



for U N I T Y  
**A**liran  
 MONTHLY

PP3739/12/2001

ISSN 0127 - 5127 / RM3.00 / 2001:21(5)



STORM OVER NANYANG



# The Nanyang Takeover Crisis

*Representing or Opposing Community Interests?*

by Dr Francis Loh

**N**ow that its EGM is over, MCA's takeover of Nanyang Press Holdings Bhd is a *fait accompli*. MCA will probably follow the Prime Minister's advice and shed part of its Nanyang shares to some 'strategic partners'. The financial burden of assuming 72% of Nanyang shares alone should persuade MCA's Huaren Holdings Sdn Bhd to do this, and sooner rather than later.

Only 53 per cent of those who voted at the 24 June EGM favoured the takeover. Even so the 'Gang of Eight' led by Lim Ah Lek and Chua Jui Meng have declared that they will accept the EGM's decision. Their road-shows will stop. The party will close ranks. But for how long?

Even if there's no mud-slinging within MCA, there is still a storm of protest in the Chinese community against the Nanyang takeover. The protest will not die so quickly but will probably haunt MCA. Indeed Ling Liong Sik's slim victory suggests MCA is so split that it will only be a matter of time before another round of intra-party feuding occurs with even higher stakes. Then the Nanyang takeover which has united Ling's rivals as never before will gift them with a critical issue at the MCA party elections due next year.



## Perennial Succession Feuds

MCA has had a very fractious past, not always because of substantive differences, but because of fierce contests for top positions (see accompanying box).

Consider the party feud that has festered in recent years between MCA president Dr Ling Liong Sik and his deputy, Lim Ah Lek. Ling's allies include two vice presidents, Ong Ka Ting and Dr Fong Chan Onn, secretary-general Dr Ting Chew Peh, Wanita chief, Dr Ng Yen Yen, and

## The Uproar Over Nanyang

This issue focuses on the MCA's takeover of Nanyang. In the cover story, Francis Loh locates the controversy within the context of the party's perennial factional feuding and the political ferment that has been brewing in recent years.

Of significance is the widespread protest that has erupted from groups and individuals, including pro-BN organisations like the ACCIM.

Most heartening has been the stance taken by the Chinese editors and journalists who have categorically condemned the takeover. Many of the usual columnists and contributors have stopped writing for the Chinese dailies involved.

The takeover of Nanyang confirms a trend of declining press freedom; so what do we make of official plans to set up a media council? Anil Netto, in an accompanying feature, suggests that such a council may end up tightening control over the media rather than promoting media freedom.

The Nanyang issue is also covered in our back cover story by Maznah Mohamad, who reviews the recent UMNO general assembly. She discusses the silence over a missing Daim and asserts that the party leader's personal survival has overridden everything else.

Make sure you read the ongoing series of heart-rending first-person accounts from the families of ISA detainees. Aliran Monthly recently met a few of the courageous wives and women activists at a 'Women against ISA' forum in our office in Penang. Prema Devaraj was on hand to describe the moving accounts that touched the hearts of the audience. Have you written to protest the ISA? If you haven't, make sure you do so now!

**ALIRAN is a Reform Movement dedicated to Justice, Freedom & Solidarity and listed on the roster of the Economic and Social Council of the United Nations. Founded in 1977, Aliran welcomes all Malaysians above 21 to be members. Contact the Hon. Secretary or visit our webpage.**

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Published by  
**Aliran Kesedaran Negara (ALIRAN)**

103, Medan Penaga, 11600 Jelutong,  
Penang, Malaysia.

Tel : (04) 658 5251 Fax : (04) 658 5197

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

Printed by Angkatan Edaran Enterprise Sdn. Bhd. Lot 6, Jalan Tukang 16/4, Seksyen 16, 40000 Shah Alam, Selangor Darul Ehsan.

Penang MCA leader, Dr Sak Cheng Lam. Closely linked to Lim are his protégé, vice-president Chan Kong Choy, and Fu Ah Kiow and others from Pahang.

What is the basis of this dispute? Essentially it involves succession to the party leadership, an issue that goes back to Ling's call to older MCA leaders at the 1998 Annual General Assembly (AGA) to vacate their ministerial appointments and party posts to make way for younger figures. When Lim declined to contest the 1999 general election, it seemed that the two top leaders had reached a 'gentlemen's agreement', which included Chan Kong Choy's replacing Lim as a federal minister.

Two other ministerial positions were then occupied by Ting Chew Peh and vice-president Chua Jui Meng. Ting contested the 1999 general election but was persuaded to step down as minister. Being younger than Ting, Chua didn't think he was due for retirement. Indeed, some said that Chua had cast his eyes on the party presidency.

But when Dr Mahathir reshuffled the cabinet after the November 1999 general election, Ling and Chua were re-appointed as ministers while Ong and Fong replaced Ting and Lim.

Ong's promotion was predictable: he is Ling's former political secretary, his protégé as well as his unannounced successor. Ong has a reputation for being a capable administrator and maintains good rapport with the party rank-and-file, Chinese associations, and the community at large, as

well as with UMNO leaders. However, Lim didn't expect Fong to be MCA's fourth minister.

At MCA's 47th AGA, in June 2000, Ling claimed that his 'hands were tied': there were four vice-presidents but only two vacant ministerial posts. So he considered seniority and popular support in deciding who to promote.

A year earlier, five candidates had vied for the four vice-president's posts. Fong had the highest number of votes, followed by Chua, Ong and Chan. Yap Pian Hon, vice-president since 1990, came last. So, Ling kept Chua and promoted Fong and Ong, evidently in accordance with the general assembly's preference.

But this decision apparently didn't honour the 'gentlemen's agreement' reached between Ling and Lim. Lim had stepped down. However, someone from Ling's team, and not Lim's protégé, had benefited.



### Undemocratic Criteria

Had Ling applied the correct criteria? Was Lim resorting to cronyism?

In fact Lim had followed party tradition. MCA had not, at least not recently, allocated its ministerial posts, or top party posts for that matter, according to the 'more democratic' principles which Ling was apparently upholding.

For example, Yap Pian Hon had polled the highest vote of all the vice-presidents in 1996 and had been a vice-president since 1990. Yet Ling had not recommended Yap for a ministerial appointment – as a delegate to the 47th AGA pointed out.

The intra-party differences developed in a peculiar manner in May 2000 (see AM, 20, 4). Ling suddenly announced his resignation as a minister, ostensibly to allow Chan to replace him: 'He (Chan) was the only vice president without a ministerial position.' In the event, Ling withdrew his resignation after two weeks' 'reflection'.

The feud reared its head again in early 2001. Lim apparently pressured Ling to set a date for the latter's retirement as minister. Simultaneously it was proposed that Chan should be appointed acting deputy president if Lim were to vacate his party position. There was a precedent for this proposal: in 1996 MCA's presidential council had arranged for Lim to succeed Lee Kim Sai as deputy president without contest, while Ting was promised the position of secretary general.

These decisions were subse-

quently endorsed by the MCA central committee and touted as evidence of MCA's 'culture of smooth succession'.

Maybe Lim meant to invoke this 'culture' but it looked as if the proposals only provoked demonstrations and counter-demonstrations. Ongoing Ling-Lim talks were suspended in February 2001 'to avert instability'. At any rate, the Ling-Lim dispute over party succession hardly excited other MCA factions, let alone the wider Chinese community.

### **Anti-Ling Factions Unite**

The Nanyang takeover is a wholly different episode. The controversial takeover has galvanised Lim's faction and other anti-Ling groups into a formidable force.

The 'Gang of Eight' now included Youth leader, Ong Tee Kiat, who was previously political secretary to Lee Kim Sai, Ling's old foe; Yap Pian Hon, the former three-term vice-president whose popularity brought him no ministerial post; deputy Wanita leader, Dr Tan Yee Kew; perennial Ling critic Wong Mook Leong, and others. To everyone's surprise Health Minister Chua Jui Meng, a former Ling associate, joined the 'Gang of Eight'.

The Nanyang takeover had given the anti-Ling group a significant issue to legitimise its challenge. During their road-show, Lim repeatedly declared, 'It is the duty of all party-loving members to ensure that the party leadership listens to the sentiments and voices of members and the Chinese community.' Should the leadership fail to do so, he argued, MCA



would be set on 'a collision course with the Chinese community which might have an adverse effect on the BN'.

Chua Jui Meng argued that politics and business shouldn't mix, that MCA shouldn't become 'MCA Sdn Bhd'. Instead MCA should focus on the political management of the affairs of the nation.

Never mind that MCA is already involved in business, and, through Huaren Holdings, owns 66.34 million shares of Star Publications. Chua was particularly concerned that MCA had 'mortgaged' away its Star Publications shares, and would be saddled with a RM230 million debt to pay for its Nanyang acquisition. Never mind that Chua himself is a trustee of Huaren Management Sdn Bhd. He was worried that such 'a huge debt' would distract the MCA from serving the Chinese community. Never mind Chua's political ambitions.

But all this was heady stuff - no longer a petty fight by gentlemen over an unfulfilled leadership succession agreement. At one of the road-shows, Ling was reminded of the promise he made in 1986 - upon becoming president after the

Tan Koon Swan debacle and deposit-taking co-operative scandals - that he would divorce MCA from business.

### **From Honeymoon To Disillusionment**

In the background is the political ferment within the Chinese Malaysian community. The mid-1990s saw the Chinese community rallying behind Barisan Nasional and Dr Mahathir Mohamad when BN polled 53.2 per cent of the Chinese popular vote in 1995 compared to 41.5 per cent in 1990

These past couple of years, however, rumblings of dissatisfaction have re-emerged.

It's widely believed that the Chinese gave overwhelming support to MCA and Gerakan in the 1999 general election, allowing MCA to win 12 seats and Gerakan 3 out of the 24 Chinese-majority constituencies, and thus helping BN retain its two-thirds parliamentary majority.

Yet, the situation was more complex. In the 6 seats (in the peninsula) having more than 80% Chinese voters, BN only polled 45 per cent of the average popular vote and won just 1 seat while DAP captured 53 per cent of the vote and 5 seats. In fact BN/MCA's share of the Chinese vote in the 24 Chinese majority seats declined slightly between 1995 and 1999.

### **Political Ferment**

Besides, several new groups and coalitions emerged before the 1999 election. The best known of them was the group of 11 organisations

which sponsored the '17-Point Election Appeal', or simply *Suqiu*.

*Suqiu* included typical 'Chinese demands' such as fair and equitable economic policies and multiculturalism as the bases for national unity, the development of Chinese schools and the improvement of Chinese new villages.

But *Suqiu* also wanted to restore constitutional democracy, maintain professionalism in the police force, protect human rights and justice, advance the rights of women, workers and the indigenous peoples, and to provide housing for all. Moreover, *Suqiu* wanted the government to curb corruption, review privatisation policies, protect the environment, repeal the ISA and safeguard press freedom.

Such demands were made in the spirit of *reformasi*.

Thus *Suqiu* created a stir among the Chinese community. Subsequently 2095 (out of an estimated total of 4000) Chinese organisa-

tions endorsed the '17-Point Appeal'.

But it was also evident that the community was split between pro-BN organisations like FECAM and ACCIM (the Federation of Chinese Associations in Malaysia and the Associated Chinese Chambers of Commerce and Industry in Malaysia) and organisations such as *Dong Zong* and *Jiao Zong* who thought it opportune to support a 'two-coalition system' without specifically endorsing Barisan Alternatif.

There was a smaller group of Chinese organisations that supported BA. And although they endorsed the '17-Point Appeal' they separately launched 'The People are the Bosses' declaration.

The implications of these political developments, not widely noticed because of the more dramatic



*The yellow-ribbon protest*

team of Chinese ministers to meet the organisations. He added that 'none of the issues had caused any controversy or were rejected by the Cabinet outright' (*The Star* 23 Sept 1999).

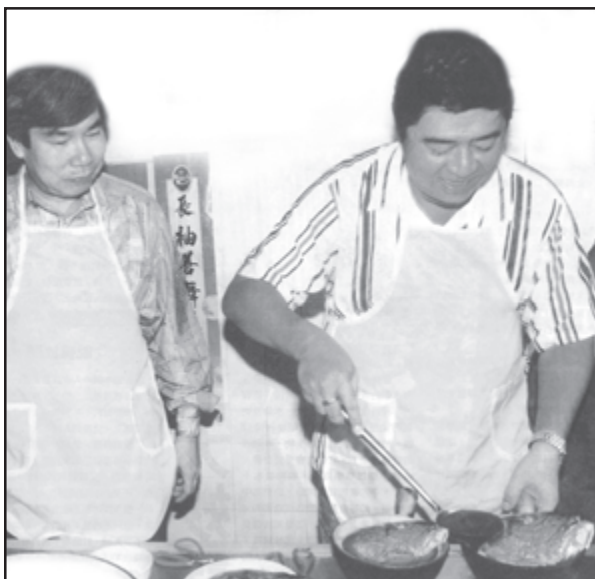
### **Controversies And Disappointments**

Since November 1999 the political ferment has taken on other dimensions.

First, UMNO Youth leaders had alleged in August 2000 that an ACCIM leader, and then *Suqiu*, had questioned Malay special rights. On Merdeka Day, Dr Mahathir even likened *Suqiu* to 'extremists', 'communists of the past', and even the alleged Al-Ma'unah militants. He claimed the Chinese media had 'sowed misconceptions among moderate Chinese'.

In September 2000, Ling lamely attempted to alleviate Chinese anxieties by claiming that the prime minister had not referred to *Suqiu*.

But the Chinese community was incensed that MCA and BN's other 'Chinese parties' which had supported *Suqiu* barely a year ago now sang a different tune. Many regarded Ling's advice - 'Listen



*Fish-head being fried*

to the PM', 'Don't be extreme in your demands', 'The PM's advice is pertinent, mature and borne out of his vast experience in governing the country' (see AM, 20, 7) - to be patronising.

The disillusionment grew when the government insisted on implementing the 'Vision Schools'. Despite BN's repeated assurances that the objective of Vision Schools is to promote interaction and unity among children of different ethnic backgrounds, the vast majority of the Chinese majority were unconvinced that the manner of implementation of the 'Vision Schools' would not change the character of Chinese schools.

Many community leaders criticised the inadequate consultation between the government and the Chinese schools. Some *Jiao Zong* leaders were adamant that the government's assurances would end up like past unfulfilled promises to Chinese schools. They demanded that written clarifications of the Vision School concept be made available for prior and comprehensive discussion. The government refused. At which point the Chinese educationists proposed that the 'Greater Interaction Programme to Promote Unity', agreed by all BN parties in the mid-1980s, but shelved due to the recession then, be implemented instead .

As it turned out, a by-election in Lunas, Kedah, became a testing ground for Chinese voters' discontent over *Suqiu*'s treatment and the Vision Schools. That discontent joined with Malay voters' continuing dissent over the Anwar Ibrahim affair, the government's withdrawal of Trengganu's oil

royalty, and the 'character of our leader, Dr Mahathir' (according to a Johor UMNO leader). The result was BN's stunning defeat in November 2000, which critically lost BN its two-thirds majority in the Kedah State Assembly.

Meanwhile, other controversies have emerged. One important controversy had to do with the relocation of SRJK Damansara (C) Primary School which many parents and students opposed. This issue once again highlighted long unresolved Chinese concerns over the construction and expansion of Chinese primary and secondary schools. Another emotional issue surfaced when approximately 500 Chinese 'top scorers' in the government examinations weren't admitted to public universities.

Consequently the prevalent perception in the Chinese community has it that BN has ignored Chinese requests, not adequately consulted the community, and reneged on electoral promises. Along with that is the assessment that MCA had insufficiently championed the rights of the community.

### Takeover Time

And then came Nanyang.

*Dong Jiao Zong* and FECAM criticised MCA. Surprisingly even ACCIM did so. These three principal Chinese organisations joined hundreds of others to establish CAT (The Committee of Chinese Organisations Against the MCA Takeover of Nanyang Press).

CAT refused to accept that the acquisition was a 'purely business

deal'. CAT declared that, 'It is the responsibility of every party to ensure the independence of the media from partisan control or intervention.' More than that, CAT insisted that, 'The MCA as a member of the ruling coalition, Barisan Nasional, which has accepted *Suqiu* in principle, should not directly or indirectly intervene in media operations.'

The Malaysian Chinese Newspaper Editors Association urged MCA to rescind the sale. In protest, some 90 columnists and contributors to the *Nanyang Siang Pau*, *China Press*, *Sin Chew Jit Poh* and *Guangming* decided to stop writing for the dailies. They condemned the takeover for 'pushing through a scheme that runs counter to democratic principles' and which spelled 'the end of the independence and autonomy of Chinese dailies'.

What was Ling Liong Sik's response? He repeatedly stated that the character and identity of the dailies would not change. He added that MCA would relinquish



"Protect the independence of newspapers"

management of the papers to Star Publications or other 'strategic partners'.

As MCA's EGM split and the continuing protests in the Chinese community show, either the MCA president is naïve or he considers the Chinese community to be naïve. By holding up Star Publications as an example of how MCA would guarantee the acquired newspapers' independence, Ling has in fact confirmed the protesters' worst fears.

### Conclusion

The widespread protest against the takeover among the Chinese community can be located within the context of the political ferment that has been occurring. In part, the ferment is related to the economic uncertainties which characterise the current period. But it is also, no doubt, related to the Anwar factor and the growing disillusionment among Malaysians of all ethnic groups with the BN government and Dr Mahathir's leadership.

This ferment probably involves one half of the Chinese community. Of this one half, only a small group openly identifies with the Barisan Alternatif, while a larger proportion is drawn to the prospect of a two-coalition system, without necessarily endorsing the BA. There are at least two reasons for the ambivalence towards the BA.

First, there is a fear of PAS and its agenda of an Islamic state – a fear that is only partly due to the propaganda of the BN parties. Indeed, the contradictory statements and often unnecessarily

moralistic policies introduced by Pas-led Kelantan and Terengganu have also created alarm - despite Pas' regular assurances that non-Muslims would not be discriminated against and its sincere efforts to reach out to the Chinese community.

Second is the uncertainty over what Pas, indeed the BA, stands for. There is already much anxiety if not criticism of Pas' overly moralistic stance over what are considered personal matters like dress, gambling, the role of women and other cultural issues.

Yet there is little information on its educational, finance, industrialisation and investment policies.

Disillusioned with the BN/MCA, fearful of PAS, and unsure of what the BA stands for, the Chinese community appears to have recoiled inwards to protect its current interests - its schools, its businesses and associations, and of course, its media. It would not be surprising if the Gang of Eight tries to capitalise on the community's uncertainty and disenchantment. □



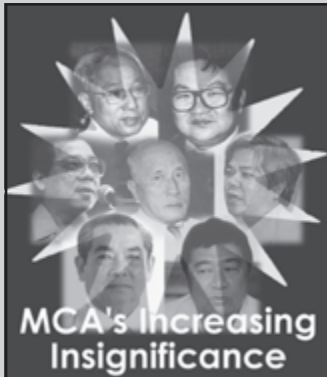
"Bye-bye MCA"

### Quick Off The Block

With the MCA gobbling up two relatively independent Chinese dailies, independent journalists and contributors have turned to the Internet in search of media freedom. Within weeks, several Chinese news-websites have sprouted and chalked up thousands of hits. Check them out.

1. Mytianwang - <http://www.mytianwang.com/>
2. Berita Generasi - <http://www.beritagenerasi.com/>  
<http://www.suaram.org/generasi/>
3. Freedia - <http://www.freedia.f2s.com/>

## MCA's Fractious Past



**I**n the late 1950s, a group of Young Turks led by Dr Lim Chong Eu, Too Joon Hing, Yong Pung How, Tan Suan Kok and Ng Ek Teong allied themselves with H.S. Lee and challenged the party stalwarts comprising Ong Yoke Lin, Tan Siew Sin and the towkay leaders gathered around Tun Tan Cheng Lock, who was in his waning years. By 1959 the party was badly divided and the conflict was only overcome when Lim and his allies departed from the party (to form the United Democratic Party, and subsequently with others, the Parti Gerakan Rakyat Malaysia).

In the mid-1960s, one of the founders of the Youth wing, Sim Mou Yew, also head of the Chinese Schools Teachers Association, led a group of radicals out of the party.

From 1971-73, yet another

group led by Lim Keng Yaik, Alex Lee, Paul Leong, Tan Tiong Hong and T.C. Choong, branded also as the Young Turks for calling for reforms and democratisation of the party were outwitted by the old guard led by Tan Siew Sin, Lee Siok Yew, Kam Woon Wah and Lee San Choon, who controlled the party machinery and maintained close ties with UMNO. These Young Turks then left the party to join Gerakan.

One of them, Michael Chen, who remained behind in the MCA later challenged Lee San Choon for the presidency in 1979. Chen lost but took the matter to Court. Chen too left the party and joined Gerakan.

Between 1983-1985, after Lee had resigned as president, a protracted struggle between acting president Neo Yee Pan and FT chief Tan Koon Swan split the party right down the centre. Neo resorted to expulsions and suspensions of members and even entire branches. Tan filed legal suits and court injunctions. There were allegations of phantom members and phantom voters by both sides and an extraordinary general meeting was called in 1984 wherein Tan's faction emerged victorious. But Tan did not last long as he was prosecuted and jailed over the Pan-El affair. In the wake of this crisis, Ling Liong Sik and Lee Kim Sai, who had allied with

Tan, emerged as the new president and deputy president respectively in 1986.

In 1990 Lee mounted a challenge against Ling. A no holds barred contest was in the offing when it was averted in the eleventh hour. In 1996, Lee was eased out and replaced by Lim Ah Lek as MCA's new deputy president.

This unending series of internal party conflicts, often resulting in expulsions or resignations suggest that there is a lack of democracy in the party. Through the years, the party president has been able to concentrate power. Like the UMNO president, the MCA president is also vested with the power to appoint other party leaders to top posts. This includes the secretary-general, treasurer-general, national organising secretary and his deputy, five other central committee members, the heads of the national-level bureau, and the chairpersons of the 13 state liaison committees. Increasingly, the president only consults the presidential council rather than the central committee or the general assembly even when making very important decisions, as in this case involving the RM230 million takeover of Nanyang Press Holdings Bhd.

F Loh

# An Op-press-ive Council In The Making?

*A Malaysian Media Council may end up stifling press freedom  
by Anil Netto, joint coordinator Charter 2000*

**T**he process of setting up a Malaysian Media Council is already underway. Those of us spearheading Charter 2000, the citizens' media initiative, should be delighted as one of the charter's demands was for the establishment of an independent media council. But instead we are hesitating, maybe even deeply suspicious.

The Malaysian Press Institute has already set up a Working Committee to study the possibility of setting up of a Media Council in Malaysia. This follows a request by the Government that the media, and not the Government, should be involved in the formation of such a body following calls by several parties for the setting up of such a council to tackle issues related to the media.

However, the fact that Prime Minister Mahathir Mohamad was named by the Committee to Protect Journalists as one of the Top Ten Enemies of the Press for the third straight year makes us wonder why his administration would even think of setting up of a media council. Why initiate a media council when Malaysia's record on media freedom is, shall we say, 'well-known' the world over?

Most respected media councils such as the Press Council of India and the Australian Press Council have two main objectives. The first objective is to defend media freedom from attacks especially from the government. Australia, for instance, has a Freedom of Information Act and there is no licensing system as such or any requirement of government approval to launch a newspaper or other press enterprise. For sure, countries like India and Australia have something worth defending.

The second objective of a press council would be to regulate the media to ensure that journalistic ethics are observed. In this, most press councils are empowered to investigate all complaints against the media from aggrieved parties.

## What Is There To Defend?

Why wouldn't such a council be effective in Malaysia? First, there is hardly any media freedom left to defend. With the MCA gobbling up two relatively independent Chinese-language newspapers, Nanyang Siang Pau and China Press (*see cover story*), political control or ownership over the mainstream electronic and print media is now almost complete. Now we hear that laws are being drafted to control journalism over the

Internet.

With oppressive laws such as the Printing Presses and Publications Act, the Official Secrets Act, the Sedition Act, and the Internal Security Act strangling the media, what kind of freedom is there left to defend? Some might argue that human rights groups supported the setting up of the Human Rights Commission of Malaysia (Suhakam) despite the country's oppressive laws, so why can't rights groups extend similar support for a new Malaysian Media Council?

There is a simple difference between the two cases. Suhakam was set up to uphold human rights and not to regulate the work of human rights groups.

In contrast, a Malaysian Media Council would be likely to focus on regulating all media in Malaysia including alternative and opposition media and independent journalism. Given the present climate and context, it is highly unlikely that a Malaysian Media Council would lobby strongly for greater media freedom, one of the two key functions of any press council worth its name. Indeed, a Malaysian Media Council would be likely to pay lip service to media freedom for several reasons.

## **Lop-sided Composition**

First, the composition of the council: if the appointments to the Suhakam are any guide, the proposed media council is likely to be dominated by pro-establishment personalities largely drawn from the major media organisations, most of which are government-controlled, directly or indirectly.

The proposed media council has to include a fair number of representatives from the alternative and opposition media. It is also essential to include independent activists, academics and legal experts to represent the interests of the public.

In Australia, which has a freer press, the press council comprises 21 members, a third of whom are representatives of the public comprising indigenous people's activists, teachers, activist lawyers, academics, legal experts, and social activists.

The respected Press Council of India, on the other hand, has eight non-media people in its 28-member council: three experts in education, science, law, literature and culture and five Members of Parliament. (The chairman of the Indian Press Council, by convention a retired Supreme Court judge, was elected in 1997 as President of the World Association of Press Councils.)

Because the mainstream media in Malaysia is so pro-establishment and shackled, it is all the more important that the proposed media council should have at least half its membership made up of non-media people such as human

rights activists, independent writers and respected media critics, academics and lawyers. These representatives of the public will be able to articulate demands for greater media freedom and provide the impetus for the council, in turn, to demand greater freedom of expression from the government.

But going by the Suhakam experience, this is not likely to happen. The representatives of the public who would be appointed to the Malaysian Press Council would likely be mainly pro-establishment individuals with dismal views on media freedom and there will probably be few critical voices.

### **Sycophantic Attitude**

A second factor that would impede the work of a Malaysian Press Council is the prevailing culture of self-censorship and a misguided notion of "developmental journalism" - a euphemism for being uncritical and not rocking the boat. Many of the prominent personalities in the media have grown used to sycophantic behaviour and indeed many owe their positions to the powers-that-be. This docile culture is likely to be carried over into the Malaysian Media Council and will dictate the direction the council takes i.e. away from greater media freedom.

### **Conflict of Interest**

A third factor that would make it unlikely for the council to call for greater media freedom is the likely potential conflict of interest among its pro-establishment personalities most of whom

would be from the mainstream media. It is in the interest of the mainstream media not to allow independent media room to flourish simply because investigative and critical journalism from any independent publisher/competitor would eat into the market share and profitability of the staid mainstream media organisations. Hence it is likely that pro-establishment council members from the mainstream media will not take kindly to media or journalists that exert even a semblance of independence from pro-establishment reporting.

### **Another Layer Of Control**

Finally, the council itself will likely end up as a second layer of control, as a back up to the overarching punitive threat of oppressive laws already in place. It will likely punish journalists and media organisations that step beyond the narrow boundaries of media freedom already in place.

Procedures for investigating complaints may bypass the usual judicial procedures, and swift punishment could well be imposed on any "culprits" in the eyes of the pro-establishment council members.

For these reasons, Charter 2000 will not participate in the setting up of the proposed media council until such time as the media environment changes and oppressive laws are repealed. Indeed, before a Media Council can be set up, the government will have to demonstrate by word and deed that it is ready to respect and uphold media freedom. q



A record of Aliran's stand on current affairs.

### **World Press Freedom Day: A call for greater media freedom**

To mark World Press Freedom Day 2001, Charter2000, a citizen's media initiative, calls on the Home Minister to heed the call of almost a thousand journalists who have petitioned the government to repeal the Printing Presses and Publications Act (PPPA).

For media freedom to flourish, it is not only the PPPA that needs to be repealed; all other repressive laws such as the Internal Security Act, the University and University Colleges Act, the Sedition Act, and the Official Secrets Act have to be abolished. We reiterate our call for the enactment of a Freedom of Information Act to widen the space for media freedom in the country.

At the same time, we call for the cessation of abuse and manipulation of publicly owned media (such as Radio Television Malaysia) by the ruling coalition. We accountable, in-

dependent publicly owned media with institutionalised safeguards.

We strongly oppose any attempt to further curtail media freedom in the country under the guise of making existing laws "more relevant" to the Information Technology era. Ironically, this ominous recent hint of tighter control comes at a time when various quarters have called for the creation of a media council to enable the media to regulate themselves.

Charter2000 supports in principle the concept of an independent media council. Such a council must be truly independent and similar to those found in countries such as Indonesia, the Philippines and Thailand. The council should reflect the views of a broad spectrum of society and its members should comprise media personnel, government and opposition representatives, human rights workers, lawyers and representatives of the public. The media council should act on all complaints and dis-

putes involving the media, protect the media from interference from those with vested interests, and provide access to marginalised groups.

We are however opposed to setting up a media council when oppressive laws are still in place. Such a council would be a toothless tiger or worse, end up as another official instrument of control over the media. A media council would be meaningless in the current climate when Malaysians, including Internet webmasters, contributors, and columnists, have been detained under the ISA expressing themselves. Charter2000 calls for their immediate and unconditional release.

The government must realise that greater media freedom will not only benefit government critics. greater freedom to report events government too stand to gain in the long run as the credibility of official news agencies and the mainstream media bound to improve. Indeed, if ordinary Malaysians and marginalised groups find that they are able to air critical views in the mainstream media, they will be less likely to resort to street demonstrations and large rallies to express themselves.

Finally, we salute all those journalists, publications, and websites in Malaysia who have not surrendered their conscience and integrity and continue to courageously report the news in these difficult times.

*Anil Netto*  
Joint Coordinator, Charter2000  
2 May 2000

**Visiting ISA Detainees:  
SUHAKAM  
Must Act Urgently**

When it comes to SUHAKAM's attempt to visit the ISA detainees, the police, the media and maybe SUHAKAM itself have not been open with the public.

The police have practically refused to entertain SUHAKAM's request to visit the ISA detainees. That is what it means when the police said that SUHAKAM will be permitted to visit the detainees 'at an appropriate time' to be solely determined by the police.

The mass media have not reported critically on this continued abuse of the civil rights of the ISA detainees. For example, *The Sun* (May 3, 2001) had a bold headline, 'Suhakam gets green light to visit ISA detainees' when the rest of its newsreport was about how meaningless the 'green light' was since the 'date has yet to be specified'.



Even the Chairman of SUHAKAM, Tan Sri Musa Hitam, seemed reluctant to admit to the public that 'green light' doesn't mean 'go' be-

cause the police will only allow SUHAKAM 'to meet with the detainees at an appropriate time'.

Let us state the issue bluntly. By delaying SUHAKAM's visit, the police are dragging their feet and defying an Act of Parliament which empowers SUHAKAM to visit places of detention and detainees. The Act does not leave it to the pleasure of police to determine whether or when SUHAKAM's right can be exercised.

It is completely unreasonable and unacceptable for the police to claim that SUHAKAM still cannot be permitted to visit the detainees 29 days after their arrest.

Let the police answer plainly:

- Why is it still inappropriate for SUHAKAM to visit the detainees?
- How will SUHAKAM's visit interfere with or disrupt the police investigations?
- Are the ISA detainees being interrogated from dawn to dusk without any break for 29 days?
- For how long more do they plan to go on interrogating the detainees at that pace?

Or are the police reluctant to permit SUHAKAM's visit because of other reasons?

On the one hand, senior police officers have proudly said that there is no safer place for the detainees than to be placed in 'the hands of the police'. On the other hand, Datuk Seri Abdullah Ahmad took the un-

precedented step of promising that there will be 'no more black eyes'.

Let us have the truth, the real truth and nothing but the truth:

- Are the detainees safe?
- Have they been assaulted since their detention?
- Have they been tortured under interrogation?
- Have they been brutalised while the police tried to 'turn them over'?

The longer it takes for an independent body to ascertain the truth to these questions, the stronger will be the public suspicion that the ISA detainees cannot be visited and cannot be produced in court because they have in fact been brutalised.

As everyone knows, that has been the experience of former ISA detainees, whose documented evidence is full of instances of harsh and cruel treatment while they were in the hands of the police.

Is this what the police are trying to conceal while they play games over a non-existent 'green light' and an indeterminate 'appropriate time' for SUHAKAM to visit the detainees?

After Dato Seri Anwar Ibrahim received more than a black eye while being placed in the safe hands of the police, no one takes the assurances of the police or politicians at face value. Nor should SUHAKAM.

SUHAKAM must not accept

lame explanations from the police. If the National Human Rights Commission Act and SUHAKAM's mission are to have real meaning, Tan Sri Musa and his fellow Commissioners should firmly assert SUHAKAM's legal rights. They must take their own appropriate steps to visit the ISA detainees. And they should do so urgently and not at the convenience of the police.

*Aliran Executive Committee  
7 May 2001*

**Justice Hishamuddin's  
Order: Present ISA  
Detainees In Court**

Together with Malaysians who support the rule of law, Aliran heartily welcomes the judgment of Justice Datuk Hishamuddin Mohd Yunus who ruled in the Shah Alam High Court on Thursday, 4 May 2001 that ISA detainees must be present in court for hearings on their *habeas corpus* applications. While presiding over the *habeas corpus* applications filed on behalf of Abdul Ghani Harun and N Gobala-krisnan, J. Hishamuddin unequivocally ruled that ISA detainees have both a legal right and a *constitutional* right to be protected under the law.

In ruling so, J. Hishamuddin held - against the grain of recent legal developments in the country - that the constitutional rights of citizens can never be compromised. He upheld the position that the Constitution is the source of all civil and legal rights and must always be zealously respected.

J. Hishamuddin's judgment confirms what the public has long suspected. The police should not be allowed to hide the ISA detainees from the Court's purview. If the police had solid evidence against the detainees in the first place, they would have had no reason to use the ISA.

Malaysians will also welcome J. Hishamuddin's rejection of the prosecution's application for a stay of execution pending an appeal. J. Hishamuddin's insistence on an immediate execution of the court's ruling unambiguously supports the principle that 'Justice delayed is justice denied'.

However, Malaysians who demand justice for the ISA detainees cannot prematurely celebrate J. Hishamuddin's judgment. The police, their political masters and the prosecution will not accept this judgment. They will do whatever they can to have the judgment overturned.

We should not forget that the

prosecution acts on behalf of a police force that has become less and less willing to justify its actions. We should remember that the prosecution works at the behest of a regime that has relentlessly sought to exclude judicial review of ISA cases.

In the past, ISA detainees, including Karpal Singh and Datuk James Wong Kim Min, were freed by the courts only to be re-arrested immediately upon leaving the courts - an all too clear contempt for the court's intervention in favour of helpless ISA detainees.

Hence, while Malaysians have cause to be encouraged by J. Hishamuddin's judgment, they have no reason to let up on their opposition to the ISA. Oppose all injustices committed under ISA until all detainees are freed and this despicable instrument of authoritarian rule is abolished!

*Aliran Executive Committee  
7 May 2001*





So, once more: Who is speaking the truth? Whom to believe?

K Yogasigamany  
Kuala Lumpur

### **Good Governance?**

New information clearly shows that neither the Sungai Kelau dam nor the Sungai Selangor dam is necessary.

SOS Selangor calls on the Government to show accountable governance in the light of this information and urges a moratorium on all dam-building until this can be investigated.

The current water demand is far below the 3,000 million litres of water per day (mld) predicted for 2001. Real water demand in February 2001 was only 2,670 mld.

The difference of 330 mld is sufficient for 590,000 people, roughly a quarter of the population of KL.

This figure shows a growth of 211 mld for Selangor and KL between 1998 and 2001. Forty per cent of this growth was in non-revenue water.

In 1998, the rate of non-revenue water was 39 per cent. According to the JKR's Malaysia Water Industry Report for that year, a total of 36 per cent was due to leakage, leaving three per cent for pilferage, hydrant use and other non-revenue sources.

This year, the total non-revenue water rose to 42 per cent. If non-revenue water had remained constant at 39 per cent, the growth in demand would be 80.1 mld less than it has been.

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.

### **Who Is Speaking The Truth? Whom To Believe?**

People in Malaysia are confused: Who is speaking the truth: Whom to believe? When two persons contradict each other, it is obvious that one is lying. There have been too many of such instances. Let me narrate a few of them.

*Utusan Malaysia* says the Youth leader of the Barisan Alternatif (BA) would go on holding "street demonstrations" to topple the BN government. *Utusan* belongs to UMNO whose president is Prime Minister Dr Mahathir Mohamad, who enters the spree and condemns street demonstration, which he crudely changes to "street violence"! Ezam gets arrested and charged for sedition merely on the strength of the story that appeared in the paper owned by the ruling party. Who is speak-

ing the truth? Whom to believe?

Health Minister Chua Jui Meng goes to the Dewan Rakyat and tells his audience that Dr Thomas Hoogland has only performed about 30 operations; that he has not written any scientific papers; that KL Hospital has all the facilities to perform the operation on Anwar, etc. However, Lim Kit Siang, the DAP Chairman contradicts Chua and says that Dr Hoogland has performed over 8,000 operations; that he has published 22 scientific papers; written four books and that he has spoken at over a hundred conferences.

Now we all know Mahathir is against Anwar going to Germany for the operation. It is not unusual for someone to twist the facts just to please his master. It is an obligation. But Kit Siang is not obliged to Dr Hoogland.

In November 2000, the World Commission on Dams (WCD) published its report. The result of two years work bringing together those in the dam industry and those opposed to it, the study calls for a comprehensive review of the dam-building process.

Dams do not live up to the promises made of them. On average, they cost 56 percent more than anticipated. These cost over-runs are largely due to delays in construction – and the Sungai Selangor dam is already nine months behind schedule.

In general, water supply dams do not live up to expectations. The WCD report states that this is partly due to an over-estimation of demand and an under-estimation of the problems facing the dam, such as siltation. These are issues that have been raised in relation to the Sungai Selangor and Sungai Kelau dams.

In order to prevent the construction of two unneeded dams, causing disruption to the lives of those in the vicinity, and those living downstream, and to save consumers and taxpayers over RM4 billion in dam construction costs, SOS Selangor calls on both the Selangor State Government and the Federal Government to declare a moratorium on all dam-building in the light of this information.

Sam Hui  
SOS Selangor

### **Investigate Phone Call**

The revelation by Justice Datuk Muhammad Kamil Awang in his judgement in the Likas election

petition that he did receive a directive over the phone that the petition should be struck out is a matter of serious concern for the independence of the Malaysian judiciary. The words ‘directive’ and that he was determined “to truly act as a judge and not a ‘yes man’” in the judgement imply that the call must have been from someone superior to him and the judge knew the identity of the caller. It could not possibly have been a crank call.

I have in the past heard of similar directives being given to judges in other cases. This is the first time in recent years that a judge has exposed such interference in the course of a judgement. While the judge’s courage and independence in the matter are highly commendable yet the judge should, in the public interest to promote and protect judicial independence, report the incident and disclose the name of the caller to the competent authorities for full investigations. Similarly, other judges who received similar directives in the past, including those who complied with such directives, should also come forward and disclose the instances to the competent authorities. The Chief Justice himself could initiate such an investigation and thereafter call in the relevant competent authorities, if necessary. Such an initiative will not be seen as an interference in the independence of judges.

Interference in the independence of the judiciary as an institution and/or the independence of individual judges is a serious matter. It undermines the very essence of the rule of law. In some countries the punishment is severe for such interference. In one country the

Constitution provides for loss of public office, if the interference is from a public official.

Principles 1 and 2 of the *UN Basic Principles on the Independence of the Judiciary* provides that:

1. The independence of the judiciary shall be guaranteed by the State enshrined in the Constitution or the laws of the country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary.
2. The judiciary shall decide matters before it impartially, on the basis of facts and in accordance with the law, *without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.* (emphasis added)

Similarly Principle 3(a) of the *Beijing Statement of Principles of the Independence of the Judiciary* in the LAWASIA Region (signed by 34 Chief Justices in the Asia Pacific region including the then Chief Justice of Malaysia, Tun Eusoff Chin) provides that:

The Judiciary shall decide matters before it in accordance with its impartial assessment of the facts and its understanding of the law without improper influences, direct or indirect, from any source.

Principle 6 of the *Beijing Principles* further provides that:

In the decision-making process, *any hierarchical organisation of the Judiciary and any difference in grade or rank shall in no*

*way interfere with the duty of the judge exercising jurisdiction individually or judges acting collectively to pronounce judgement in accordance with article 3(a).* The Judiciary, on its part, individually and collectively, shall exercise its functions in accordance with the Constitution and the law. (emphasis added)

This means that even a Chief Justice cannot interfere in the adjudicative process of a case before individual judges or judges adjudicating collectively in the appellate courts.

In the light of the above principles and to restore the full confidence of the public in the Malaysian judiciary it is imperative that Justice Muhammad Kamil Awang's revelation be fully investigated and the public be informed of the outcome.

*Dato' Param Cumaraswamy  
UN Special Rapporteur*

### **Feedback**

I generally agree with Khoo Boo Teik's article "Mahathir's Faded Vision"(AM 21:2), except for one crucial point. The use of the "restructuring" agenda for concentration of wealth among select groups of Malay businesses was not the only the only negative factor in the NEP exercise and non-Malays should accept that fact. Select groups of Chinese allied either to BN parties or directly to Mahathir and his clique also benefited quite well. So did a small number of Indians. One of the main strengths of the patronage system was to build support among key elements in all races. The general population, and an

increasingly colour-blind one, is now calling them to account.

*Thomas  
via e-mail*

### **Another Landmark Decision**

The decision of the Kota Kinabalu High Court to order the Barisan Nasional leader, Dato Yong Teck Lee, to vacate his Sabah State Assembly seat because he had won it in the 1999 election 'with the help of phantom voters', has great significance for Malaysian politics and Malaysian democracy.

One, it proves that the Parti Bersatu Sabah (PBS) was right along in alleging that immigrants and phantom voters had played a major role in the 1999 state election. The PBS and a number of concerned individuals and groups had conducted detailed, comprehensive investigations into the phenomenon. A book had been published on electoral irregularities in Sabah. Police reports were lodged. The PBS filed a slew of election petitions. Now, the High Court verdict has vindicated the PBS.

Two, the verdict also exposes the Election Commission. It is the responsibility of the Commission to ensure that electoral rolls are clean. The Commission should have weeded out all phantom voters and removed all electoral irregularities — especially since the flaws in the rolls were brought to the attention of the Commission before the 1999 contest. Because of its failure to maintain a clean roll in the Likas constituency, people will not only doubt the competence of the Commission but

also question its integrity.

Three, in his judgement in the Kota Kinabalu High Court yesterday, Justice Muhammad Kamil Awang alluded to "a directive over the phone that these petitions should be struck off without a hearing." This is a grave allegation of tremendous import. It implies interference by outside elements in the judicial decision-making process. Who are these elements? Is it the Executive? Were other quarters trying to pressurise the Judge? Does Justice Kamil's disclosure suggest that it is not unusual for the Judiciary to be subjected to pressure of this sort?

Four, whatever the implications, Justice Kamil has shown that the only way to protect the independence and integrity of the Judiciary is for individual judges "to act without fear or favour." By doing the right thing, by obeying his conscience, yet another Judge has scored a victory for truth and justice. Ten days ago, it was Justice Hishamudin. Today, it is Justice Kamil. As individual judges refuse to flinch from moral principles in the tasks at hand, the people will begin to see the Judiciary as a beacon of hope.

And indeed, it is when individual men and women in the Judiciary, in the Police, in the public services, in the ruling coalition — and dare we hope, in the Cabinet — display courage and honesty in their work that oppression and injustice will be vanquished in this land of ours.

*Dr. Chandra Muzaffar  
Deputy President  
Parti Keadilan Nasional*

## ALIRAN'S ISA WATCH AS AT 30 JUNE 2001:

<b>Detainee</b>	<b>Position/ Organisation</b>	<b>Date Detained</b>	<b>First family visit</b>	<b>Duration without contact</b>	<b>Duration of detention</b>	<b>Current Status</b>
Tian Chua	Vice President, keADILan	10 April	23 May	43 days	81 days	Sent to KDC 2 June
Mohd Ezam Mohd Noor	Head, KeADILan Youth	10 April	8 May	28 days	81 days	Sent to KDC 2 June
Haji Saari Sungib	Former President, JIM	10 April	5 May	25 days	81 days	Sent to KDC 2 June
Hishamuddin Rais	Media columnist and Social Activist	10 April	24 May	44 days	81 days	Sent to KDC 2 June
N. Gobalakrishnan	Secretary General, KeADILan Youth	10 April	27 May	47 days	50 days	Freed by High Court 30 May
Raja Petra	Director, Free Anwar Campaign	11 April	3 May	22 days	52 days	Released by police 2 June
Abdul Ghani Haroon	Central Committee Member, KeADILan Youth	11 April	27 May	46 days	49 days	Freed by High Court 30 May
Dr Badrul Amin Baharom	KeADILan Youth leader	20 April	4 May	14 days	71 days	Sent to KDC 13 June
Lokman Nor Adam	Executive Secretary KeADILan Youth	24 April	8 May	14 days	67 days	Sent to KDC 13 June
Badaruddin Ismail	Suaram activist	26 April	25 May	29 days	41 days	Released by police 5 June

KDC - Kamunting Detention Centre in Taiping, Perak



**An Exemplar?**

‘At a time when people in other multi-racial countries are still clawing at each other, Malaysians have already advanced’ said Dr Mahathir.

‘The diversity in the races making up Malaysia can give the country a competitive edge over others in the globalisation era’, Ling Liong Sik remarked.

‘The ISA, far from detracting from efforts to strengthen national unity had contributed much to making the country what it is today’, added Pak Lah.

The occasion was a conference held in mid-May to showcase Malaysia as an exemplar of inter-ethnic relations. Many would dispute Pak Lah’s rationalization for the need of the ISA. But Dr M and Ling are right. There prevails ethnic harmony in Malaysia. And our multi-ethnic make-up could work to our advantage.

What about *intra-ethnic* ties ?

Well there’s also some improvement on this score. MIC factions do not resort to fisticuffs and throw chairs at one another anymore. But the struggle between Ling and the ‘Gang of 8’, and the widespread protest against the MCA’s takeover of Nanyang, suggests that there’s lots of room for improvement. What about the on-again, off-again Malay unity talks between UMNO and Pas ? Indeed, what is one to make of Dr M’s comment - ‘We are not at war with one another’ - when asked about his relations with Daim after the latter’s resignation from the cabinet ?

Q Q Q Q Q

***Kuch Kuch Hota-hai***

For you non-Hindi speakers, that means ‘something is happening’. Yes, something is happening in the PPP. It used to be said that the PPP, one of the smallest BN parties, got more media coverage than many of its bigger BN partners. But it was not the sort of publicity that would make Malaysia an exemplar of inter- or intra-ethnic rela-

tions. For it appeared that the chair-throwers had moved from the MIC to PPP. Subsequently the party’s leaders matured: they began to take their quarrels to the courts instead.

Then came Kayveas. He introduced a whole new approach in getting the PPP into the press. By all accounts he gave the MIC president a good fight in toadyism.

Before you could say *kuch kuch hota-hai* Kayeas was appointed senator and then deputy minister. The PM must have recognized his potential.

And now the PPP has acquired a plot of land in a proposed Bandar Universiti, in Seri Iskandar (near Tronoh), and announced plans to launch its own university. This is no Bollywood joke. Why, Kayeas has also given notice, presumably to the warring BN parties, that he intends to ask for 8 parliamentary and 18 state seats in the next election. Either PPP imagines that it is the party- exemplar, or, this is the latest approach that Kayeas has dreamed up on how to maintain steady media coverage for himself.

Q Q Q Q Q

**An Academic Exercise**

Imagine, ‘there are some RM40 million worth of unsold books authored by local academics collecting dust in the DBP’. That’s Pak Lah speaking.

The deputy PM was commenting on Education Minister Musa Mohamad’s remark that Malaysian academics were publishing too few books compared

to their foreign counterparts. 'If there's no market for their books, how can you expect them to keep writing?'

*Freedom Under Executive Power in Malaysia*, written by Rais Yatim is not one of these DBP books. It is too scathing a criticism of the executive and the DBP would not have published it. Lim Kit Siang has decried Rais' book as 'the most powerful denunciation of the ISA'.

Asked to comment, Rais said: 'I don't stand by what is studied academically'. The book 'was merely an academic exercise'.

If all authors were like Rais, it is small wonder why Malaysians do not wish to read, let alone buy academic books. On the other hand, if Rais does not stand by his book which he spent so many years researching and writing, where does he stand? One wonders how this born-again UMNO leader, who as Semangat 46 deputy leader condemned Dr M unceasingly, can now wax eloquent about the same person? Maybe Rais is simply communicating that he's being propped.

Q Q Q Q Q

### Send In The Clones

'Follow the leader' is not just child's play. In politics it can be a most tiresome game to play if you're not the leader. In fact if the leader is 'No. 1' and you're 'No. 2', the game could get rough. Rules can change halfway in the game and leave you resigned to your fate. Horses can be changed midstream so

that you'd have to retire. Once annointed, you can be twice disappointed, if not worse. If you don't follow the leader closely enough, you can be damned. If you follow too closely?

Let's see now. Once when No. 1 was asked, 'What kind of a person can best be your annointed successor, he, with no trace of irony, replied, 'Someone like me'. Since then reporters and party members and investors and everyone else have been worried about succession problems. Since many Malaysians feel snubbed if they think the universe isn't paying attention to their problems, you could say the whole world has been asking, 'Is there someone like him?'

Be Insecure No More. End your search. Follow me.

When an ex-No. 2 was bashed up in prison, No. 1 was not disturbed by the famous 'black eye'. But 'maybe it was self-inflicted', No. 1 infamously hinted. Too bad, this historical statement had to be erased because there was an Inflict-er who was himself No. 1 in the police force during the material time. (Latest, though, the convicted Inflict-er was out on good behaviour, an interesting reason for keeping him in jail for a shorter period than ISA detainees who hadn't inflicted anything on anyone ... except perhaps a defeat in a small town called Lunas).

Then came No. 2's turn. A High Court judge announced that a 'mystery caller' had telephoned to direct him to strike out an election petition. Election petitions involv-

ing phantom voters can be ghastly affairs. Houses can be strangely inhabited by non-resident permanent residents. Fully loaded outstation buses can actually arrive on time. This time, No. 1 kept quiet. He'd learned when not to sing a tune such as 'The Call Was Self-dialled'. Safer to stick with the old favourite, 'My Way'.

But No. 2's singing lessons were just under way. So he sang, 'The Call Was a Hoax'. Tough luck, dodo. There was a Call-guy and he was not a Crank. He was then No. 1 in the judiciary.

Question: Why does 'follow the leader' end in a joke? Answer: Because everyone wants to be his own boss, every boss wants his own man, and every man wants his own clone ... so every clone becomes a clown.

Q Q Q Q Q

### Labouring Under A Misconception

Women teachers in Malaysia have been cautioned recently by the Education Ministry to plan their pregnancies so that their precious deliveries could be executed during school holidays. This is, the ministry argued, to avoid interruption to the teaching schedule in schools concerned. While the ministry could be commended for having risen to the occasion, one is however left astounded as to how such a marching order could be made to things that involve human chemistry, mood, biological reaction, and above all, luvvv. Even a coitus interruptus could throw the spanner in the works.

# Straight From The Heart

*Women activists and wives of ISA detainees move audience with heart-rending experiences*

by Dr Prema Devaraj



**Y**ou could have heard a pin drop as each woman made her presentation. Such was the atmosphere at a recent fraternity talk in ALIRAN. The topic was *Women Against the ISA*. We were privileged to have Rohana Ariffin, Irene Xavier, Roslijah Syed (wife of Abdul Ghani Haroon) and Vasanthi Ramalingam (wife of N Gopalakrishnan) as our speakers for the night. The room was packed and time flew. The speakers were informative, their delivery moving and at times hilarious, each in her own way.

## Women In The Struggle For Justice

The evening began with Dr Rohana Ariffin (a long standing PRM member, social activist and academic) giving a brief history of the role women have played in the struggle for justice and democracy in Malaysia. Some of her research material on women in the strug-

gle came from the Public Records Office in London. Rohana introduced us to past women activists, some of whom were involved in the trade unions and labour movement, others in the anti-colonial movement and later on those who were advocates on education for women. We were lucky to see some statistics on the detentions during the Emergency years. What was particularly interesting was that between 1951 and 1953, 17-22% of those detained under the Emergency Ordinance were women.

## A Woman Detained Under the ISA

Next we heard from an ex-ISA woman detainee, Irene Xavier, social activist, president of Sahabat Wanita. Irene had come from Kuala Lumpur for this session. She was detained in 1987 and spent almost a year in the Kamunting Detention Centre. She gave the audience a frank descrip-

tion of what happens to a person when they are arrested. Many in the audience were shocked and appalled. She explained that the ISA is basically used to silence dissent. She added that it has been used not just against communists (for whom it was initially meant) but also against individuals such as opposition leaders, academics, religious leaders, social activists and environmentalists. She said that the ISA violates the basic rights of a person, and contradicts the constitution. "There are no real charges, the police just quote the Act when they arrest someone under the ISA". In addition the judicial review process initially in the Act has been removed. A person is presumed guilty with no recourse to defend herself. "The Home Minister and the police will never be called to account for the arrest." There are no checks and balances and a detainee is at the whims and fancies of her interrogators. She spoke of her own experience of being beaten and verbally abused



# Everything For The Truth!

*He has sacrificed his job and the family's comfort in the struggle to uphold truth.*

**I** am Zumrah bt Husni, wife of Ustaz Dr Badrul Amin, a former Assistant Professor in the Law Faculty of the International Islamic University (UIA), Gombak, for 16 years.

Badrul was detained on 20 April 2001 at 2 am under the ISA on the grounds that he was a threat to national security.

I had anticipated his arrest because, a week earlier, my mother's house in Sabak Bernam was raided by several plainclothes police personnel who were looking for him.

Before I was allowed to meet him on 4 May, all sorts of questions played through my mind. I was especially concerned over his safety and health as I had heard terrible things from former detainees about their ISA experiences.

On 28 May, I was allowed to meet him again. He was unable to tell me anything except that he was in good condition. I understood his situation though it made me feel somewhat under pressure.

## Bound For Kamunting

He was sent to the Kamunting Detention Centre in the middle of



the night of 13 June. His *habeas corpus* case was supposed to have been heard the next morning, Thursday, 14 June at the Shah Alam High Court. I was informed of this by lawyer Sivarasa that morning.

Sure, I was disappointed as I was not informed about his transfer beforehand. At 2.30 pm, an officer on duty at the Kamunting Detention Centre informed me that Badrul was already there and had arrived at 3.00 am. It was only at 3.30 pm that I received a call from a police officer informing me that he had been sent to Kamunting.

What was more disappointing was that the five reasons given for sending him to Kamunting had no connection whatsoever with the allegations hurled by the Inspector General of Police and the local media. They had no evidence

to prove any offence.

Ustaz Dr Badrul Amin is well known in Malaysia. Throughout his involvement in missionary work, he was involved in many programmes directly and indirectly. He is a community activist who exhorts believers and the community to do good. His missionary approach was very effective especially among students, teenagers and the youth. What's more, he was facilitator for youth and teenage programmes under the auspices of the Youth and Sports Ministry, then headed by Tan Sri Muhyidin Yasin.

Throughout the 16 years of our marriage, he has never complained about his work. He has displayed firm commitment to the Islamic call to prevent sin and to uphold the truth.

## Anwar's Sacking

Dato' Seri Anwar Ibrahim's sacking changed everything. Badrul, who had completed a BA in Shariah at the Al-Azhar University, an MA in Comparative Law at Kent University, England, and a PhD in Islamic Constitutional Law at Birmingham University, was so disappointed with our legal system that he left his comfortable UIA job to go down to the ground. Explaining the truth about an Islamic legal system was very important to him.

I have never regretted the path he has taken. As he has said, he couldn't remain quiet as he knew the law and did not want his conscience to be pricked. I am proud of his stand.

Although he was busy with programmes throughout the country, he has never neglected his duty as a caring and patient husband and father. The little time he had was used to interact with the children and to help me with household chores. He never hesitated to share his thoughts with anyone because, in principle, he felt obliged to impart knowledge to the ignorant.

He has sacrificed his job and the family's comfort in the struggle to uphold truth. I am confident he will be resilient and strong in facing these trying moments. With support from family and friends and prayers from everyone, I believe what has happened is a trial from Allah for us to continue struggling with faith and obedience to His will.

Salam Reformasi  
Abolish the ISA ❏

## Judge Mohd Hishamudin Bin Mohd Yunus' Judgment Shah Alam High Court, 30 May 2001

### EXCERPTS

The great English Judge, the Hon. Lord Denning, in his first Hamlyn Lectures called Personal Freedom spoke of the writ of Habeas Corpus. This is what he said:

*The law says that no man is to be imprisoned except by judgment of the King's courts or whilst awaiting trial by them. This freedom is safeguarded by the famous writ in England, the writ of habeas corpus. Whenever any man in England is detained against his will, not by sentence of the King's courts, but by anyone else, then he or anyone on his behalf is entitled to apply to any of the judges of the High Court to determine whether his detention is lawful or not. The court will then, by this writ, command the gaoler or whoever is detaining him, to bring him before the court; and, unless the detention is shown to be lawful, the court will at once set him free.*

❏ ❏ ❏ ❏ ❏

The Court is not interested in detailed information (least of all confidential or secret information), nor is the Court, at this initial stage, interested in whatever evidence the arresting

officer has; but the Court has to know the basic particulars of what the applicant is alleged to have done and considering the phrase "prejudicial to the security of Malaysia" is too general or vague in nature (so also are the phrases "prejudicial to the maintenance of essential services of Malaysia" and "prejudicial to the economic life of Malaysia"), the arresting officer must, in his affidavit, furnish, not necessarily detailed particulars, but some reasonable amount of particulars not only for the purpose of satisfying the Court that he has some basis for the arrest but also to be fair to the detainee - to enable the detainee, who believes that he is innocent, to defend himself.

- he shall not be detained for more than twenty-four hours except with the authority of a police officer of or above the rank of Inspector;
- he shall not be detained for more than forty-eight hours except with the authority of a police officer of or above the rank of Assistant Superintendent.

## Tian Chua Writes

*Despite being isolated, I can feel the momentum and dynamism of your mobilisation.*

**M**y sincere thanks to all of your efforts and hard work since our arrest - a move that surprises me as I cannot understand why the ISA was necessary to prevent the April 14 peaceful assembly.

The bombs, rocket launchers story was of course a lie, which I suppose the IGP himself does not believe. The arrests reflect the insecurity of the regime. The response both domestic and international shows that the ISA can no longer reinforce the culture of fear.

The four of us had been hurried to Kamunting camp on June 2 and the detention order was read out to us at about 6pm. At 8.30pm, we were transported to the camp (arrived at 11.55pm). To date, we still wonder why such a rush, was it due to the habeas corpus of Gobi and Ghani?

Anyway, we are slowly settling down in the camp. Currently, Ezam and Saari share a dorm, Hisham and I another - the two blocks are next to each other. It was the same place where Kit Siang, Mat Sabu and others stayed during 'Ops Lalang'. The atmosphere here is generally quite relaxed compared to our 50-odd days of interrogation.

We are trying to get some rest and are recovering from the Special

Branch sessions. Since the four of us had no opportunity to communicate during the 50-odd days, we have a lot of catching up to do. We are able to receive certain books; reading, exercise and talking take up much of our time.

Communication with the outside is still limited. It has been difficult to keep ourselves updated with the news. My two-month detention had been totally free of newspapers, TV or radio. I am slowly getting used to this sense of "detachment" from the world.

However, in my quiet and lonely nights, I have thought of a lot of things to say to all of you. I really miss you all. As the ISA rules permits me one letter in and one letter out each week and all correspondence would be going through the censor, I apologise for not being able to write to every individual or organisation.

Please do not worry, I am fine and cheerful as usual. Nonetheless, I really miss everybody and do not know how to express my love and appreciation to you all. Your continuous campaign has kept us in high spirits and we are confident that the injustices would come to an end soon. We will just have to wait patiently for our freedom - not us alone but the whole of Malaysia.



With a bit more hard work, we might make this the last batch of ISA detainees. However, we must not forget the campaign against the ISA.

Don't let the energy die down even if we are released. The struggle has to be sustained for larger reforms. Despite being isolated, I can feel the momentum and dynamism of your mobilisation. I also feel guilty for not being able to contribute more.

Well done and take care! With lots of love and solidarity. ☺

Source: *Malaysiakini*, 15 June 2001

Tian Chua was arrested on 10 April 2001. He was held incommunicado for 43 days before being allowed his first family visit on 23 May. He began a 2-year detention at Kamunting Detention Centre on 2 June.

# A Test Of Faith

*They think they are inconveniencing us, but it is no burden.*

by Aliza Jaffar



**“F**ree our beloved father. The ISA has oppressed our father.” Those were the words my children had scrawled on a poster and pasted on a wall at home. These words expressed the hopes and sentiments of my children following my husband Saari Sungib’s detention on 10 April 2001. They didn’t cry this time, perhaps because it was the second time he had been detained under the ISA.

The first time was on 12 October 1998. At that time I was in critical condition at the Universiti Kebangsaan Malaysia Hospital in Cheras due to complications in my pregnancy. I was seven months’ pregnant with my 7th child. My children and I have published a book recounting our experience as an ISA detainee’s family titled “Repeal the ISA. Abolish Oppression: An outpouring of the heart from the family of a former ISA detainee, the president of JIM (Jemaah Islah Malaysia).”

## In Shock

After my husband was detained on 10 April 2001, I was in a state of shock and my friends quickly rallied at our home or telephoned me. This brought me some comfort. But the next day, when the Inspector General of Police made a press statement that seemed like



mere slander, I felt very disgruntled and outraged. From that moment, whatever trust I had in the police rapidly vanished.

How could I not feel that way? I know my husband well. I have lived with him for 23 years. He is not someone who will do anything to jeopardise the nation or the people’s security. What he has done all this while is to uphold justice and to struggle to put an end to oppression in Malaysia. When the IGP’s statement was splashed in the newspapers, I felt so sure that the ISA was being manipulated in the political interest of certain people.

Because of that, the wives and families of the other nine detainees and I were not shaken in our faith nor were we afraid. We fully support the Abolish ISA Movement and the struggle against oppression. The ISA must be re-

pealed so that other citizens will not be shackled by oppression and cruelty.

The ISA has tormented us, separated me from my husband and the children from their father, but we should be resilient. I was forced to become both father and mother. I had to manage all family matters and take care of the children by myself. The initial 60-day detention period was filled with much anxiety. My children and I kept waiting, wondering when we could meet my husband. The passing days made us sleepless and we also suffered loss of appetite. At last, on the 26th day, we were contacted by the police, who told us that I (together with my children) could meet my husband at the Police Contingent Headquarters (IPK) in Kuala Lumpur on 5 May 2001.

The one-hour reunion was precious although we were observed by two police personnel. We didn’t bother about them because it was our right to meet him. He is not guilty. They don’t have any evidence to convict him. My husband must be freed.

On the 54th day, under confusing circumstances, my husband and three of his colleagues were rushed to Kamunting on the instruction of the Home Affairs



*Our children will demand accountability for the injustice inflicted on their father*

Minister. It was only after they had been sent there that the police telephoned to inform me. I was shocked but I had to meet my husband to ascertain the detention and to seek clarification.

### **A Test of Faith**

The first meeting at the Kamunting Detention Centre was very heart-rending for us. We had missed him terribly. My husband informed me that he would be held there for two years. My heart was shattered, thinking of such a prolonged separation. All the same, we saw it as a trial from Allah to test our faith. We decided to deal with it positively and pledged to work hard to free him and his colleagues as soon as possible, apart from praying unceasingly so that Allah will protect us from the treachery of those who are oppressive and malicious.

It has been three weeks since my husband and his friends were moved to Kamunting on 2 June. He shares a room with Ezam who, since the ISA arrests, has become like 'family' to us. They can discuss and exchange experiences and aspirations. They have not given up hope at all; neither have their spirits sunk although their

freedom as human beings has been snatched from them. Their supporters and the people should not be afraid; we should use what freedom we have to reclaim justice and dignity as an independent citizenry

While in Kamunting, my husband will do a PhD programme in Strategic Management from the University of Malaya. Hopefully, he will succeed. Apart from reading books and studying Tafsir Al-Qur'an, he is also revising what he has learnt before of the Arabic language.

The days seem to be passing very quickly now. We wait eagerly for our visits to him in Kamunting. Although the separation is agonising, it has strengthened our love for each other. They think all this will wear us out but it has not been a burden at all. The journey to Kamunting does not seem very far. It is hard to describe. Only someone who has undergone this experience will know. Such is the power of Allah, the all-knowing.

Apart from our weekly family visits, we can also write to him. Every week, I write at least two letters and my children also send news to their father. Their friends at

school and friends of my husband's and mine also write to him. To mark Father's Day on 17 June, my children mailed him a card.

My husband is actually always at our side - not physically, but his words, his smile, his jokes, his hopes continue to echo in our hearts. He is never far from our thoughts. My love for him is undiminished because he is my beloved husband. My loyalty to him remains undivided no matter what happens. I will continue to struggle to bring him back to us.

### **No Secrets**

He is a respected leader. As president of JIM (an Islamic NGO) for nearly 10 years, he has contributed a lot especially in human resources development, which he carried out through JIM HRD and Akademi Islah (reforms) Malaysia, sponsored by JIM. Missionary work was one of his firm commitments. He was also the founder of the Al-Amin Islamic primary and secondary school, the most well-known private Islamic school in Kuala Lumpur. He is now the Chairman of the Board of Management of the Al-Amin School.

After his term of office as JIM president ended, he was active in keADILan and acted according to the provisions of the party constitution. There were no secret meetings as alleged in the grounds for the Kamunting detention orders. Our home address was used for correspondence. Media statements were issued to explain forthcoming activities. Posters and circulars clearly stated that the programmes involved peaceful assembly. Should such above-board efforts in a nation that practises democracy and freedom of

expression be curbed though the use of the ISA and detention without trial?

He is a beloved and respected father to the children. Our eldest child, Anfal, 21, has finished studying and is now my companion and helper. My second child, 'Urwah, 19, is in Year 3 at UTM along with younger sibling, Muthanna, 17, who is just entering the same university. Both are taking the same course, that is, Computer Science. The fourth child, Zilal is in Form Four and the fifth, Marwah, is in Form Two. The sixth, Muhallab, is in Standard Six and will be taking the UPSR examinations soon. We also have an adopted child, Qurratu 'Ain, who is in Form Two. Our seventh is two-and-a-half years old. We do a lot of things together, whether it is playing, recreation, holidaying, mountain-climbing, camping or organising community programmes.

How can anyone with so much resolve to do good for the country be accused of jeopardising the nation, be denied trial and the opportunity to defend himself, be separated from his family and the community? How detrimental for the country that the ISA is still manipulated to serve the interests of certain quarters. Our children will demand accountability for the injustice inflicted on their father because they are the generation that will continue our struggle; they are the next generation of leaders, the hope for our nation's future. □

*Saari Sungib was detained on 10 April 2001 and sent to the Kamunting Detention Centre on 2 June. He received his first family visit on 5 May after being incommunicado for 25 days.*

## What Is Justice All About?

Aliran is deeply disappointed by the Federal Court's ruling that detainees under the Internal Security Act (ISA) do not have a constitutional right to be present in court for their habeas corpus proceedings.

We fail to understand how the mere presence of the two ISA detainees, N Gobalakrishnan and Abdul Ghani Haroon, would have affected their habeas corpus application or the outcome of the case.

Would their presence in court have in any way aborted the prosecution's case or interfered with the court's proceedings? There is not even an iota of evidence to suggest this.

Why is the government fighting tooth and nail to keep the detainees away from public view? Why are they ignoring and denying the Human Rights Commission's (SUHAKAM) right of access to the detainees? Is there something that has to be hidden?

The entire episode encourages a lot of speculation and creates unnecessary suspicion. Producing the detainees in court would have dispelled all these uncertainties.

An overwhelming majority of Malaysians who remain sceptical that the detainees are safe and sound had looked forward expectantly to the court, hoping that natural justice would prevail over legal technicalities. The Federal Court's decision has dashed their hopes.

We remain deeply concerned about the detainees' physical and mental well-being. Many Malaysians are not prepared to accept the authorities' assurances that the detainees have not suffered either physically or mentally.

The only hope now lies in SUHAKAM's ability in discharging their statutory duty and asserting their statutory powers to visit the detainees and to assure the public that they have not been harmed.

We call upon Suhakam chairman Tan Sri Musa Hitam and his Commissioners to appear at Bukit Aman and demand access to the detainees. With his stature and eminence, would the police dare to turn him away?

*Aliran Executive Committee  
16 May 2001*

# Our Prayers Have Been Answered

*Together, we must now stand up to oppose the ISA*  
by Roslijah S Syed



**A**s I write this (on 13 June), my husband, Abdul Ghani Haroon, has returned to me and our children for about two weeks. This article should have been written earlier, but I was unable to do so due to my health problems and frequent commuting to and from Kuala Lumpur to fulfil my responsibility as a wife whose husband had been detained under the ISA, his whereabouts unknown.

Nevertheless, as a Muslim, I give thanks to Allah as, through his power, my husband and Gobala have been freed by Justice Datuk

Hishamuddin Yunus. It was also a most special birthday present for me, even if I received it 10 days too early.

Being reunited with my husband didn't come easily. I had to face many obstacles. All kinds of problems arose. I was always anxious and afraid. My health was affected. But I am thankful because I was able to face these obstacles one by one, calmly and patiently.

## My World Came Crashing Down

Truly, 11 April 2001 was a day I will never forget - a day that really tested my inner strength and resolve. I felt my world crashing down when my husband was detained. The police should have informed me that my husband had been detained under the ISA. But they failed to do so. I got the news from my husband's friend in Sarawak, whom I knew only as Rudy. Rudy was with Ghani when he was arrested at the Kuching airport.

That day, I telephoned Rudy every half an hour because only he knew then what had happened to my husband. However when Rudy returned to the police station with the lawyers, they were told that Ghani was not there. I felt then that only God knew where he was. How frightened I felt.

However, when I recalled my husband's message to me about an hour before he was detained, I immediately felt that I could pluck up the courage to rise above this setback. He told me to look after the children well, to be resilient and patient in facing these trials. He was ready to face all risks, including the risk of detention under the harsh ISA.

To me, the allegations made against my husband and the others were baseless concoctions. Where were the molotov cocktails, grenade launchers and whatnot? It was all slander.

My husband is someone

highly responsible. After 15 years of marriage, I know his character and behaviour. He even displays compassion towards insects! How can he even think of hurting people and destroying the country we cherish?

They are persecuting the wrong people. These are heroes, people who are willing to lay down their lives in the struggle for justice and truth. I feel really proud to have a husband like him. Truly, God is all-powerful. The truth was revealed when my husband was freed by Datuk Hishamuddin Yunus. I take this opportunity to express my profound thanks to him.

### **Missing Their father**

When my husband was detained, the children too were downcast. What was the reason for his detention, they wanted to know. They cried when they found out that their father had been detained for (allegedly) possessing explosive devices that could jeopardise national security.

I provided a convincing explanation to the children. I told them it was all untrue and that they themselves knew their father better than that. Our children are forbidden from playing with firecrackers and fireworks on Hari Raya because their fa-

ther insists that the fireworks are dangerous. Would he then be capable of using bombs and other explosives? I also explained to the children that their father was a hero who was willing to make sacrifices for their future. Be proud of your father, I told them.

The next problem I faced was when they asked when they could meet their father. By then, 30 days had passed. I had run out of good excuses to give them. My children wailed that they wanted to meet their father. What I did was give them photographs of my husband.

What else could I do? Everytime we tried calling Bukit Aman, I got a standard reply. I was told to be patient and wait. Like the other wives, I communicated with DSP Joon and DSP Phillip. At one point, I was too discouraged to phone the two of them anymore.

What happened to Vasanthi (Gobala's wife) on 8 May also happened to me. Both of us were waiting to meet the ones we were pining for. But we were disappointed. I remained patient even though the tears flowed when I saw my children crying when told they could not meet their father.

After being patient for 45 days, on the 46th day (27th

May), my family and I were allowed to meet Ghani. But before we could see him, there were more obstacles. The van we were travelling in broke down (at Bukit Berapit). God only knows the state of panic I was in then. With my brother's help, I caught a taxi from Taiping to Kuala Lumpur.

At about 4.45 pm, we reached our destination. All the pining and anxiety vanished after we met the person whom we all had missed dreadfully. The conversation centred on family matters and the children. Throughout the reunion, which lasted 1½ hours, we were under surveillance by police officers.

Truly, the ISA is a cruel and oppressive law. It had so cruelly separated us. We did not even know the whereabouts of the one we loved.

One incident I shall not forget involved my youngest son, Abdul Rahman Danial. After I had said my prayers, my little child started praying too. The prayer that came out of the mouth of this small child still makes my tears flow to this day. Thankfully, the prayers of the children, my mother, our relatives and friends, and my own prayers have been answered by God.

Although the risk remains, the experience my family and

I went through has made us more courageous and not afraid of uncertainty and threats. Instead, we as a family will rise to struggle for justice. That is our promise.

Another moving experience is that the bonds of friendship which the wives of the detainees have forged among ourselves have given me renewed spirit, courage, and self-confidence. With their support, I too am brave enough to come forward on stage to inform others of what has happened. To everyone, I say be aware of this harsh law. Today, it happened to my friends and me. Tomorrow, who knows?

Let us together pray that our other friends will be freed quickly. They are not traitors but heroes who desire justice and truth. This law has been used to intimidate us. So let us together struggle to repeal the ISA. If I, a homemaker, can stand up to oppose this Act, why not you? Stand up and be counted. q

Ghani was freed by the High Court on 30 May 2001 after 49 days in detention. Three days earlier, he was allowed a family visit after being incommunicado for 46 days.

# ALIRAN

*On the roster of the Economic and Social Council of the United Nations*

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6 June 2001

Datuk Abdullah Ahmad Badawi  
Menteri Dalam Negeri  
Aras 13, Block D1, Parcel D  
Pusat Pentadbiran Kerajaan Persekutuan  
65202 Putrajaya

YB Datuk Abdullah Badawi

## **RELEASE ALL ISA DETAINEES**

We deplore your recent order that has condemned four Malaysians (three from Parti KeADILan Nasional and another activist) to two years incarceration in Kamunting. Their detention under the ISA is a despicable and disgraceful act without any justification.

We are particularly disappointed that you have chosen to ignore Justice Hishamuddin's recent judgment which described the arrest as *mala fide*, thereby questioning the legality of the arrest and his call for Parliamentary review of the ISA.

The use of ISA, which violates the constitutional rights of citizens and has led to widespread maltreatment of uncharged and unconvicted citizens, is immoral, cruel and uncivilized. The ISA is repugnant to any notion of justice and runs contrary to standards and conceptions of human rights as recognized by all major religions practiced in Malaysia.

Accordingly, Aliran condemns the latest and continued use of ISA to silence lawful dissent and stifle honest criticism. Together with other concerned organizations and individuals in this country, Aliran demands the following:

1. The BN government should immediately release all ISA detainees.
2. Alternatively, the Barisan government should immediately produce all detainees in Court and charge them under specific laws of the country.
3. The Barisan government should not use the ISA to re-arrest any detainee who is freed by any Court in the country.

**RELEASE ALL ISA DETAINEES! ABOLISH ISA!**



Aliran Executive Committee

# Our Struggle Is Sacred

*There can be no victory without sacrifice*

*Interview with Badaruddin Ismail, better known as Pak Din*



## **When and where were you detained?**

I was arrested at about 8.50 am on 26 April 2001 at a stall in Medan Selera, Taman Melawati, Kuala Lumpur while having my morning tea.

## **Who arrested you and how did they arrest you?**

I was arrested by ASP Ibrahim Omar, who was not in uniform then. He asked me my name, I confirmed it and he then told me I was being arrested under Section 73 (1) of the Internal Security Act, saying:

- a. I (ASP) believe there are grounds to detain you (Pak Din) under Section 8 of the ISA (1960) and
- b. I (ASP) believe you (Pak Din):
  - i. have acted in a manner prejudicial to the security of Malaysia.
  - ii. will act in a manner prejudi-

cial to the security of Malaysia  
iii. may act in a manner prejudicial to the security of Malaysia

## **How did they take you away and where were you taken to?**

I was ordered to follow them to a Proton Wira without being handcuffed. I was handcuffed after entering the car. I was then taken to the Jalan Travers police station in Bangsar, Kuala Lumpur.

## **What happened after that?**

At the Jalan Travers police station, they formally recorded my arrest. From there, I was taken to an unknown place. My spectacles were taken away and I was instructed to wear dark glasses that made it impossible for me to see anything

## **How far was it from the Jalan Travers police station to the place of detention and how long did the journey take?**

The journey took 30-40 minutes.

## **Can you describe what happened after that?**

I was given a detention number and my name was not used again after that. I was also given a pail, a blanket, two mugs, a small water bucket, a toothbrush, toothpaste, bath soap, washing soap, and two pairs of blue uniform. I was then taken

to a detention cell.

## **How big was the cell?**

It was 8 feet wide, 9 feet long and 12 feet high.

## **What was in the cell?**

There was a plywood platform for sleeping on that was 2½ feet wide and 6 feet long. Besides that, there was a bathroom measuring 2½ feet by 3 feet with a wall of about 2½ feet high.

## **What about windows and the temperature in the detention cell?**

The window was about 6 inches by 9 inches and food was passed in through it. It was warm in the cell, enough to make one perspire between 6 pm and 9 pm.

## **Could you tell day from night?**

I could, because the light would enter the room through a thick glass pane fixed to the highest wall.

## **What about medical treatment?**

Medical treatment was given every Friday. The check-up included body weight and blood pressure. Other medicine was given on request.

## **Were the meals given to you satisfactory?**

The meals were satisfactory and on time.

**Did your weight increase or decrease during detention?**

During the first week, my weight dropped by 3 kg, the second week by half a kilo and after that it remained unchanged until I was released. All in, I lost 3½ kg.

**How many interrogation officers were there and did they introduce themselves?**

Altogether, there were six people, and they did not introduce themselves nor were they in uniform.

**When did they carry out the interrogation and for how long?**

They began the interrogation from the second day. It was carried out daily during the daytime (office hours) for 3-6 hours.

**Did they torture you physically?**

They didn't torture me physically.

**What about mental torture?**

Solitary confinement and the heavy restriction on my freedom is equivalent to mental torture. Separation from my loved ones and isolation from the community, to me, constituted mental torture. The condition and the mere fact of my detention was enough to cause great tension in my being. Still, I tried to calm myself to face each day.

**How long were you detained under the ISA?**

I was detained for 40 days, 5 hours and 10 minutes.

**What are your feelings about your ISA arrest and detention?**

My sixth sense told me that I would be released by them (police) as they had no evidence to detain me. Still, I was distressed by the arrest because our struggle is not directed at bringing about anything detrimental to the people of Malaysia. Our struggle is to uphold our rights as Malaysian citizens, rights that are guaranteed by the Constitution.

**Do you feel any sense of regret over your detention?**

I have no regrets about my detention under the ISA because my detention has given true meaning to the struggle for justice and truth.

**Will you continue your work in opposing human rights abuses?**

I will continue this struggle as long as I am able-bodied and I will continue to urge everyone to take on the issue of human rights violations as our common problem.

**What advice or appeal would you give to the public?**

I appeal to those who love truth and justice to oppose human rights abuses and make a sacrifice (even risk being arrested by the authorities) to continue the struggle.

The main hindrance is that our immediate family (mother, father, wife, children and siblings) will try to discourage us from continuing the struggle. To the families of our freedom fighters, I urge: allow them to continue the struggle and give them your full support. This struggle is a sacred struggle to uphold our rights in a democratic nation. It is in the interest of humanity. What is the point of being an independent nation when our rights as human beings are violated?

In parting, I would like to say "there can be no victory without sacrifice." ☐

*Pak Din was released by the police on 5 June 2001 after 41 days in detention. He was held incommunicado for 29 days before being allowed his first family visit on 25 May. Pak Din is one of the secretariat members of Suaram and was previously detained on 24 October 1998 for seven days. On that occasion he was severely beaten up and had to receive eight stitches on the right of his forehead.*

**Section 73(1) of the Internal Security Act**  
Any police officer may without warrant arrest and detain pending enquiries any person in respect of whom he has reason to believe:-  
a) that there are grounds which would justify his detention under Section 8, and  
b) that he has acted or is about to act or is likely to act in any manner prejudicial to the security of Malaysia or any part thereof or to the economic life thereof.

ning trust from the Malays. Even their own propagandists in the *NST* (20 June, 2001) have run out of good spins and resolved to headlines such as, "UMNO General Assembly: Same Old Boring Rhetoric As UMNO Comes Under Siege".

No wonder. UMNO's General Assembly is really an overrated theatrical performance, in its umpteenth run and was never meant to mirror the party's state of being. Things have to be read between the lines. The real issues that demand to be uncovered lurk beneath the surface. In fact the most nagging issues — Mahathir's future, Daim's absence and the MCA-UMNO business deals were abandoned for silent resignation.

UMNO has changed from being a party that was once smug in its sense of mission to one which is directionless. It is true that UMNO has undergone a transformation. New dynamics are evolving that are making the question of survival — what, whose and how — an important one to reconsider.

### Many Explosive Issues

The meeting should have been an explosive one given the outstanding issues — Daim's



*Guffawing leaders*

rift with the Prime Minister and his exit as UMNO's previously unassailable exchequer; the continued haunting of Anwar's imprisonment and ill-health; the arbitrary and opaque measures used to pinpoint perpetrators of internal party corruption; the much rumoured divide between the Mahathir and the Abdullah Badawi camps, the complete abandonment of competitive rules for intra-party advancement, UMNO's shaky business foundation and the escalation of rivalries, petty and substantial, all around.

Instead, true to expectation, all tensions were kept under wraps and mock conviviality was displayed among guffawing leaders on stage (a favourite and recurrent photo distraction in Malaysian newspapers).

### Doublespeak

The first thing to read between the lines: Speeches

were a classic case of words not matching deeds, or perfect examples of unabashed doublespeak.

Abdullah Badawi's speech was very distinct from Mahathir's, in that the former tried to incorporate the rhetoric of democracy in persuading UMNO members to change, while the latter was blunt and dismissed any need for reforms. The UMNO Youth and Wanita Heads appeared amenable for a modicum of reforms to happen.

In truth they were all Janus-faced. While Abdullah claimed that the movement must now be more concerned about "human rights, democracy, justice, transparency and strong judiciary" he was non-ambivalent about the ISA. When asked if the ISA should be repealed, the answer was an uncompromising "No".

The head of UMNO Youth,

Hishamuddin Hussein was less clear about what new directions he intended the movement to pursue. But as a whole the movement has not veered from its image as vanguard of Malay chauvinistic interests as in the passing of a resolution to reject outright all of *Suqiu's* demands. Is that being realistic for winning a broad-based support when PAS has gone all out to address many of the concerns of the *Suqiu*?

As for Wanita UMNO, its chief, Rafidah Aziz, stressed the point till she was blue that there was no rivalry whatsoever between the movement and the upstarts of Puteri UMNO. This denial failed to reveal hints that the chief was flustered because Puteri UMNO had really been stealing Wanita's thunder.

There were sophomoric quarrels over the veracity of membership figures (Wanita UMNO says Puteri UMNO will only get 20,000 members; Puteri UMNO says that it hopes to surprise the party ). There were multiple refrains uttered about working towards capturing the next election. But the speakers have kept Malaysian women in the dark as to what they intend to do to benefit them.

**Personal Survival  
Overtakes  
Party Survival**

Jollity, passion and tears aside

it is hard to ignore the sense that what is paramount within UMNO is not so much about securing its future electoral win, than about the personal survival of its leader.

UMNO's interest in winning future elections happen to be in conflict with the interest of a leader obsessed with exacting control over the party. In such a conflict, personal leadership survival will easily overwhelm the party's first concern.

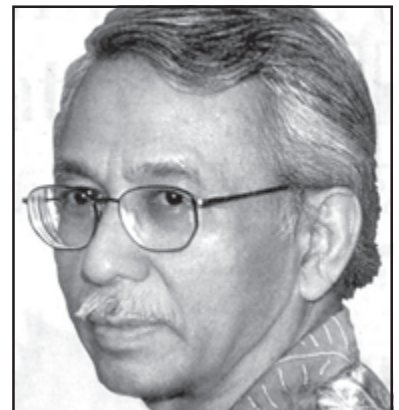
What is feared most by the leader in this situation is the emergence of intra-party challengers. The rhetoric spewed out during the proceedings was actually meant to distract the ordinary observer into believing that the party was making preparation to "re-popularise" itself for the next election. But the real answer to the party's survival may never lie with an election four years away but with what is festering within it now.

The central leadership fear of displacement has caused it to use numerous pre-emptive tactics to stave off potential challengers. In the last general assembly (2000), the Supreme Council dictated that the post of president and vice-president be not contested. And just days before the recent meeting Abdullah Badawi suggested that the next party elections be post-

poned until after the 2004 national election. Some of these "pre-emptives" are even laughable ones, such as the call for all members to be obedient to the party president!

**The Estranged  
Marriage of Politics  
and Business**

But apart from what was badly said at the meeting, it was what was not said that is the more telling indicator of the party's ill health. Why was the Daim issue totally avoided in the gathering?



*The Daim issue: totally avoided*

The truth is that Dr Mahathir cannot afford to overemphasize the split. About a year ago, the popular and hard-hitting *FreeMalaysia* website refuted that there could ever be a split between the dynamic duo because, "The ties are so strong, in fact, that breaking them could risk destroying both men...A true conflict between the two could be nothing less than mutually assured destruction... Malaysia's Butch and

Sundance will go down, someday, but chances are they'll go down together."

The economic pie is getting smaller and the division of spoils is becoming harder to apportion. Overstretched public coffers and an angry citizenry have made it difficult to salvage all crony companies without inviting public backlash. Daim's deft manoeuvring to prop up the economy may have enriched a select few but Mahathir suffers the flak of a disenchanted investor and business class, who are all also competing for government favours. But, as the website suggests, if the two are "thick as thieves" how can they bear to incriminate one another?

But this "split" may be the real mirror to the future of UMNO. Does it spell the imminent end to the marriage of politics (symbolized by Mahathir) and business (symbolized by Daim)?

It is most unlikely, because the survival of UMNO (even in its shell) must still depend on its well-placed agents to control corporations, generate patronage and bankroll elections. Can Daim be replaced by an equally adroit cash conjurer? The name of Tengku Razaleigh Hamzah is frequently noted through the rumour mill, but some factions within the party are

bound to balk at this thought. On the other hand, if Daim is indispensable to UMNO's survival will he be persuaded by others to realign himself and enter into new alliances?

### **Nanyang Siang Pau, MCA and UMNO**

One other controversial issue, though seemingly separable from the interests of UMNO, is the fiasco over MCA's takeover of *Nanyang Siang Pau*. The UMNO General Assembly has been almost oblivious to this controversy.

Although this fight is made out to be an intra-Chinese issue, there is an UMNO connection. The fight among UMNO, Hume and the MCA goes a long way back to 1989 when MCA was in deep financial trouble with its Multi-Purpose Holdings:

*To its mounting indignation and alarm, an attempt is being made to buy out its vast business interests. The would-be buyer is Mr Quek Leng Chan, a Malaysian Chinese whose business ambitions appear to outweigh any political sentiments he may have. He has made a bid worth M\$1.1 billion (\$420m) for Multi-Purpose Holdings, the investment arm of the Malaysian Chinese Association.... The MCA is resentful of Mr Quek's tummy*

*punch at this time.... It suspects that the bid is a plot to undermine the party. It claims that Mr Quek is in league with the United Malays National Organisation, UMNO... (The Economist, May 20, 1989).*

Later, in 1991, UMNO successfully acquired a controlling stake in Nanyang Press, through the Renong Group:

*Hume Industries, one of Hong Leong's four listed flagship companies, said on 28 February that it had acquired for M\$113 million (US\$41.9 million) a 45% stake in Nanyang Press, the parent company of the Chinese-language daily Nanyang Siang Pau.... The acquisition, which will be funded by the issue of 18.62 million new Hume shares, draws Nanyang into Umno's orbit for the first time. Jaguh Mutiara, a wholly owned unit of Renong's Fleet Group, has a 23.8% interest in Hume.... Analysts say the move is the latest in a series designed to tie Hong Leong more closely to Renong, the main investment arm of Mahathir's United Malays National Organisation (Umno). (Far Eastern Economic Review, March 14, 1991).*

### **Does UMNO Still Have Influence Over Nanyang?**

Now if UMNO had controlled *Nanyang Siang Pau*, through its stake in Hume,



why has the MCA now been allowed to take over Nanyang?

And if Hume and Nanyang were once linked to UMNO, why did Mahathir reveal that “Nanyang has been against us. It has been highlighting the extremists’ views such as Suqiu’s during the Lunas by-election,”? (Malaysiakini, 22 June 2001).

Who, within UMNO, was involved with Nanyang? And why were the stories in the newspaper now unfavourable to Mahathir?

When Nanyang gave bad press to Mahathir, who could have allowed this to happen? Was there a “not-so-hidden” hand somewhere that was working towards Mahathir’s and his backers’ downfall?

The Chinese angst over the MCA’s takeover of Nanyang might be a little misdirected, and UMNO’s silence is peculiarly strange. Nanyang Siang Pau was never an independent paper. In fact in 1991, it was MCA who fumed over the Hong Leong-UMNO deal when the takeover happened:

*The MCA’s opposition is said to reflect a prevailing fear in Malaysia’s ethnic Chinese community that UMNO is mobilising its huge resources to seize control of the country’s independent Chinese businesses. Critics say UMNO found a willing partner for such efforts in Hong Leong, despite the ethnic Chinese background of its company’s owners. (Far Eastern Economic Review, March 14, 1991).*

The question to ask is why is Hong Leong chief, Quek Leng Chan, who has been linked to UMNO leaders, letting go of Nanyang? Remember that it was Mahathir who relented and allowed Hong Leong to remain as an anchor bank, against Daim’s original bank merger proposal? So what is happening here? Is the Hong Leong boss returning a favour by relinquishing Nanyang?

Another question to ask – is Mahathir “rewarding” the MCA by patching up old sores over the Multi-Purpose takeover? Whatever it is, there is a lot of *quid pro quo* horse-trading deals going on here among the political business elite of various ethnic groups.

In short, there is also a conywar going on. We certainly do not want to get caught in the crossfire or be drawn into the mayhem as pawns.

### Whose Future?

Given the mounting acrimony within UMNO it is indeed premature for the party to strategise for the next election. Leaders and their cronies console themselves that the reward for keeping the “marriage” intact, despite the strains, would be a future electoral victory.

And therefore, nobody will use formal meetings such as the General Assembly as the battleground to iron out differences, debate controversial issues, pose probing questions or use the rules of democracy to reprimand leaders and even oust them by the process of collective, transparent and open deliberation.

Meanwhile, things continue to boil under the surface and by now we are tempted to conclude that it is the leader rather than the party that is winning the battle for survival. q

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### Letter To The Prime Minister

21 Jun 2001

*Assalamualaikum warahamatullahi wabarakatuh*

Yang Amat Berhormat Dato' Seri,

We, the undersigned, are the wives and family members of the above-mentioned detainees currently being detained at Kamunting under the Internal Security Act.

The detention of the above-mentioned detainees was made without any formal criminal charge or trial in an open court. This is an inhumane act that violates their fundamental rights.

The above-mentioned detainees are responsible individuals who uphold the principle of democracy in this beloved Malaysia of ours.

They are neither common criminals nor enemies of the state. They are, in fact, citizens committed towards safeguarding the nation's wealth against transgressions and acts of bribery.

They are also our husbands and loving fathers to our children.

Separating them from us and from our young children who are still in great need of their love is truly a cruel and inhumane act.

Our husbands are peace-loving people who struggle to uphold the principles enshrined in Malaysia's declaration of independence, which guarantees that this nation will continue to be a democratic nation based on the principles of freedom and justice.

Does fighting to uphold these noble principles constitute a crime

or threaten national security?

Malaysia has now entered the twenty-first century but why is our country still practising laws that were inherited from our one-time colonial masters and detaining its citizen without trial?

We, the family members of the above-mentioned detainees, have no doubts whatsoever that our loved ones have acted nobly and constitutionally, and that they did not violate any laws. Their detention is criminal and unjust.

We, therefore, appeal to Dato Seri that our loved ones be immediately and unconditionally released and be allowed to return to their families, or, if the government has any proof of their violating any laws, then charge them in court.

Signed by:

Puan Bahirah Tajul Aris  
(Mohd Ezam Mohd Nor's wife)

En. Jalaluddin Manaf  
(Hishamuddin Rais' uncle)

Puan Aliza Jaffar  
(Saari Sungib's wife)

Puan Zumrah Husni  
(Dr. Badrul Amin Bahron's wife)

Mabel Au  
(Tian Chua's fiance)

Puan Noor Farahin Ahmad  
(Lokman Noor Adam's wife)

# Mahathir's Future, Daim And The MCA:

*UMNO avoids crucial issues like the plague*  
by Maznah Mohamad

**A**t its recent General Assembly, UMNO members may have been barking up the wrong tree. They were consumed by the ambition of a 2004 national election victory when their own intra-party election was in disarray. Dr Mahathir continued to talk down to the Malays, implicating that they are lazy, amnesiac, woolly and ungrateful, when it is their support UMNO is trying to regain.

UMNO would have done better if it had turned inwards to scrutinize what was wrong with its own internal disorganization and odd style of leadership. Dr Mahathir's negative name-calling is a queer way of win-



*Who will survive? the leader (above)?  
... or the party (below)?*



Continued on page 34