. This is why it is so important for the CJ to refute this report as a matter of honour. He must



Whose arm around whose shoulder?

challenge this report or else he may well be perceived as a liar.

Silence in this instance is not an option for the CJ. His silence will not exonerate him but will certainly incriminate him. He is duty-bound to clear his name and emerge as an upright person in order to uphold the integrity of the Judiciary.

For us in Aliran, we are not so much concerned about his private holiday. We are not concerned who had whose arm around whose shoulders. But we are terribly concerned whether the CJ had lied. That bothers us a lot.

This is why it is important - not only for his sake but for the sake of the Judiciary - that he turns down his extension until his name

is cleared. That would be honourable conduct, which would be saluted by all Malaysians.

Today is Eusoff Chin's 65th birthday and he is due for retirement. He will do the Judiciary irreparable damage if he accepts an extension to his term of office when there is a cloud of doubt hanging over his head. The Judiciary must not be tainted by any tint of scandal. The top judge must be seen and be accepted as someone honest and upright who will command the respect of all Malaysians.

When the Head of the Judiciary fails to command the confidence of the public, then Justice is indeed in jeopardy.

20 June 2000

“The Government Has Never Complained”

by *Martin Jalleh*

PM preaches on “the independence of the judiciary”
Courts have always been free and shown impartiality
The Government’s respect, has been most exemplary
When it loses a case, it always responds graciously.

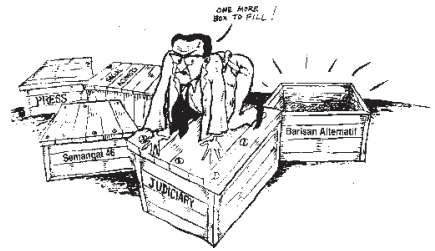
But the pages of history show a scandalous reality...
“Hang the lawyers! Hang the judges!”, unbelievably,
Was PM’s slogan, for many years, very persistently,
So revealed Tan Sri Musa Hitam, a former deputy.

PM once told *Time* magazine so very arrogantly
If the Court interprets the law in a manner contrary
To why (he felt) the law had been produced initially,
A law he would create, to be interpreted accordingly.

He publicly accused judges of acting injudiciously
And of interfering, siding the Opposition politically
He lumped the judiciary with the police and military
Called it a “branch of the Government”, ignorantly.

A judge ruled UMNO had been functioning illegally
PM did not complain, he attacked more venomously
Set up a tribunal— ready to make a mighty mockery
Of removing the Lord President, most unashamedly.

The late Tunku would cry at the “ruthless travesty”
Rais would make a study on “Executive Supremacy”
Government did not need to complain subsequently
For many judges began to rule politely and pliantly.



“This is discrimination” he accused a court publicly
“Opposition given lighter sentences ‘intentionally’ “
“Courts ‘bending backwards’ “, PM swung wildly
But the Government has not complained, seriously!

Back from a holiday, he hit out at a Court brazenly
For calling the Bakun EIA process a “sheer mockery”
Said the ruling was based on a mere “technicality”
Don’t play football with a RM15 billion dam fantasy.

In Anwar’s case PM was prosecutor, judge ... jury
Took the judge’s “No public comments” casually
In Japan, UK and USA, he continued his calumny
A judge to PM is “irrelevant”, merely functionary.

Be it the Bukit Merah Asian Rare Earth factory
Or a Court injunction to stop a hotel in Langkawi
Or a Court judgment he had found not to his fancy
PM has often treated the judiciary contemptuously.

“Independence of the judiciary is merely illusory”
“Never did I for once realise that the judiciary
Could be at the disposal of the executive so easily.”
De facto Law Minister Rais makes PM sound silly.

PM should spare the country his glaring hypocrisy
CJ should resign and save his splintered integrity
Rais Yatim should rejuvenate his failing memory
The nation must arise — justice is in jeopardy!

Martin Jalleh, author and poet, wrote the above poem in response to the PM’s recent assertion that “the Government had never complained when the court made rulings unfavourable to it or to parties in the Government, as it believed in the independence of the Judiciary” (NST, 14 June 2000).



Letters should be no more than 250 words and must include the writer's name and address. Pseudonyms may be used. Send letters to : Editor, ALIRAN MONTHLY, 103, Medan Penaga, 11600 Penang, Malaysia or e-mail to : aliran_letters@hotmail.com Views expressed need not reflect those of Aliran.

Don't Destroy Gurney Drive's Seafront

Sahabat Alam Malaysia and the Consumers' Association of Penang appeal to the Penang State Government not to allow any development on Gurney Drive that will lead to the destruction of the existing seafront.

We refer to comments by Peninsular Metroworks Sdn Bhd's executive chairman Datuk Ahmad Ismail reported in *The Star* yesterday that 100 ha of the seafront would be reclaimed for tourism-cum-commercial-cum-residential redevelopment.

Peninsular Metroworks also the developer of the Penang Outer Ring Road (PORR), announced that the reclamation works would begin once the company signs the concession agreement for the high-

way with the Federal Government.

We are shocked that the company is confident about going ahead with the reclamation works of the seafront when it has yet to conduct an Environment Impact Assessment study of the reclamation works. Although the EIA for the PORR was approved on 10 July 1997 by the Department of Environment, we are informed that the reclamation work of the Gurney Drive seafront still requires a detailed EIA before any go-ahead for the project can be given.

SAM and CAP have opposed such reclamation ever since proposals were mooted a few years ago. Our concerns are as follows:

- There is no need or justification for the proposed destruction of the Gurney Drive Sea-

front. The existing seafront is one of the few public recreation areas remaining on the island that are popular with Penangites. There is certainly a need to improve some of the basic facilities at the seafront like better toilets and garbage collection. However, there is no need to massively transform the area into a tourist attraction when it already has that status. Gurney Drive already serves as a popular food spot, jogging site and a place for families to enjoy the evenings. It is very much a public heritage and ought to be preserved that way.

- We are very concerned that the Penang public will be losing precious open spaces to private developers. We are shocked that there are proposals for a water-theme park including an 'Underwater World'. Such a proposal will indeed convert what is a natural seafront accessible to the public into some kind of an amusement park, to which the public will have access only at a price.
- There is already an over-building and excess capacity on the island in terms of residential space involving apartments. All along Tanjung Tokong, Tanjung Bungah and Batu Ferringhi, numerous high-rise apartments which are still largely unoccupied, have mushroomed.
- There will certainly be an environmental impact as a result of the project and such an impact must be seriously considered with public participation,

through the submission of a detailed EIA by the developer. This reclamation work should not be viewed in isolation but should be considered together with the impact of the reclamation work currently going on in Tanjung Tokong. Some of the environmental concerns include the impact on existing coastlines, beach erosion, sedimentation, changes in current flows and so on.

- The Penang State Government is currently involved in the development of an integrated coastal zone management plan, which is supposed to chart and limit the overall development on the island in an integrated manner, taking into account environmental, economic and social concerns. The State Government should not undermine its own efforts in developing such an integrated coastal zone plan by giving ad-hoc approvals to coastal and reclamation projects that are piecemeal and non-integrated. The Gurney Drive reclamation proposal should be considered within the framework of an overall, integrated coastal zone management plan.
- Further, the impact of sourcing sand for the reclamation work should also be considered. If sand is to be imported for such reclamation work, then the import content of the project will have to be studied carefully. Following the recent economic downturn, the NEAC has recommended that projects be reviewed to ensure that projects that involve high import components are discouraged.

On the other hand, if sand is to be obtained from local sources, then the environmental impact of such sourcing needs to be seriously evaluated. Dredging the sea-bed or river, or cutting hills will have a significant environmental impact.

- Moreover, the cost of such reclamation would also lead to high land prices and this raises questions about the viability of the reclamation work.

In the final analysis, it would be prudent to learn from the lessons of the recent economic crisis where considerable public funds went into mega infrastructure projects which were highly questionable. We cannot continue to behave with 'business-as-usual' mindset, we need to seriously re-appraise development proposals to ensure that the interests of the public and the environment are genuinely safeguarded. We therefore urge the State Government not to allow the proposed reclamation of Gurney Drive.

*S M Mohd Idris
President
Sahabat Alam Malaysia*

Leadership By Tan Sris & Datuks

UMNO may be a party with "grass-roots" support, but certainly the top leadership and the Supreme Council members are not "grass-roots" for all are mighty Datuks and Tan Sris.

A look at the list and titles of the Supreme Council members may reveal the reasons why some candidates go to such lengths in using money politics and excesses

to get elected into positions in UMNO.

While ordinary UMNO members remain as "grass-roots" supporters, those elected into the leadership can look forward to more titles, rewards, business opportunities, wealth, connections and patronage in the right places.

UMNO may be doing some soul searching for its present predicament, but "leadership by example" may be the main cause of it!

*Lallang roots
Petaling Jaya*

An Open Letter



Yes, both of you have done it again. We, students of various schools from Perak, are fed up with your explanation on why TAR college should not be upgraded into a university. Enough is enough. We have already stated clearly from the beginning - we don't want to listen to reasons why it should not be upgraded; we want you to find out, and state the reasons why so many students/parents are demanding that it be upgraded.



Usoftchin & Co.

Phew, it's been quite a month! Issues were spilling out like the proverbial beans. First there was all that stuff about a CJ and a Bar Council 's aborted EGM, nipped in the bud by a redoubtable Nathan. Where in the world do people get stopped from holding get-togethers? Here's one for you SUHAKAM — is this an infringement of the right to party or not? Surely this is really some heavy legal precedent! One of these days associations will have to apply not just to the police but to the courts to have permission for members to have verbal exchange and social intercourse. Better still why don't we have them fill out a standard form supplied courtesy of Usoftchin & Co., a firm, to which finable, chargeable offences of associations will be privatized. The form (*right*), will require answers to a number of questions.

Q Q Q Q Q

Discrimination Begins At Home

Then there was the dear PM's suggestion that the constitution does not disallow a non-Malay from becoming the prime minister. He hoped that in time to come Malaysians would allow for such a wonderful turn of events. This coming from the president of a political party whose *raison d'être*

is the preservation of *Ketuanan Melayu* and whose major partners are racially exclusive political parties. A bit hard to swallow, isn't it? Don't get me wrong, I think a PM should never be chosen on the basis of race (or for that matter, gender) alone. And if we want to lick communalism, charity begins at home.

If Dr. Mahathir is serious about his proposal, I can suggest several possible scenarios involving important reforms in the ruling Barisan Nasional coalition and component parties. The first scenario would involve the BN partners opening up the contest for BN leadership. In this scenario, there will be no presumption that the UMNO leader will be the BN chief and thereby also be PM. All BN party members will have to meet in one general assembly to *democratically* elect their leader. Try that!

The second approach will require more radical reform. The BN itself will become a "mega" party. The

Will controversial issues be raised?	Yes	No
Will senior government officials be criticized?	Yes	No
Will judges be implicated?	Yes	No
Will cabinet members be slandered?	Yes	No
Will CM's or MB's be scandalized?	Yes	No
Will prominent businessmen be libeled?	Yes	No
Compulsory:		
Show cause why any proposal, resolution, discussion, conversation, tete-a-tete or any matter whatsoever to be raised at this meeting will not bring about disrepute and opprobrium to the nation and misconduct on the part of your association or cause it to be held in contempt of court.		
.....		
.....		
(Note: If you fail to answer this question, you will automatically be held in contempt of court)		

The dear reader will notice that the fine print stresses the severity of non-compliance.

mega coalition will require all its component parties to dissolve themselves, have direct membership into the BN, irrespective of race and creed.

In all likelihood, Bumiputeras are still bound to dominate the new mega party but there will be openness in the selection of the leaders, not based on race. Actually we already have an interesting precedent in Malaysia. The essentially Iban-based party, SNAP was led for a long time by a Chinese, James Wong. So, why not the BN by a non-Malay, who can also become the prime minister?

This leads one to think aloud about a serious contradiction in Malaysia's laws. How come the Malaysian constitution guarantees non-discrimination on all matters relating to race, religion and gender (except for Bumiputera rights) but political parties like UMNO, MCA and MIC are allowed to be racially exclusive and discriminatory in the way they choose their members, let alone their leaders?

Let's see the BN lead by example. Since the landmark proposal was made at the MCA gathering let's see if the Mahathir siren will lead to a Lim or a Ling entering the *Mahligai* in Putra Jaya.

Q Q Q Q Q

Violent Reaction to PM's Utterings

It's amazing how some people can become so disturbed by what the PM says. Someone got really riled up by the PM's statement over violence in schools. This is what a certain "Susan" wrote on the internet, which I happened to pick up.

" There is so much to say about Mahathir that I am getting really tired. The frequency in which he projects his nonsensical behaviour is exhausting. He is a racist, a tongue twister and a psychopath, to mention but a few superlatives that I could muster to sum up the man. There is no difference between my obsession with Mahathir and my obsession with death. I would flee from both with the speed of light and I would dread to spend precious moments thinking about either."

Susan was livid over Dr. Mahathir's statement blaming the reformasi movement for the spate of violence in schools, including acts of arson. Basically she was saying that it was such a spurious relationship to make. She argued that it's almost as if one were saying that:

"The increasing rate of rape in the country must be related to the allegations of rape against Datuk Rahim Thamby Chik, increasing violence against women and children must be related to the incidence of slaps and kicks by a certain minister at the KLIA airport, beating up of civilians during demonstration or in jail houses is a karmic repetition of Ex Police Chief Rahim Noor's punching of Anwar Ibrahim and extortion of money in schools must have been influenced by stories of the prime minister's anger and obstruction where the ACA's investigation of the EPU was concerned."

It's a tough one to follow but I think we get the point. There is a remarkable penchant in our country for stating the *non sequitur*. The PM's utterings about the foreign menace and foreign domination in the country is always followed

by either him or some other ministers welcoming the participation of foreign investors in our economy. Our compliant media seem to find nothing wrong with such statements and dutifully repeat them *ad nauseam*.

Talking about foreign involvement in our country, *Starbucks*, the multinational coffee chain has arrived in Penang. Started in Seattle, home of Bill Gates, and also the place of the uprising against the WTO last year, *Starbucks* establishments now pepper the KL scene and I guess Penang will be playing catch-up. But can't we see the contradiction again? Here is the whole government railing against foreign domination of our economy. The Americans themselves have protested against big business domination in the US and seem to be doing something about it. But not us here in Malaysia. Dr. Mahathir's bark is surely worse than his bite. Actually, I'm beginning to believe he has no bite at all except for perhaps the chomps he must take once in a while at Macdonalds!

Q Q Q Q Q

Longkang Toilet MPs And ADUNs

Yes, the lexicon of Malaysian politics grows by the day. We have all heard of our "longkang MPs". The term was popularized at the recent hustings when the opposition used it to describe the Members of Parliament who spent all their time and the rakyat's taxes to look after drains but be damned if they will worry about human rights, judicial corruption, etc... Now the irrepressible YB Datuk Madam Kee has added yet another term for our political enter-

tainment — “toilet ADUNs”, of which she is the icon. In her capacity as State Tourism, Culture, Art and Women Development Committee chairperson, she launched a “war against toilet abuses” (sic). This war against toilet abuses must be won at all cost, declared the honourable ADUN of Batu Uban and she immediately promised to get specialists to operate public toilets in the state of Penang.

The toilet issue subsequently was hotly debated in the Penang State Assembly when BN ADUN Teng Chang Yeow asked Madam Kee if tourists visited Penang because of its toilets or because of its attractions. Unfazed, Madam Kee went on to say she was aware of the toilet problem and had set up a sub-committee of toilets headed by Lye Siew Weng. Lye immediately sprang to his feet and said he had inspected all the Penang toilets (!), pointed out the problems, but nothing had been done to date. All this gives me a bit of the runs to think of the depths to which our politics have descended. My impression is that our politicians spend more time discussing the fine points of sewage than passing important motions. Now it all makes sense. Our politics have sunk from the gutter to the night soil!

(editor’s note: This saga of Madam Kee’s toilet travails has received airing in the TA column of two previous issues of the AM!)

Q Q Q Q Q

Paranormal Shootings In Sauk

Who said the army is not into making movies? Did we forget so soon that on Sunday, July 2nd, at least one newspaper had a front

page splash of a new movie, titled *Lt. Adnan*, to be premiered on July 31st with the Yang di-Pertuan Agong in attendance? How deep was the involvement of the Mindef in this movie project? Quite extensive! Here’s what the paper said, “Besides offering technical advice and props like uniforms and weapons, the ministry has also been instrumental in writing the script — which took almost 13 months to finalise — and in sponsoring the RM2.5 mil production cost.” Further, a general was quoted as saying, “around 2000 of our men, including senior officers, were also cast in the film to play various roles and act out the battle scenes.” (*Sunday Star*, July 2, on pages 1 & 3.)

And when did the heist drama unfold? The dawn of Sunday, July 2nd! Talk about coincidences. The heist did start out receiving rave accolades, with the Defence Minister likening it to a “scene from a Hollywood movie.” Other journalists have dubbed the stunt the Malaysian *Mission Impossible*, and also a *Rambo* in the making.

But, it wasn’t like that at all. What started out to be a Scwharzenegger’s *Terminator* action-thriller really ended like one of those unfinished episodes of the *X-Files*. Although Hishamuddin Rais in his column in *Malaysiakini* (*Tragedi Greek atau Komedi Grik?*) prefers to see the whole episode as a case of bad script deteriorating from a *genre policier* to *The Three Stooges*, we’ll give the army a bit more credit. I sense a blockbuster sequel coming.

Admit it. The Sauk incident has left us with a sense of the bizarre and the surreal. You see, there are at least 15 questions that we can

pose to get all the Mulder and Scully wannabes to start opening their own X-files. There were just too many weird and unexplainable happenings in the jungle. Here goes..

First, check the contradictory statements published by a selection of newspapers (even in the same paper on the same day). Here’s a sampling:

1. When did the heist actually take place?

(There are at least three versions)

- Between 3:00 am and 4:15 am (*Star*, Monday July 4, pg. 1)
- Between 3:30 am and 4:45 am (*Star*, Tuesday, July 4, pg. 4)
- Between 2:15 am and 4:30 am (*The Sun*, Sunday, July 9, pg. 11)

2. Where were the three ‘abandoned’

Mitsubishi Pajeros found?

(There are at least three versions)

- ‘Near the Banding Post’ (*Star*, July 4, pg.1) —that’s 30 km north of Grik
- ‘Spotted in Grik’ (*Star*, July 5, pg. 1)—that’s 80 km from Sauk
- Criminals abandoned their vehicles, “in Sauk upon learning of the roadblock in Kati.” (Lenggong Assemblymen Saarani Mohamed in *Star*, July 5, pg. 3)

3. Who and how many were taken hostage?

(There are at least three versions)

- Two farmers in their late 50s were reported missing at Kampung Jenerik (sic), Sauk (*Star*, July 4, pg.1)
- Three hostages: 2 policemen and a durian seller were confirmed to be the hostages taken

(Star, July 5, pg. 1)

- **Four** hostages: 2 policemen, a ranger and a durian farmer (Star, July 7, pg. 3)

4. Where was the exact location of the hideout? (There are at least five versions)

- The Bukit Hijau Forest Reserve, 2 km from the secondary school (Star, July 5, pg. 1)
- 100m from main road (Star, July 8, pg. 4)
- 2 km from main road (*Utusan Malaysia*, July 8, pg. 4)
- 100 m behind school (*Utusan Malaysia*, July 8, pg. 8)
- 400 m behind school (Sun, July 9, pg. 11)

5. What are the actual names and ages of some of the people involved? (There are several versions for several people)

- slain officer was named R. Sagadevan, aged 30 (Star, July 7, pg. 2)
- Kpl. K. Sagathevan, aged 45 (Star, pg. 3)
- Kpl. K. Sagathevan, aged 48 (Bernama, July 7)
- Kpl. K. Sagadevan (Star, July 8, pg. 6)
- Kpl. Mohd. Shah Ahmad, aged 48 (Star, July 6, pg. 4)
- Kpl. Mohd. Shah Ahmad, aged 52 (Star, July 8, pg. 4)
- Name of slain officer's wife: S. Malliga (Star, July 7, pg. 2)
- Netaji Malliga Rani, aged 45 (Star, July 8, pg. 6)
- Nathaji Baygoon a/p Mohd. Ishak, aged 40 (*Utusan Malaysia*, July 8, pg. 4)

6. When and how was one of the members (Abdul Halim Ali) of the 'deviationists' killed? (There are at least two versions)

- **On Tuesday:** Shot in the neck, "in his fervour in warding off the challenge of army commandos." Body was left to rot and recovered 150 metres away from the main camp. (NST, July 9, pg. 4)
- **On Friday:** "During the scuffle (with Lt. Gen. Zaini), Amin's M-16 went off killing one of his men, Abdul Halim Ali, 30." (Sun, July 9, pg. 2)

7. How was Ranger Mathew ak Medan killed? (There are at least two versions)

- Shot repeatedly on both legs, hung upside-down, then strangled and killed ("*ditembak bertalu-talu di kedua belah kaki dan digantung dalam keadaan menyongsang kemudian dijerut dan dibunuh*") (police source, *Utusan Malaysia*, July 8, pg. 1)
- "Suddenly one of them came from behind and killed him." (Jafar Puteh quoted in Star, July 9, pg. 3)

8. When was knowledge of Mathew's capture and death known? (There are at least two versions)

- **On Tuesday:** Mathew's father received news of his son's death when. "...the Kanowit Police station led by ASP Stanley Jonathan Ringgit informed them of the bad news at 10pm on July 4 (Tuesday)." (Star, July 10, pg. 3)
- **Only on Thursday, two days later:** After the two cooks (from the criminals) surrendered in the morning — "...a horrifying intelligence came out too: the barbaric execution of Mathew and Sagadevan." (NST, July 9, pg. 4)

9. Oh yes, who were the ones actually playing the P. Ramlee songs? (The army commandos or the criminals?)

Compare the two versions below:

- "The army carried out sporadic firing at 12:50 am but the deviationists replied with a P. Ramlee song, believed to be played on a cassette player, for about three minutes" (Star, July 6, pg. 1)
- "...commandos also used a rather offbeat psychological tactic — P. Ramlee songs were played and shots fired repeatedly into the sky as a warning to the criminals that there was no way out." (NST, July 9, pg. 4)

Other questions that our Mulders and Scullys might like to consider:

10. Why were the bandits 'purposely' letting the whole town know where they were hiding? (They were making such a din!)

- Gun shots were heard in the area (Kampung Jenerik (sic), Sauk) at about mid-morning (Star, July 4, pg. 1)
- The gunfire and explosion went on for 9 hours (!), which started at 2 am (Tuesday) and stopped at 11 am. (Star, July 5, pg. 3)
- Sporadic firing injured two soldiers (Star, July 5, pg. 1)
- "We heard the burst of gunfire coming from behind the school" (Star, July 5, p. 3, quoting Kampung Jenalik Hilir head chief)

11. And why the sporadic shootings?

The IGP's reply was that they were

sporadically shooting 'to lift their spirits as they were alone in the jungle' (*Star*, July 6, pg. 8). There were 30 of them together (not really lonely we would imagine) in the hideout, tensely waiting to be ambushed and they had to choose to lift their spirits this way! Just fancy that!

12. What about the two soldiers supposedly shot on their shoulders after sporadic firing by the 'gang'?

The Wednesday edition of the *Star* (July 5) had a front page picture of a soldier in bandage with a colleague holding a drip next to him walking together into the Taiping hospital to be warded. Question posed even at that time was why Taiping and not Kuala Kangsar hospital as the latter was nearer. Next day, on Thursday, a doctor in Kuala Kangsar hospital confirmed that only one wounded soldier was treated at his hospital. Even the IGP announced that only one soldier was injured and not two as reported. So, who's the mystery soldier, named, a Sarjen Hassan who was whisked into the Taiping hospital, with his shoulder bandaged?

13. Where was the post-mortem done, and how many were injured after the surrender?

- Police exhumed the three bodies at 9pm and took them to the Kuala Kangsar hospital for a post-mortem (*Star*, July 7, pg. 3)
- Post-mortem was done at Ipoh hospital (*Utusan Malay-*

sia, July 8, pg. 4)

- "...the five injured including two in serious condition were admitted to the Ipoh hospital and Kuala Kangsar hospital" (*Star*, July 7, pg. 3)
- Ipoh emergency unit received three injured people from the arms heist drama (*Star*, July 7, pg. 9)

14. What is the truth behind the background of the alleged group leader, Mohd. Amin Mohd. Razali?

- Is he one of 13 children according to one cousin (*Star*, July 7, pg. 3), or, one of 9 children, according to a cousin named Musa bin Abdullah (*Sun*, July 9, pg. 10) ?
- If he left the army 'about 10 years ago' (*Sun*, July 9, pg. 10), he must have been 19 then.
- If he had worked as a private with the army's special intelligence regiment (Quoting Najib, *Star*, July 7, pg. 3), this must mean that he was recruited into the intelligence unit still a teenager?
- If he, 'drove cement lorries in Klang for about three years before becoming a businessman in Klang...court-martialled for 18 months for escaping detention...detained for drug offences and people trafficking' (*Sun*, July 9, pg. 10); as well as, 'studied in Indonesia under Ibnu Abas, Al Ma'unah's principal' (*Star*, July 8, p. 1), did he go through all this experience within 10 years?
- How did he set up, at age 27 (the cult group was said to be established in 1998) an organisation capable of hoodwinking numerous professionals and

finally the nation's Army to realise his violent ambition?

Finally, check the background of Al Ma'unah 's members, the aims of the organization and the date of its formation.

15. Why do they all seem to fit so well into the profile of the 'reformist-influenced', 'fanatical Islamists' and 'violent' stereotype of the anti-establishment, misguided rebel? And boy, does Mohd. Amin the cult leader fit the swashbuckling, red and white turbaned, moustachioed and bearded, dreamy-eyed, captivating demon 'Prince of-Islam' image. He is every inch the caricature!

The group was said to be set up in September 1998 (magical date!), its members champion Jihad and the setting up of an Islamic state, and most are young professionals and local university graduates. Now, how does one explain that the members were a motley assortment of systems analysts, gardeners, drivers, labourers, engineers, information technology, computer experts and accountants? Are they what they appear to be? Was this purely a mystical event? Have aliens landed in Malaysia? Have aliens taken to turbans and army fatigues? Have aliens infiltrated the army? Taken over the government? Taken over our lives?

TO BE CONTINUED... (Coming soon to a theatre near you).

D.L. Daun

Mr MCA President, if you don't have the power to upgrade TAR college, then please say so. Please don't ask your youth chief to act and pretend as though a study would be carried out to determine if it is feasible for it to become a university. It is a crying shame that the chairman of TAR college sees it fit to state that TAR college's main objective is to train more middle-skilled labour. Does this mean that ambitious students should never enter TAR college?

As for *The Star* editor, V K Chin, we want to nominate you for the "world's best government mouth-piece prize. In less than 24 hours after an explanation by the TAR college chairman, *The Star* readers were fed with an editorial titled "TARC must never waver from its objective" which is equivalent to "TARC must never become a university". It seems an explanation by the MCA president is not convincing enough. As the world's best government mouth-piece, V K Chin must do his part.

We wonder if being a Chief Editor does not require one to think critically, rationally and intelligently. In Malaysia, it seems one is a good editor by just echoing what government leaders have to say. We do not want our intelligence to be insulted anymore. Thus, we have decided to boycott *The Star* for one month.

Angry Students
(This letter carries 25 names)

UMNO's Double Standards

Given the opportunity, UMNO has no hesitation in accusing PAS

of using religion for its political agenda and praising itself as being fair and moderate to all in Malaysia.

But lo and behold, huge banners are sprouting along the roads leading to the PWTC for the UMNO General Assembly, proclaiming loudly *Hidup Melayu, Hidup UMNO!* As if using racial slogans for its political agenda is better and holier than PAS!

Let all Malaysians see UMNO for what it is – a racial party. After more than four decades of being an independent nation and much effort in trying to unite the various races together, let the silent majority say, "UMNO, Tidak Boleh" and – to the politicians who continue to dwell on issues of race, religion and language for their own selfish ends – "Malaysia Mana Boleh?!"

Hidup Malaysia
Petaling Jaya

Pharaoh Without Clothes

In the children's story of the *Emperor Without Clothes*, his officials were afraid to tell him the truth but instead praised his beautiful non-existent clothes, lest he got angry with them. For those in power and authority, there is much wisdom to learn from this simple story if they really want to know the truth about what is wrong. But they must be prepared to listen, not only to those around them who will say what is pleasing to the Emperor's ears, but also to those who are not afraid, like the child in the story.

If the Prime Minister wants to

"know why teachers are angry with the Government" (*The Star*, 17 May) and other similar problems, then he should read alternative publications like *Aliran*, *Wasilah*, *Detik*, *Eksklusif*, *Harakah* or even *The Rocket* instead of the *New Straits Times*, *Utusan Melayu* and *The Star*, which usually publish what the Government expects to her. These pro-establishment papers practise self-censorship and do not normally entertain readers' letters or articles critical of the Government out of fear of the Emperor.

We do not know from the children's story whether the Emperor accepted the truth of the child's words and what happened to the child, but the test of a wise, just and righteous Emperor would be his reactions to the words of the child. Malaysians may be forgiven but faulted, if they know that their Emperor is without his clothes but continue to praise the beauty of his clothes and the ISA. Indeed we are reaping what we have sowed.

Fear With Prejudice
Petaling Jaya

Teluk Kemang - A Keadilan View

The Malaysian mainstream media have once again shown us the meaning of one-sided reporting. It is now very clear who is calling the shots in this new party called the PRIM. If the PRIM is concerned about the welfare of Indians, it should be fighting for real issues pertaining to Indian welfare.

As it stands, they are just a disgruntled group, being made use

of by the BN to confuse the 18 per cent Indians in Teluk Kemang. If they really care, they should work as an NGO. Politics is for all the races: Teluk Kemang has a population of approximately 46 per cent Malays, 35 per cent Chinese and 18 per cent Indians. The candidate has to look into the needs of all the people in its constituency.

In keADILan, we have Ruslan Kassim, a very experienced politician, who has given us an undertaking that the needs of the Indian community will be safeguarded. We, the Indians in keADILan, have complete faith in the leadership of the party. Our aims and vision are very clear. We will not only work for the welfare of the Indians, but for all the people in Teluk Kemang.

Besides, why is the PRIM jumping on keADILan? The PRIM, supposedly an opposition party, seems to be more sympathetic towards the BN. Is this some sort of a ploy by the BN to confuse the electorate? If the members of the PRIM think UMNO or the BN is more sympathetic towards the Indians, then they should all join the MIC. Why form a new party?

The PRIM should be more concerned about the various issues and problems faced by the Indian community in Teluk Kemang. Namely, monthly wages, healthcare and housing. The latest statistics show that the Tamil schools are faring very badly in the UPSR examination. The reasons and solutions need to be worked on. The state of some of the Tamil schools is so disgraceful – we would be afraid to put our children there.

Backbiting, childish behavior only serves to help the BN. So-called “opposition” party members need to decide whose side they are on! Let us work together to make Keadilan work.

Dr Xavier Jayakumar
Supreme Council member
keADILan

(This letter was written before the
Teluk Kemang by-election).

Denial Syndrome

So long as there is the “denial syndrome”, every Malaysian is going to say, “everything is okay, we are fine, we are the best, Malaysia Boleh.”

It takes tremendous courage to admit when we are wrong. We have to call a spade, a spade. And we have to work towards changing the thinking of society. We, whether individuals or leaders, have to look within ourselves and commence a change. We have to overcome the six deadly sins-lust, anger, greed, desires, envy and jealousies. None of the major religions/religious faiths in this country states that these sins can be condoned. Let us not compartmentalise religion and acclaim, “my religion is the best”. We are egoists when we say that. All religions are good. During different times and in different situations, different prophets/saints and sages appeared and started different religions/faiths.

Therefore not us not imply by statements that this religion is the best or superior to another. Let us not be judgmental for behind judgementalism lies a sense of insecurity. Let us go within and realise the potential within us.

Through developing the power of discrimination, we can set the pace for transformation within us as individuals and then within society and within the nation as a whole. Let us stop ‘denying’.

Bill Ayadurai,
Ipoh

A Reader's Response

Thinking Allowed is a regular feature in the *Aliran Monthly*. Hardly any of the readers miss it. For the author analytically and interestingly explains certain current events. Nevertheless, I wish to comment on the piece in AM 20(3).

Professional Journalism in *The Star*.

Thinking Allowed ponders why *The Star* took great pains to highlight the plight of those who were rendered homeless as a sequel to the repeal of the Rent Control Act and concludes that any loss of face for Dr Koh Tsu Koon is a gain to the MCA.

Well, the reaction was immediate: The Chief Minister offered the Deputy Speaker's position to the MCA!

No Shame - Jeffrey Kitingan

The title of the section in *Thinking Allowed* I think, should have been “A Plan of God”.

Thinking Allowed's conclusion that “some politicians obviously never learn” is not acceptable. I will explain why - On his way back to Sabah after his release from ISA detention, Jeffrey had a meeting with the No. 1, Dr Mahathir. He then stood on a PBS

Continued on page ??

Between Myth And Reality

Why are Orang Asli more prone to illness?

by *Dr Jeyakumar Devaraj*

There are at present 19 distinct ethnic Orang Asli groupings in Peninsular Malaysia with a total population of 105,000, constituting 0.5 per cent of the Malaysian population. They represent one of the most marginalised and impoverished groups in Malaysian society.

Having worked in Perak, which is home to about a third of the Orang Asli in Malaysia, I have had numerous opportunities to meet and treat Orang Asli patients over the past 13 years. My talk to you is based on these experiences. First, I will give a brief over-view of the health status of the Orang Asli, then discuss the underlying causes ill-health among them, and end with some comments on the role and responsibility of the Medical Profession.

Orang Asli Health Status

Infectious illnesses

The incidence of infectious diseases among Orang Asli is much higher than for the non-Orang Asli population. For example, the incidence of tuberculosis (TB) among Orang Asli in Perak is about 240 per 100,000 or 5.5 times that of the Perak population overall (Tables 1 and 2).

Table 1 TB in Malaysia	
Annual Incidence of TB per 100,000 Population 1994 - 1996	
Philippines	400
Indonesia	220
Thailand	179
Malaysia	65
Western Europe	20

Table 2 TB among Orang Asli	
Incidence of TB per 100,000 Population in 1998	
General Perak Population	47
Perak Orang Asli	247

Not only is their incidence of TB higher, it is also more severe as they often present late, and they also have a much higher inci-

dence of TB spine and meningeal TB.

Malaria is endemic among Orang Asli and they account for half to three quarters of all cases of malaria in Peninsular Malaysia (Table 3).

Malaria and tuberculosis are cited here as indicator illnesses. A host of other infectious illnesses, notably upper respiratory tract infections, and acute diarrhoeal illnesses in children are also much more common in the Orang Asli population as compared to the general Malaysian population.

Complications of Childbirth

Small surveys carried out in Tapah Hospital, Perak, revealed that the incidence of complications of childbirth were much more common among Orang Asli mothers as compared to the general population (Table 4).

Table 3 Malaria among Orang Asli			
Year	1992	1994	1995
Cases in P. Malaysia	9330	8245	7752
Orang Asli Cases (%)	4810 (51.6)	6186 (75.0)	6142 (79.2)

Source: Dr Rowdan, Gombak Hospital

Table 4
Complications of Childbirth, Tapah Hospital, 1992

	Malay mothers (control)	Orang Asli mothers (all)
Admitted in labour	47	136
Transferred to bigger hospitals	0	17
Stillbirths	0	3

Moreover, the birth weights of Orang Asli neonates were much lower than their other Malaysian counterparts (Table 5). Orang Asli population, including women and children. Consequently the incidence of chronic obstructive airway dis-

Table 5
Weight of Neonates, Tapah Hospital, 1992

Percentile	Malay (47)	Orang Asli (113)
below 3rd	17.0%	58.4%
3rd - 10th	25.5%	12.4%
11th - 50th	42.6%	24.8%
51st - 90th	14.9%	4.4%

Malnutrition

Khor Geok Lin's study of the nutritional status of Orang Asli children in the Batang Padang District of Perak documented very clearly the considerable malnutrition among Orang Asli children.

Professor Sham Kasim's 1986 study of 23 Orang Asli kampungs (Table 6) found that "*resettlement of the Orang Asli has not improved the nutritional status of their children. It may even have contributed to a deterioration of their health and nutrition status.*"

Illnesses due to lifestyle

Smoking is prevalent among the

eases is high among the Orang Asli. Consumption of potent cheap beverages with high alcoholic content is increasingly common among Orang Asli men, and is a cause for concern.

Documented HIV infection does not seem to be common as yet though cases have been noted.

Underlying Causes of Orang Asli Ill-health

Ignorance?

Most medical researchers tend to assume that ill-health among Orang Asli is primarily due to ignorance and cultural practices. Sham, for example, in his other-

Table 6
Findings of Sham's study

- Very high prevalence of severe malnutrition among Orang Asli children.
- 370 (65%) of the 566 Orang Asli children surveyed were underweight
- 372 (65.7%) were stunted (i.e. heights > 2SD less than the mean for their age)

wise excellent paper on the nutritional status of Orang Asli children, concludes that "*this practice (of using condensed milk as a weaning food) stems from ignorance regarding breast feeding and financial constraints*". He continues that "*A number of food taboos will have to be overcome before any change in the dietary habits of the Orang Asli can be instituted effectively.*"

However, a careful reading of surveys of the dietary practices of Orang Asli, such as JM Bolton's *Food Taboos among the Orang Asli in West Malaysia*, reveal that the Orang Asli diet is quite adequate if they have access to foods normally assessible to them in their traditional habitat. It is only when their traditional economic activity is curtailed by resettlement to new area, or the "development" of the forests around them that their food practices result in inadequate protein intake.

Depressed economic situation

Their depressed health status is directly linked to their socio-economic situation. The Orang Asli

of Peninsular Malaysia were and are hunter-gatherers with some communities practising shifting cultivation. Both these economic activities require access to fairly large tracts of land. For example, a normal sized family would require 5 to 7 acres of land for hill padi cultivation each year. These plots can only be re-used for padi cultivation after a fallow period of 4 to 7 years.

The Orang Asli's access to land has been quite severely circumscribed by the political and economic developments around them which have displaced Orang Asli from their lands twice in the past 50 years. The first displacement occurred in the 1950s when the British relocated Orang Asli from their remote jungle homes to sites closer to the main roads to prevent Orang Asli communities from supporting the communist insurgents. The latter had developed a close and mutually beneficial relationship with the Orang Asli.

Orang Asli displacement

Over the past 20 years the Orang Asli have found that the lands that they have occupied since the 1950's are now being eyed by the government and developers for logging, plantation activities, highways, and townships. Sections 6 and 7 of the Aboriginal Peoples' Act (134) empowers the "State Authority" to designate certain lands as Orang Asli reserves within which no other community can conduct any form of agricultural or logging activities.

However, Orang Asli living in that area are not given title grants to the lands so gazetted. Furthermore, subsection 3 of Section 7

empowers the "State Authority" to declassify Orang Asli reserves if and when it wishes to do so. This declassification of Orang Asli land has occurred time and again, and has further depressed the economic viability of the Orang Asli way of life.

Logging and extensive clearing of the forests in their vicinity reduces the amount of jungle produce that the Orang Asli can harvest, depletes the wildlife and muddies their rivers leading to a drastic drop in the availability of fish.

This encroachment onto their lands and the resulting impoverishment of the community, has forced many younger adults to come to the towns and join the bottom rungs of the urban work force with the unfortunate corollary that quite a few Orang Asli women have become commercial sex workers.

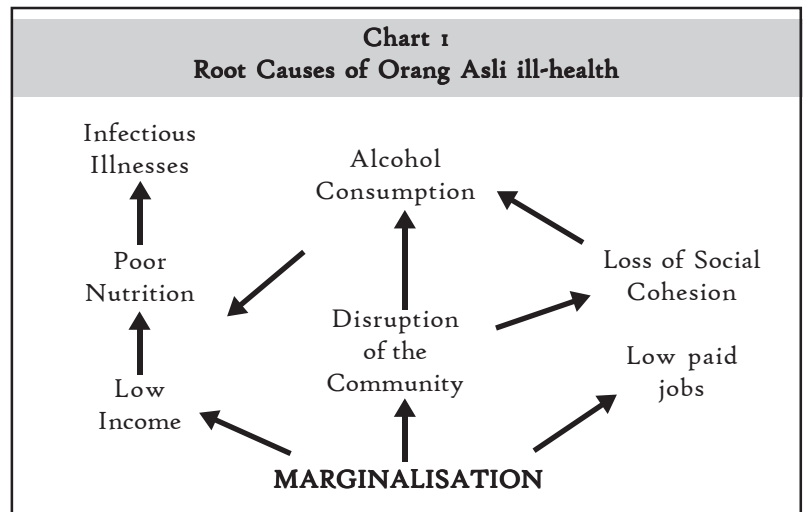
Social disruption

Apart from causing economic and physical hardships, "development" has also disrupted the traditional lifestyle and value-systems of the Orang Asli in a very

profound way – the subversion of their traditional leaders. The Headman held an exalted position in most of the Orang Asli groups. He was their leader in times of strife, and their arbitrator in disagreements involving members of the group.

The loggers who moved into recently declassified Orang Asli lands recognised the authority of the traditional leaders, and undertook various steps to win them over. Many companies pay the headmen monthly "allowances" for acting as their publicity relations officers. Several companies also give presents to win over the headmen.

In many places Orang Asli communities are ambivalent about their traditional leaders who just one generation ago were held in high esteem. This subversion of their leaders has adversely affected the social cohesion of the Orang Asli communities. The vexing issue of increasing alcohol consumption has to be understood within this larger context. The whole situation can be summarised as in Chart 1.



Responsibility Of Health Professionals

The health problems of Orang Asli communities are but the epiphenomenon of their progressive marginalisation. The dominant free-market socio-economic system is impinging upon and over-running the traditional subsistence system of the Orang Asli.

The continued integration of Orang Asli into mainstream society is a certainty, and no one can turn the clock back. In fact even the Orang Asli do not want the clock turned back. They want development – but one that puts their needs as a major priority, and at a pace that does not tear their socio-cultural system apart.

If health professionals wish to improve the health status of Orang Asli, they should:

- 1 Be aware that the major causes of ill-health in Orang Asli communities is integrally linked to the marginalisation that they are undergoing.
- 2 Highlight the links between their economic deprivation and their health problems, instead of blaming the latter on cultural practices or ignorance.
- 3 Argue for better terms for their integration into the mainstream economy, via
 - a more gradual process
 - creation of Orang Asli community trust funds that receive
- 4 Support the emergence of a genuine Orang Asli leadership that can articulate the needs of their community.
- 5 Urge a strict prohibition of all economic ventures that impinge adversely upon Orang Asli. □

Paper presented at the World Conference of Primary Care Physicians, Kuching, March 1999

Letters : continued from page ??

ticket in the State elections and won. Jeffrey then crossed over to the BN. He tried, but failed to get a recognizable position in any of the component parties of the BN.

Still he wasn't a loser. One fine morning, the Attorney-General came to his rescue. Several charges of fraud and corruption preferred against Jeffrey after two years of investigation by the police and the ACA were withdrawn. He escapes the agony of trial and possible conviction. Jeffrey then jumps back to his brother's PBS; gets himself elected again to the State Assembly.

He has performed yet another *katak leap*. He is now back with the BN together with five assemblymen. Who knows, soon

he might be the CM of Sabah for two years under the Mahathir-invented rotation system. In which case, Jeffrey was not playing "Judas".

My intention: It could be a conspiracy.

Catching Up

The story says that freedom for peaceful assembly without police permit is being allowed by some of our neighbouring governments. *Thinking Allowed* hopes we might be able to catch up with them. It is a pipe dream so long as Dr Mahathir is around.

Whenever he hears about peaceful assembly, he gets nightmares. And on the appointed day, there will be more riot police than peaceful people.

Back to School

Under the above title, *Thinking Allowed* is very critical of our ACA. Well, if you don't understand the miserable plight of our "independent" ACA, then I am afraid your investigative journalism has betrayed you! Its conscience appears to be guided and directed by an unseen robot.

Someone once commented: The A-G and the ACA must resign and quit. I asked him who will appoint their replacement? He was baffled!

Alas, the lack of conscience by the "independent" instruments of governance has become a curse to our nation.

K George
Kuala Lumpur

There's A Gene In My Soup

Genetically Modified Food

If you're having trouble making sense of the debate over genetically modified foods, you're not alone. To make things a bit clearer, here's a summary of some of the arguments from both sides.

Genetic engineering (GE) is a process of manipulating the genetic code (DNA) of a living organism – for example, in plants, animals or humans. Basically one or more genes are taken from one organism, modified, and then put into the DNA of another organism. The characteristic of the inserted gene(s) will theoretically be introduced into the host organism.

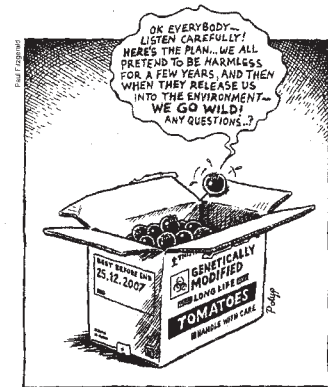
Genetically-modified (GM) or GE food is food produced from plants or animals or organisms which have had their genes changed in the laboratory by scientists. Sometimes genetically modified organisms (GMOs) are referred to as LMOs, living modified organisms.

What Do The Supporters Of GM Food Say?

Advocates of GM food argue that it is a technology which lit-

erally can feed the world, and there is little to worry about in terms of adverse effect. They claim, for example, that

- GE is just an extension of the ways genes have been mixed and matched for centuries – either by natural evolution, or by traditional cross-breeding of plants, animals and micro-organisms. The only difference is that GE is faster, more efficient and more precise.
- GE is one of the best solutions to the problem of world hunger. It can increase production and/or reduce the cost of food – essential at a time when 15 per cent of the world's population is starving, and total numbers are still growing.
- It can do this without damaging the environment further, and can actually decrease non-renewable inputs like pesticides and fertilisers.
- Without sufficient investment in gene technology, countries that are agricultural producers will not be able to maintain this role. Food production and ex-



From: "Of Cabbages and Kings: A Cartoon Book on GE", available from A SEED Europe.

ports will decline; jobs will be lost; food prices, imports and interest rates will go up.

What Do The Critics Of GM Food Say?

Despite the attempted reassurances and promises of the advocates, the issue remains extremely controversial. Protests and actions against GM food have escalated, and lobbies both for and against it have grown more intense at international forums.

Doubts about GM food centre on the science (which includes possible harmful effects on health and the environment), the politics and the ethics of the whole process. For example, they include observations that:

The Science:

- The ability to move genes across the species barrier is very new. Although precise methods have been developed to search for and locate specific genes controlling a desired characteristic, the technique used to introduce the gene into the host organism is imprecise. Sci-

entist cannot control exactly where the modified gene will locate itself in the host DNA (more specifically with transgenic plants and

proach to gene technology.

Health Concerns

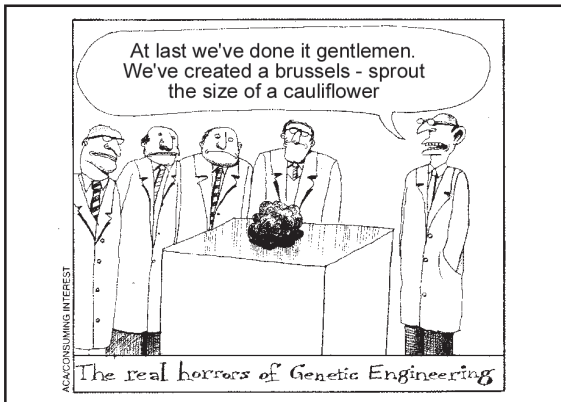
- Consumers of GM food are inadvertently being exposed to unintended toxins or allergens. Ingestion of certain kinds of GM food has been known to seriously affect the consumer's health. (Supporters, however, argue that the risks are small, and safeguards are in place to test for any ill effects. They also claim that gene technology can help allergy sufferers by having the potential to disable genes that produce allergens.)

tionally or otherwise. Transgenic DNA can persist in the environment and transfer horizontally to unrelated species. Possible effects include:

- Contamination of air, water and soil;
- Disturbance of ecological balance – may create new viruses and hence new diseases;
- Loss of biodiversity in crops – crop contamination and genetic pollution;
- Creation of herbicide-resistant weeds, insect-resistant crops;
- Increased use of chemicals on crops and hence increased contamination of our water supply and food.
- There are already alternative and more sustainable ways of producing food, such as organic farming and Integrated Crop Management (ICM – a mixture of careful use of chemicals along with other pest control methods). Gene technology is merely another 'quick fix' – a solution that suits the commercial interests of big companies.

The Politics

- Who is determining the need for GE? The vigour with which large multinational companies are pursuing GE may hide the fact that in reality no one needs GM food except the companies investing in it. Is the only reason for its existence



animals and also in gene therapy), though the location of the injected information is important in the outcome of the whole process. For this reason, all potential side-effects of products developed using these techniques cannot be predicted.

- The introduced gene may act differently when working within its new host.
- The original intelligence of the host will be disrupted.
- The new combination of the host genes and the introduced gene will have unpredictable effects and therefore there is no way of knowing the overall long-term effect of genetically modified food on the health of the consumer.
- GE has not been tested rigorously enough to ascertain health risks. We do not know enough to foresee the risks in the real world. We should therefore take a cautious ap-

- There may be a loss of quality and nutritional value in food. (Supporters argue that gene technology will achieve the opposite.)
- There is also the risk of reducing the efficiency of antibiotics in clinical (or veterinary) use. This can be a problem when 'marker' genes used in the GE process are taken from bacteria resistant to antibiotics. The risk is that this resistance could be transferred to bacteria in the human (or animal) gut. Supporters assess this risk as small.

Environmental Concerns

- Because of the uncertainty of the behavior of GMOs in the environment a number of things can happen when GMOs are released, inten-

to increase profits?

- Who decides what research gets done and who owns it? The ownership of GE technology will exacerbate the gap between those that 'have' (multinational companies) and those that 'haven't' (for example, the poor and the Third World), as has happened with other new technologies.
- What opportunities are there for individual members of society to participate in decisions about GM food? The huge lobby by multinational companies to stop the labelling of GM food is just one indication of their power and their refusal to allow consumers to make a proper choice. In addition, the potential health effects of GM food can only be tracked with full, mandatory labelling. Their persistent lobby against labelling shows that companies investing in GE aren't interested in accountability. This is also seen in their lobby against other international initiatives with regard to movement and trade in GE products.

- World hunger has little to do with inadequate production of food or poor quality food. The answers lie rather in redistribution of wealth, equity and power.

The Ethics

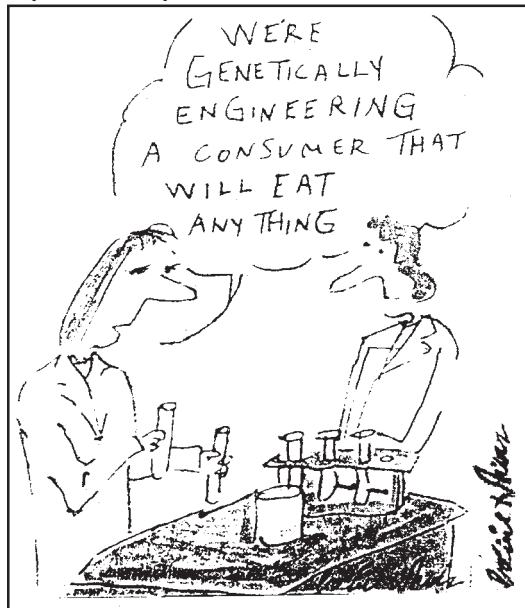
- Should we be tampering with genetic codes in the

first place? Where will it stop? If laboratories and multinational companies are in control, how can we hope to have ethical issues safeguarded?

- Many religious groups have expressed serious reservations about the ethics of interference in human or other organism's genes.

What is the situation now for Malaysians?

There is unfortunately relatively little discussion in this country whether within the



media or elsewhere about GM food. The fact is that all the question marks about the process and the implications are relevant to all of us. There is an increasingly strong movement to reject GM food by consumers, manufacturers and retailers in the North. This comes from mounting evidence of the dangers of GM crops and food, doubts about supposed higher yields, growing public aware-

ness of the potential risks and revelations of flawed regulatory systems in major producer countries. Yet the product is already made and so the companies will need to dump it somewhere and countries like ours, in the South, are the most likely dumping grounds.

As things stand, it is unclear how Malaysians can know if they are consuming GM food. At the international level, the companies have blunted or curtailed strong action to track or control GM foods. Although there is now an international treaty that specifically regulates the transboundary movement of GE organisms and the exporter is obliged to give notice of a shipment and provide information for a risk assessment on the GMOs, the bulk of GMOs, including commodities for food, feed and processing, have been made exempt.

We would do well to pressure for safeguards against the possible dangers of GM food and ensure the formation (and implementation) of a regulatory framework on GE as well as legislation to provide for mandatory labelling of GE products. □

Compiled by Aliran exco member Dr Prema Devaraj from various Internet websites.

Democracy in Sarawak?

Elected representatives lectured by civil servant

by *Chendang Hollis*

Vol 19(6)



Picture this: elected representatives being lectured by a top civil servant on how to overcome the challenges of the future and understand the needs, demands and expectations of the people.

Welcome to Sarawak, Malaysia, your “choice” destination for the next “democratic” state. A three-day workshop to enhance the performance of elected representatives to the Sarawak Legislative Assembly was declared open by the Deputy State Secretary on 10 April in Kuching. It was reported that some 30 representatives attended, understandably all of them from the ruling Barisan Nasional. The Deputy State Secretary told participants to practise what they learnt in the workshop.

Long overdue advice perhaps, considering how Sarawak has been “developed” thus far? Sarawakians should take note that their elected representatives have still much to learn about how best to represent the people. This is confirmed by the State Government which requested the workshop.

But looking beyond the mere humour of this “first of its kind” workshop in the state, it tells a story of Sarawak’s sad state of affairs.

Should aspiring candidates for the upcoming state election start attending such workshops before they offer themselves as candi-

dates? Or, as in the case of the thirty representatives, should they come clean and tell the people that they are not good at performing their roles (and so warn voters to think twice before voting for them)? What does this say about elected representatives in the Sarawak State assembly? Does this workshop confirm what thinking Sarawakians already know about how the State legislature is stacked with “yes wo/men” who do what they are told or only do what is needed to please the one who has control over their candidature in elections?

Shouldn’t elected representatives learn to listen to communities struggling to protect their Native Customary Rights (NCR) land from loggers, from plantation owners, and most of all, from the State Government which gives out licences and titles? Shouldn’t elected representatives open their eyes and ears and clear their conscience over the suffering, injustice and violation of rights experienced by people in Sarawak? What about the numerous cases of rights to land being denied to the people while given to families and friends of political leaders in Sarawak?

Did the workshop teach the representatives to question the “whos and whys of timber concessions” being concentrated in the hands of so few politically well connected individuals and families in

Sarawak? Did the workshop teach anything about the need to legislate against party-hopping as in the case after the 1987 state election when the ruling coalition won by a narrow margin?

No, that would be too much for the participants to handle in a three-day workshop. It would jeopardise their political future and ruin their career prospects. Instead, they would be told how better to convince the people to part with their land, to ensure political stability through the annihilation of the opposition and maintain one kind of legislature, the controlled kind with all elected representatives from the ruling coalition.

That is close to democracy, Malaysian style. After all, in Malaysia, “delections equals democracy”, regardless of the gerrymandering, the controlled media, the use of public funds for party purposes and money politics.

Perhaps we should vote for the Deputy State Secretary whose “advice” to elected representatives mark him clearly to be a “better” representative than his civil service position allows.

Malaysia Boleh! And Sarawak Boleh?

Source : Rengah Sarawak <http://www.rengah.c2o.org/news/20000420.htm>



A record of Aliran's stand on current affairs.

A Sad Day For Malaysian Democracy

What was to have been a peaceful gathering at the National Mosque to present a memorandum to the King has been crushed using all the might at the disposal of the state. Aliran deplores the high-handed action of the police in arresting and chasing *reformasi* supporters using tear gas and water cannon even at the vicinity of the National Mosque. We regret the use of police helicopters and personnel with automatic rifles to intimidate the public.

We also call on the authorities to investigate a BBC report that "police beat one man in the mosque compound". If the report is accurate, the police should explain why they acted lawlessly and brutally in dispersing people. It is even more reprehensible that this act should be committed within the hallowed grounds of the National Mosque.

It is also disturbing that the newly appointed Malaysian Human Rights Commission has nothing to say about the authorities' high-

handed tactics in dispersing peaceful demonstrators. Why are they observing a day of silence? It should be able to say whether Malaysians have a democratic right to assemble peacefully. If it cannot speak up at this crucial time, its existence is meaningless. If it had spoken up, the sceptics would have been convinced that it is indeed an independent body with courage and commitment to defend democracy. Through its silence, the commission has condemned itself.

We also deplore the mass arrests of *reformasi* supporters who were only planning a peaceful gathering. Police have confirmed that 46 Malaysians have been detained over the last two days in connection with the Black 14 gathering. Very likely, this figure will rise as more Malaysians are likely to be arrested. We call on the police to guarantee that they will be treated humanely. So far we have not heard of any report that these gatherings have been unruly or rowdy. There was no sign of any violence. Thinking Malaysians will wonder why there was a need to act violently against peaceful demon-

strators.

It looks like Kuala Lumpur is now under siege with a heavy police presence. Today, we have seen how the might of the state has been used to wipe out any pretence of a democracy. From today, we can no longer call ourselves a democratic nation. Aliran, however, salutes those Malaysians who were arrested in their defence of democracy and their basic right to assemble peacefully.

We call upon the police to release all those detained immediately and unconditionally. To detain them any longer would be a travesty of justice.

Aliran Executive Committee
15 April 2000

**Stop The Violence
Respect Our
Constitutional Rights**

Aliran calls upon the authorities, in particular the police, to stop its violent assault of our fundamental rights. Though enshrined in our Federal Constitution, these rights - to peacefully assemble, to travel freely, to be presumed innocent until proven guilty, to due process when arrested, etc - have not been respected whatsoever. Instead the authorities have resorted to high-handed and bullying tactics.

A proposed peaceful assembly on 15 April 2000 to demonstrate solidarity and sympathy for former deputy Prime Minister, Datuk Seri Anwar Ibrahim, was first denied a police permit.

The PM and the authorities alleged that the demonstrators were

planning to riot and incite violence. Yet not an iota of evidence has been provided to substantiate the allegation.

Instead, a number of leaders and activists from Parti KeADILan Nasional were arrested on 14 April. Roadblocks were set up all over the country and police personnel were seen in train stations querying people travelling to the Federal Capital.

Meanwhile, thousands of police personnel were mobilised. They flooded the streets of KL and transformed it into a police state.

Not surprisingly, only a small crowd of several hundreds gathered to demonstrate on 15 April. They clearly posed no threat to anybody. Yet the police unleashed their wrath upon them. Tear gas and water cannons were fired. The demonstrators were chased and 48 people, including two women and a minor were detained. They were remanded in 10 different police stations. All were further remanded at the KL Magistrate Court on 17 April.

Apart from these 48, Mohd Ezam, Gopala Krishnan, Abdul Malek Hussein and Tian Chua have also been remanded for 5 days on grounds of suspicion that they were "provoking the public to be involved in an illegal assembly". Two other KeADILan leaders - Muhammad Zahid and Sanusi Abdullah sought by the police have since surrendered and are expected to be remanded as well.

It is deplorable that the Magistrate Yang Arif Lailacul Junaidah who sat in the remand hearings refused to send those injured to the hospital for treatment. Some have

claimed that they were assaulted. KeADILan.

It is equally despicable that Cheah Kah Peng, the lawyer who accompanied Tian Chua to the Police Station, and who insisted upon due process, was himself arrested. In fact he was stripped and put into an overcrowded cell. Subsequently released, he has been placed under police bail and is to report back on 16 May to find out if he will be charged for obstruction of public officers from discharging their duties.

Aliran calls upon the police to release all those detained immediately and unconditionally. They were merely protesting and expressing their rights. They threatened nobody and caused no riot.

Aliran further calls upon the police to stop their high-handed ways and desist from further violations of our Federal Constitution. It seems as though they have learnt no lesson from the sentencing of Rahim Noor, the former IGP, for assaulting Anwar Ibrahim, the former Deputy PM. This is why Aliran and other groups had insisted on a more severe punishment for Rahim Noor's crime which has far-reaching consequences on how the Police ought and ought not to behave.

Finally, Aliran holds the PM, Dr Mahathir responsible for violations of our rights and for not honouring the spirit and letter of our Federal Constitution. He is also responsible for the shameful transformation of KL into a police state. Indeed it was he who alleged that the demonstrators were threatening a riot and unleashed the police and its high-handed ways upon the leaders and supporters of parti

*Dr. Francis Loh
Secretary
18 April 2000*

Why Are Maids Not Given Days Off?

According to a Malaysian Association of Foreign Worker's Agencies (PAPA) Executive Council Member (The Star, 7 April 2000), Sri Lankan maids are not eligible for days off from their work and Filipina maids will have to pay 25 ringgit for each days off they take. Apparently, "off days are discouraged because various social problems are caused by foreign maids mixing freely." This statement, and the thinking behind it, raises a number of issues. But the basic point that maids are not allowed to have a day off (or have to pay for it) is simply unacceptable.

The legislation governing lower-paid workers in Malaysia, viz. the Employment Act 1955, sets out a number of minimum rights for Malaysian workers, which include one rest day a week, paid public holidays, paid annual leave, paid sick leave, maternity leave and benefits and fixed working hours. These minimum rights are guaranteed and have been given because it is deemed that anything less would be exploitation and would severely affect workers' health and productivity.

Sadly, domestic workers and foreign maids have so far been excluded from the full coverage extended by the Employment Act. This means their rights as workers (and as human beings) are neither recognised nor guaranteed. They are free to be exploited by their employers and their agen-

cies. They have little or no protection whatsoever. Furthermore, we have PAPA saying that a certain category of maids does not deserve any rights, and another section can have them but must pay for them.

What is it about domestic work that makes a domestic worker ineligible to be covered under the Employment Act? Why should they be treated so differently from other workers? The answer lies in the way in which men, who dominate decision-making in our society, generally view women's roles. This includes the perception that domestic work (home-making) is not really work at all, which is of course nonsense.

Because housework is seen as 'woman's work', it is seen as petty, unskilled and undemanding. As long as the home is kept in order, the effort involved does not need to be discussed nor given any importance. The invisibility of the domestic worker (i.e. the woman) has also led to the invisibility of domestic work and vice versa.

Our whole social fabric depends on good housekeeping. People conveniently forget that they cannot go to work or work efficiently if household chores are undone - i.e. no-one to raise and mind the children, prepare the meals, wash and iron the clothes, keep the house clean, look after the sick, care for elderly parents and so on. We need to wake up to the fact that domestic work directly underpins the nation's economy and that the house is a workplace. It certainly is for domestic workers - we pay them but we are unwilling to give them the rights that we as a nation have given to our other workers.

Are we really saying that we are happy as a nation to make workers work 7 days a week, 365 days a year, without any consideration for their health, happiness and productivity? None of us would work under such conditions. What is the difference between this situation and slavery? And why is there a distinction made between Sri Lankan maids and Filipina maids (where do the Indonesian maids fit into this?) Is this any different from the racist reasoning used to justify and maintain the slave-trade?

Maids are human beings like ourselves. To denigrate them and deny them basic rights, which we would never deny ourselves, is to denigrate ourselves. It is hypocritical. We must stop exploiting domestic workers and provide full cover for all of them - regardless of ethnicity, sex or creed - under the Employment Act 1955. In making this positive step, we would be safeguarding the rights of the workers who come to us for employment; we would be enhancing the status of an area of work so long ignored and degraded; we would be raising the status of women; and, in doing all these things, we would be enhancing our own dignity, as individuals and as a nation.

Dr Prema Devaraj
Executive Committee member
19 April 2000

The Right To Assemble Is A Legitimate Right

By acknowledging "a person's right to assemble," Tan Sri Musa, the chairman of the newly formed Malaysian Human Rights Commission, is indeed endorsing what Aliran has all along main-

tained: that it is the citizen's inalienable democratic right to assemble and demonstrate peacefully to highlight a perceived wrong.

There can be no ifs and buts regarding this right in a civil society. It is a legitimate form of expression to register one's dissent and dissatisfaction.

Any attempt to thwart this legitimate avenue of expression is not only a denial of our democratic right but a violation of a basic human right i.e. the right to assemble.

Just as the commission has taken a commendable stand on the right of a person to assemble, it must also state its unequivocal views on arbitrary arrests, the lack of freedom of speech, curbs on media freedom, custodial violence, indiscriminate shootings and the need for an independent judiciary.

Such openly expressed views will go a long way in convincing the sceptics that the Commission is here to protect and uphold our human rights without fear or favour.

The Commission should also immediately recommend to the Malaysian government to ratify the UN Covenant on Civil and Political Rights and the UN Covenant on Economic, Social and Cultural Rights. There is no need for further study of these instruments, which have been around for years, as they have already gained universal acceptance among more enlightened and democratic nations.

P. Ramakrishnan
President
24 April 2000

Shattered Public Perception

Aliran is appalled that the Court of Appeal did not state the grounds for dismissing Anwar Ibrahim's appeal against his conviction on four corruption charges and his sentencing to six years' imprisonment on 14 April 1999.

It is all the more distressing that the Court of Appeal despite having a written 59-page judgment refused to disclose its reasons when it dismissed Anwar's appeal this morning.

When a person's freedom is involved and when a conviction had deprived that freedom, the Court of Appeal as a dispenser of justice is expected to devote some time in explaining its decision. When this norm is not observed, it leaves the public with a shattered perception that everything is not right with our system of justice.

*P Ramakrishnan
President
29 April 2000*

Stop Arrests

Aliran wishes to express its profound and grave concern over news reports that the Government of Thailand, and specifically the Governor of Ubon Ratchathani Province, plans to arrest or eject with force the members of the Assembly of the Poor who have gathered in peaceful protest against the adverse effects of Pak Mooi Dam on their livelihood.

We understand that over 1,000 protestors, based at the 7th Baan Mae Mool Man Yuen community may be affected by forcible action on the part of the Thai authorities. Aliran therefore urgently calls

upon the Thai authorities to refrain from using any official or unofficial force to resolve this matter.

Aliran calls upon the Government of Thailand and the Electricity Generating Authority of Thailand (Egat) to respect the legitimate demands of the protesters, and to strive by all peaceful and legal means to enter into sincere dialogue and negotiation with the protesters' representatives in order to find mutually acceptable solutions to the present impasse.

*Dr B T Khoo
Executive Committee
19 May 2000*

Is Mahathir Guilty Of Corruption?

Aliran is shocked to read that Prime Minister Dr Mahathir Mohamad had ordered the former Anti-Corruption Agency head to close his investigation against ex-Economic Planning Unit head Ali Abul Hassan Sulaiman.

This shocking news was disclosed in open court by Shafee Yahya who also revealed that when the ACA raided Ali's office in 1998, they discovered large sums of cash in his drawers which could not be accounted for.

Action to raid Mahathir's "senior officer's office" was apparently taken following "an official complaint by an aggrieved party" and what was undertaken "was officially required of the ACA." Aliran is at a loss to understand why this investigation wasn't allowed to take its natural course.

From the evidence, it would appear that there was an element of corruption involved. If that was

so, shouldn't this investigation have been allowed to unearth this element of corruption and expose the guilty party?

Are we serious in fighting corruption? Mahathir himself had reviled and ranted - and even shed tears - against corruption and money politics. Why then did he abort this investigation?

Anwar Ibrahim was charged and convicted for abusing his position and influence - which constituted corruption - in ordering the police to do his bidding.

How different was Mahathir's alleged conduct from the abuse-of-power charges filed against Anwar? Didn't Mahathir, according to court evidence, use his position and power to order that the case against his "senior officer" be closed - in spite of "an official complaint" and evidence produced by the raid?

Thinking Malaysians would say that Mahathir must also be guilty of corruption.

Aliran will not call the police to investigate Mahathir - it would be an exercise in futility.

Aliran will not ask the Attorney-General to explain this obvious case of double standards because the A-G has absolute discretion, which cannot be challenged.

Aliran however, will bemoan this lack of accountability by the authorities and appeal to the conscience of every thinking, caring and feeling Malaysian to pray for our country.

*P Ramakrishnan
President
14 June 2000*

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Thank you



The Man Hides In Putrajaya

“Justice Mahathir” is Court Shy!

by Martin Jalleh

The man who once said “I am willing to testify” (*The Sun*, 28 October 1999) , comes up with a 14-page affidavit to say that he is unwilling to go to Court!

The man who once complained “The Courts have limited what I can say about Anwar” (NST, 30 September 1999), strongly declines to have his say and day in Court!

The man who once declared “I have incontrovertible proof, that it (the allegation of sodomy) is true...Other people cannot very well get the information I got” (*Straits Times*, 23 September 1998), now declares he has nothing new to add to the case!

The man who once preached that “the law must be allowed to take its course” (NST, 23 April 1999), decides how the law should take its course!

The man who, before audiences in Tokyo, London, and New York, “testified” and “ruled” that Anwar is guilty of sodomy, lacks the cour-

age to do the same in a Court at home!

The man who once told the foreign press that Anwar “tried to overthrow me”, tells the Court through an affidavit, that he never bore any grudge against Anwar or felt his position as the premier or the UMNO president being threatened by his deputy.

The man who has neither time nor tolerance for the judicial process now insists that summoning him as a witness would be “in bad taste and an abuse of the court process.”

The man who wants us to believe that “...in this country, no one is above the law” (NST, 7 September 1999)...” will testify only if given a list of the questions...” (*The Sun*, 28 October 1999).

The man does not at all believe in what he had once so movingly proclaimed (!) — neither does the Court, which eventually ruled that the PM need not testify! q