

## The changing faces of politics and repression in Malaysia

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### Introduction

This paper formed the basis of an addresses to students and academics in Cambridge, London (LSE & SOAS), Manchester, Oxford and Warwick Universities, during Syed Husin's seven day 'lecture tour' in the first two weeks of May 2000. It traces the cause and effects of the sacking of Anwar Ibrahim, former DPM of Malaysia and Deputy President of UMNO. It shows how the main democratic institutions such as the judiciary, media and police have been undermined. It also traces how the government coalition (BN) was returned to power, with more than two-thirds parliamentary majority, by using methods that were neither fair nor clean. But despite its major victory, the BN has grown more repressive. In fact, the face of repression has changed recently. The writer offers some reasons why.

### Causes of Mahathir–Anwar conflict

It may be asserted that the economic crises that began in Thailand in July 1997, and quickly spread to many countries in Asia, are a major factor in changing the face of Malaysian politics. Prime Minister Dr Mahathir Mohamad blamed foreign financial speculators as the primary cause of this crisis. In order to get maximum political support from the majority Malay/Muslim population within the country, he directed his blame on one George Soros, pointing out that he is not only an American but also of Jewish origin.

While Mahathir put his blame mainly on external factors, Anwar Ibrahim, his Deputy Prime Minister, was, on the other hand, subtly pointing out that the main cause was actually internal, namely the deteriorating situation of

corruption, cronyism and nepotism within the country, and especially at top leadership level. This undermined competitive capitalism. Perhaps the combination of both internal and external factors was responsible. A country weakened by a long accumulating process of corruption, cronyism and nepotism can easily be attacked by a virus from outside which takes the form of financial speculation. Of course there can be other explanations or analyses that can be offered as the cause of the crisis, such as the effect of overproduction and so forth. But they appeared to be irrelevant to the context of the Mahathir–Anwar conflict. Undoubtedly it was Mahathir's and Anwar's opposing assertions that finally influenced the political development that subsequently took place.

Anwar's quite indirect attack and blame on Mahathir, initially generated the PM's suspicion that Anwar was mounting an attempt to oust him. Mahathir seemed to have concluded that his suspicion was confirmed when Anwar's accusations were repeated, especially by Zahid Hamidi, the UMNO Youth leader considered to be Anwar's protégé, during his opening speech at the youth meeting, a day before the UMNO General Assembly in June 1998.

It so happened that, in Indonesia, the reform movement (*reformasi*) was beginning to heap allegations on President Suharto for perpetrating corruption, cronyism and collusion in Indonesia. Although Mahathir had always been a close ally of Suharto, he abhorred being likened to him. Furthermore, under Suharto, Indonesia had decided to accept the IMF prescriptions and conditional loans for solving the problems of her financial crisis. On the other hand, Mahathir was vehemently

against the IMF. Consistent with his claim to patriotism, he rejected the IMF, which he branded and accused, quite correctly too, as being a tool of US neo-imperialism.

On 2 September 1998, Mahathir removed Anwar as his deputy. The next day he was sacked as Deputy President and member of UMNO. The impression given for Anwar's removal from office was that he was pro-IMF and in favour of IMF prescriptions for overcoming the then financial difficulties of Malaysia. Not long before this, the Governor of *Bank Negara* (Central Bank), who was considered to be Anwar's handpicked protégé, was forced into retirement. After that a National Economic Action Committee (NEAC) was formed with Daim Zainuddin as its CEO. This move was seen as an attempt to undermine Anwar's position. Daim, very close to Mahathir, but considered a rival of Anwar, had been an ex-Finance Minister before and he was reappointed to the same position after Anwar was removed. Just a day before Anwar's removal, the government announced its own recipe, without the help of IMF, for economic recovery. It included, among other things, capital controls, pegging RM3.8 to an American dollar and reducing the interest rate that had been raised earlier by Anwar. The decrease in interest and the stabilizing of the ringgit through pegging were welcome moves, especially among (mainly Chinese) businessmen.

On the other hand, other reasons, which had nothing to do with finance or economics, were given for the decision of the UMNO Supreme Council that met on the same day, to sack Anwar. On the night he ceased to be DPM and the following day, before he was sacked from UMNO, the media went to town with the allegations that Anwar was involved in all types of sexual misdemeanour. These included sodomy and sexual affairs with several women, including the wife of his private secretary. It is interesting to note that not long before Anwar was removed, two chief editors of mainstream Malay newspapers, together with the head of programmes for a private television channel, were forced into early retirement. All three were considered close to Anwar.

The allegations against Anwar were based on an affidavit produced by the police against Nalakaruppan, a tennis partner of Anwar, who had been earlier arrested for alleged possession of 150 live bullets, which could carry a mandatory death sentence. Nalakaruppan was accused, by insinuation and without any proof, that he was actually a procurer of women for Anwar. This affidavit, which was prepared by the police, was already available to the media, even before it was submitted to court. Despite the fact that it was made public even before the trial, the Attorney General did not make any effort to find out those responsible or to bring them to book. The scandal that created headlines in all the media was used as a reason for the sacking Anwar. Mahathir emphasized later that he would not have a sexually misbehaving person as his successor.

#### **The root cause: question of succession**

The two allegations raised against Anwar, relating to his views on plans for economic recovery and his allegedly scandalous sexual pursuits did not appear to be real reason behind his removal and sacking. These appeared to be mere excuses. The economic reason would not go down well among the people, because they would not be able to make sense out of them. On the other hand, sexual misbehaviour has been found to be quite common among some government leaders, but they were not punished for their amorous activities. But to be practising sodomy in addition to having affairs with another person's wife, especially by one who has always been regarded as religious, would be most scandalous. Sodomy particularly, is something looked down most despicably in Islam and Malay culture. So, it was certainly the best allegation to make to completely destroy Anwar politically. However, as it turned out, this did not succeed. Instead most Malays did not believe these allegations and tended to take pity on Anwar as a victim of lies (*fitnah*).

Perhaps, the real reason behind Mahathir's swift and crushing action on Anwar was the question of succession. Nearly ten years be-

fore, Mahathir underwent heart bypass surgery and there were rumours that he was then not in the best of health. Some people around Mahathir, and as close to him as his children and cronies, were very worried about who would succeed in case anything suddenly happened to him. They had become very wealthy because of their closeness to the Prime Minister and also thanks to the government policy to help create big Malay capitalists. The most powerful of these people is Daim, because of his control over wealth and over these capitalists, who had grown almost under his wings. This small group of wealthy cronies was concerned about Anwar becoming the successor for two reasons. First, Anwar himself had around him a coterie of ambitious young people who wanted to take the place of Mahathir's cronies. Naturally, they were considered to be a threat by Daim and company. Secondly, they were afraid that Anwar was capable of taking action against them, for corruption or mismanagement, if not for other more noble reason, at least to weaken them to make way for those regarded as Anwar's own cronies. To save their own position they had to act fast. One way was to remove Anwar from power. This was what subsequently happened.

### **The people's reactions**

Anwar expected to be arrested, but this did not happen so soon. It gave him the opportunity to protest and make his stand known. Every night he addressed big crowds that gathered outside his house. Then he ventured out to give speeches to huge gatherings all over the country. The police and certainly Mahathir were growing more restless. On 20 September there was an immense rally – some estimated it to be 100 000 strong – that was addressed by Anwar. Later, there was the allegation by the authorities that there was an attempt to burn down the PM's residence, which of course was not true. On the same night, troops in balaclava suits broke into Anwar's home and arrested him. Originally he was arrested under section 377 of the Criminal Act in relation to his alleged sexual acts. But a day later it was announced that he

was detained under the ISA (Internal Security Act). He was produced in court the following week with a black right eye. He claimed to have been beaten up by the police. As subsequent investigations proved, the man responsible for it was none other than the Inspector General of Police (IGP). He beat up Anwar, almost fatally, on the night he was arrested, and who was blindfolded and with his hands tied behind his back. Being arrested under a criminal act, it was necessary to produce him in court within 24 hours for remand. But because he was badly battered, this had to be postponed. Thus he had to be detained under the ISA, which allows for detention without trial. But there was public clamour for Anwar to be produced in court. However, Mahathir said Anwar could not be produced because the demonstrations would interfere with the trial.

There was uproar and anger when Anwar was detained under the ISA. These increased when a number of his followers were also roped in under the same draconian law. There were two immediate reactions to these arrests. First, GAGASAN (Coalition of People's Democracy), which was first mooted by PRM (Malaysian People's Party) and formed in November 1997, decided to hold its official inaugural meeting on 27 September 1998. It comprised all opposition parties and a number of NGOs, who met initially to discuss and coordinate joint political actions in response to the economic crisis. The meeting was scheduled to be held in the Federal Hotel, but the police forced the hotel not to allow the use of its hall. Anyhow, a press conference was held to inaugurate it. GAGASAN committed itself to the struggle for democracy as its main platform. Secondly, PAS (Pan-Malaysian Islamic Party) called a meeting on 22 September of all opposition parties and some NGOs to make a common stand on the ISA and the arrests. It was decided to form GERAK (Movement for People's Justice Council), dedicated to fighting for justice for all those detained under the ISA. Five days later, a huge rally was held in the night, at the PAS headquarters in the outskirts of Kuala Lumpur, as the first of a series of such protest rallies held all over the country.

With all the local and foreign pressures brought to bear, the government finally decided to produce Anwar in court on 29 September. To enable this to happen, his detention under the ISA had to be revoked. When he appeared in court, with his famous black eye, to be charged under the same criminal law, public anger increased. But Anwar was not allowed to be set free on bail. To add fire to fury, in response to a statement by Anwar's wife, the IGP was reported in the media, a few days after beating up Anwar, as saying that he was 'safe and sound'. Ironically, Mahathir claimed that Anwar's injury could have been self-inflicted. He repeated this claim several times inside and outside the country. Anger gave vent to street demonstrations that were held almost daily by the *reformasi* people, to clamour for the release of all detainees and for Mahathir to step down. The police often dispersed these demonstrations, which were essentially peaceful assemblies, by using canes, water cannons and brute force. Large numbers of demonstrators were arrested and remanded, and there were many stories of the police beating up some detainees while in prison. This further eroded public confidence in the police force as well as the Prime Minister.

### **Fight for justice and democracy**

There was also disenchantment with the major governing party, UMNO. Thousands of people, many of them UMNO members who had abandoned the party, joined opposition parties, especially PAS. Meanwhile, ADIL was formed as an NGO, under the leadership of Anwar's wife Dr Wan Azizah, mainly to provide an organizational platform for the *reformasi* movement, and perhaps also to check the flow into PAS. Soon ADIL was expanded and transformed into a political party. It was launched in a very spirited and enthusiastic way, with thousands of people attending, at the Renaissance Hotel on 4 April 1999. The new party, known as the National Justice Party (or keADILan) was formed with Wan Azizah as President. Ten days later, after a trial lasting about seven months, Anwar was sentenced to six years imprisonment. He was actually tried for corruption, i.e. using his

power to influence the police to act in his favour, and not for his alleged sexual activities. The time he had to spend in jail during the trial was not taken into account. Although Anwar appealed, he was still denied bail and immediately imprisoned.

Soon there were rumours that PM Mahathir was going to call a snap election. Unlike in some other countries, in Malaysia there is no requirement for long notice given for a general election. The PM always keeps the date close to his chest, and when he finds the most opportune time, he springs a surprise. From past experiences, elections are held in less than three weeks after the PM announces the dissolution of Parliament. Usually, only nine days are allowed for campaigning, that is, between nomination and Election Day. In expectation of early elections the four opposition parties, namely, keADILan (Justice Party), PAS (Islamic Party), PRM (People's Party) and the DAP (Democratic Action Party) met to discuss the possibility of forming an opposition front. On 24 April, a meeting was held, chaired by keADILan's Wan Azizah, to form a Council for the four parties. This council was made up of two senior leaders representing each party, the President and Secretary General or Deputy President.

There was not much difficulty in cobbling together this opposition coalition. They had already been working together earlier in GAGASAN and GERAK. It is interesting to note that the opposition coalition, which was later named the Barisan Alternatif (Alternative Front or BA) was truly multi-ethnic in membership. This was the first time that PAS and DAP agreed to come under a common umbrella, together with the other parties. In an earlier exercise, for the 1990 elections, two coalitions were formed: one, including PAS but excluding DAP, and the other, vice-versa. Both were led by PMS46 (Spirit of 46 Malay Party), which was formed by a group that had earlier left UMNO. The PMS46 provided the link between the two coalitions. At that time PAS and DAP did not dare come out in the open as cooperating. PAS, being an Islamic party, feared that it would lose Malay/Muslim votes. As for DAP, because of its concentration on the Chinese and their issues,

they feared that they would lose Chinese votes if they were seen as openly cooperating with PAS. The UMNO leadership and propaganda machinery would always play one against the other, telling the Malay/Muslim that PAS had sold out to the DAP and, at the same time, telling the Chinese that DAP had sold out to PAS.

### **Birth of multi-ethnic opposition**

The BA could be considered as being the first truly multi-ethnic coalition. The keADILan, PRM and DAP open their membership to all ethnic groups, although the majority of the members of DAP are Chinese, while in the case of the first two, the majority membership is made up of Malays. As for PAS, although it is a Muslim party open only to Muslims, it is also multi-ethnic to a certain extent, because Muslims from various ethnic groups can qualify to be its members, as long as they are Muslims. This is quite different from the Barisan Nasional (National Front or BN). The BN as a whole could be considered to be a multi-ethnic concept because it includes 13 parties belonging to various ethnic groups. On the other hand, however, except for one or two parties, each of the component parties in the BN is made up exclusively of only one ethnic group. For example, taking the three biggest and most influential parties in the BN, which are based in Peninsular Malaysia, UMNO (Malay Nationalist Organisation), MCA (Malaysian Chinese Association) and MIC (Malaysian Indian Congress) are exclusively for Malays, Chinese and Indians respectively. Even in Sabah and Sarawak, most of the political parties are open exclusively to only one ethnic group. Anyhow, taking BN and BA as a whole, we have a situation where both coalitions are multi-ethnic. Theoretically, this could encourage multi-ethnic politics in a multi-ethnic society such as Malaysia. But does this actually happen in real politics?

Although the population composition of Malaysia is still multi-ethnic, there has been a greater tendency for closer cooperation and integration among the various groups in recent years. The process of social transformation forged this tendency in all strata of

society. At the upper class level, for example among the political and economic elite, there have emerged various type of political alliances and economic joint ventures that cut across ethnic lines and strengthened the bond of unity. At the same time, different social processes, such as urbanization, industrialization and modern administration, have promoted the growth of a larger, although not necessarily a stronger, working class. Members of this class, from various ethnic groups, work together in the same factories or industries and share common interests, which have the effect of reducing ethnic differences and possible conflicts. Furthermore, urbanization and communication have reduced the gap between the majority Malays in rural areas and the majority Chinese in urban centres. As for the expanding middle classes, their members come from different ethnic groups, who share more similarities in their lifestyle than differences. It can be said that, compared with the situation in the past, the Malaysian multi-ethnic society is now closer and more united. Factors such as shared or common political, economic and educational systems, among others, have helped to bring this about.

A united Malaysian nation is slowly in the making. It follows that a multi-ethnic – and not mono-ethnic – party is going to be the trend of the future. By being multi-ethnic in nature, the BA political component parties are a truer reflection of the future than mono-ethnic parties in the BN. Justice and democracy in all spheres of life are considered to be important ideals to form the bases or preconditions for establishing national unity in a multi-ethnic society. Therefore, the BA parties commit themselves to these ideals. It is these ideals that managed to pull the various parties together, despite their different historical and ideological backgrounds. To enshrine these ideals, the BA set about a series of discussions that resulted in the formulation of a manifesto: 'Towards a Just Malaysia'. This manifesto spells out changes or reforms required in various fields in order to achieve greater justice for the people. The manifesto, together with several joint statements issued by the BA leaders on various issues, and an Alternative Budget that was presented a few

days before the Government Budget was tabled in Parliament, clarified the common positions taken by the various parties on different issues affecting the people. Further, they helped to strengthen the bond of unity among the component parties. This also helped the BA to reach agreement more easily on the allocation of seats, to ensure that there would be a straight fight between the BN and BA in the elections.

### Unfair and dirty elections

The date for the general elections was finally fixed at 29 November 1999, just over two weeks after the dissolution of Parliament. Mahathir himself billed it as going to be the 'dirtiest election'. Right from the start it was an unfair game on an uneven field that favoured the ruling BN. This is testified by the following:

- (a) The campaigning period was short, confined to only nine days. Although the BA parties were able to hold rallies and distribute newspapers and pamphlets, these were very limited when compared to the extensive use by the BN of all electronic and printed media for their propaganda throughout the year.
- (b) During the nine-day campaign period, the BN could make full use of all the mainstream media; most of which they have control or influence over. On the other hand, the BA was totally denied any access to the electronic media. For instance, they were not given even one second to air their views on television. As for the printed media, these were fully used for distortion and disinformation on the BA.
- (c) The BN was using all instruments and machinery of government to its full advantage, although it was blatantly against the law. But it dares to defy the law because it knows it has control over the Courts, especially after the government sacked the Lord President and two senior judges a few years before, for upholding the independence of the judiciary.
- (d) About 685 000 young voters, who registered nine months earlier, were denied the right to vote, apparently because, despite

modern technology, the Election Commission did not have enough time to include them in the new voting register. The real reason was that a large number of them were believed to be against the BN and for the BA.

- (e) There were more than 300 000 postal voters, consisting mainly of soldiers, policemen and their wives, who have always been exercising their voting rights without representatives of the different parties being allowed to observe the voting process. Although there have been constant complaints by the opposition parties of postal votes being misused in favour of the ruling parties, there has been no attempt by the Election Commission to reform the system.
- (f) The register of voters was not properly cleaned before the elections. A great number of phantom voters, names of dead people and questionable identity card numbers were found in the register all over the country. There was possibility of cheating.
- (g) The BN had almost unlimited financial resources which it could use for money politics. It was known to give cash, food and other materials to voters. At the same time, even during the campaign period, the BN, which was a caretaker government, continued to pour financial allocations into selected projects, especially in rural communities. This was undoubtedly a form of state bribery.

With the exception of (d) all these are merely repetitions of well-known practices in past general elections. But more dangerous than these was the BN government propaganda to create fear among the people, particularly the Chinese voters. Long before the elections, Mahathir appeared to have realized that the BN had already lost a great deal of Malay support. As mentioned earlier, the cruel treatment of Anwar created a great deal of sympathy for him among a large number of Malays. Mahathir's strategy then was to gain more support from Chinese and Indian voters. Initially, the propaganda was aimed at showing that the *reformasi* movement in

Indonesia had led to instability that affected the economy badly. It was also claimed that it had resulted in the persecution and mass killing of Chinese there. They predicted that if *reformasi* won, then there would be ethnic killing and political chaos. It was implied that the *reformasi* forces in Malaysia too could cause chaos and killings. But it so happened that after Suharto fell and a democratic election was held, which brought Gus Dur to power as the new president, the prophets of doom were proven wrong. It was exposed that those who were causing the instability and killing were, in fact, associated with the army. So it was not relevant to look for negative examples from Indonesia.

Thereafter, the BN leaders turned to two particular types of threat. One, there was possibility that if the opposition won, similar communal carnage that occurred on 13 May 1969 could be repeated. Two, that PAS would try to establish an Islamic state and, following that, many of the things that the Chinese are free to practise now, such as building and going to temples, celebrating festivals, eating pork and so forth, will be forbidden. During the campaign period, this propaganda was intensified, although the BN realized that PAS would never be able to get enough votes to come to power. For several days repeatedly, the mainstream daily newspapers carried advertisements to depict all these predictions. The dictum that if a lie is repeated often enough it will finally be accepted as truth was slowly proving to be true among the non-Malays, especially those influenced by the government controlled media. At the same time, the business community, made up largely of Chinese, were reluctant to change and, as in the past, showed preference for the incumbent rather than the challenger. Furthermore, signs of economic recovery were slowly emerging, and the business community was more convinced that Mahathir was the only person who could steer the country out of the present economic crisis.

### Post-election repression

The elections returned BN to power with more than two-thirds parliamentary majority,

although it won only about 56% of the votes cast. The UMNO was the biggest loser in the election. Its share of the parliamentary seats decreased from 88 to 72, losing mainly to PAS and keADILan. PAS recaptured Kelantan and gained control over Terengganu. All constituencies having more than 90% Malay majority voters returned PAS candidates. A number of UMNO ministers and deputy ministers lost their seats. For a long time the UMNO leaders have always held that UMNO equals Malay and Malay equals UMNO. This was the formula they used to attract and retain Malay support. However, the latest general election results destroyed this myth. PAS made inroads into the Malay heartland, while keADILan, although formed about seven months earlier, managed to hold its own, although it won only five seats. As expected, the BN succeeded in attracting more Chinese and Indian votes than the BA. This helped the MIC to win all the seats it stood for, and the MCA almost all. It also helped the BN to win in Chinese majority mixed constituencies. In East Malaysia (Sabah and Sarawak), the local component parties also helped the BN, by winning a large majority of the parliamentary seats.

Many observers were expecting that, after having done so well in the elections, Mahathir and the government he led would try to be more liberal and widen the democratic space in the country. This was not to be. Mahathir has never hidden his anger against the opposition. Almost immediately after the elections, he launched several attacks against them by taking several suppressive actions, such as the following:

- (a) The BN government continued to manipulate the media in order to discredit the opposition parties, especially PAS. It accused the PAS of being determined to pursue its Islamic state objective, when the media reported that some PAS leaders said that the Terengganu government was going to implement *Kharaj* (land tax). In actual fact, there had been no decision to implement it, only preliminary discussions. PAS managed to countervail the attempt to create suspicion and fear

among the Chinese towards it by announcing that the slaughter and rearing of pigs will be allowed in Kelantan and Terengganu. Then, in order to get women's support (especially the more modern among them), UMNO leaders, through their controlled media, raised controversy over the use of *tudung* (head cover), which certain PAS leaders in Kelantan and Terengganu had advised Muslim women to wear.

- (b) The BN government began to control opposition newspapers and also other publications that were considered to be critical of UMNO/BN. The Home Ministry renewed the permit to publish *Harakah*, the PAS organ, only at the last hour and ordered that it should be published only twice a month instead of twice weekly, as in the past. The circulation of *Harakah* had increased from 50 000 to about 300 000 following Anwar's sacking. It played a big role in helping especially PAS to win the elections. At the same time, the permit for three monthly, *Detik*, *Wasilah* and *Tamadun*, known to be quite supportive of *reformasi* and critical of UMNO/BN (especially the leadership) was not renewed. Recently the permit for *Eksklusif*, which had tried very hard to be neutral, has also been suspended. It looks as if there is no room even for a neutral newspaper. PRM submitted an application to renew its permit for *Suara* eight months ago, and still there is no reply, while keADILan too is waiting for a response to its application to publish *Keadilan*. Under the Printing Press and Publications Act, a permit must be obtained from the Home Ministry first for any periodical, and this permit has to be renewed annually and can be withdrawn or terminated at any time.
- (c) In February 2000, the Deputy President of DAP (Karpal Singh), Vice-President of keADILan (Marina Yusof), Youth Chief of keADILan (Ezam Noor), Editor of *Harakah* (Zulkifli Sulong) and its printer (Chea Lim Thye) were arrested to be charged in Court. Karpal was charged for allegedly making some seditious remarks in the High Court, in the course of defending Anwar during his trial. Marina was charged for a speech that she made on the 13 May Incident (relating to racial conflict) during one of her election campaign speeches. As for Zulkifly, he was charged for publishing an allegedly seditious statement in *Harakah* and Chea for printing it. All of them are charged under the Sedition Act. As regards Ezam, he faces charges under the Official Secrets Act, in connection with police reports he had made on corruption committed by certain ministers.
- (d) Public rallies are not allowed any more. According to the law, a permit must be applied from the police 14 days before any public meeting can be held. When the BA leaders met the IGP last year, he assured them that there would be no difficulty in issuing permits, as long as conditions are complied with. But in April this year, the head of police in Kuala Lumpur announced that all public rallies or meetings would not be allowed. As a result, several rallies already planned had to be cancelled. Some leaders of keADILan, which had proceeded with a number of rallies in connection with its first year anniversary celebration, despite being warned by the police, have been called to the police headquarters to record statements. There is every possibility that they may be charged later. Now, the ban on public rallies has spread to Selangor too. Apparently it is also in effect in the rest of the country.
- (e) There have been very strict measures taken by the police against public gatherings or demonstrations, even if they are peaceful. In the past, the police often dispersed public gatherings by force and arrested the suspected leaders and participants. Recently, there was an attempt to organize a gathering at Dataran Merdeka, a field in front of the Court where Anwar was facing his second trial, this time for alleged sodomy. It was to commemorate the first year of Anwar's imprisonment on 14 April. Even days before the gathering was held, Mahathir had accused the gathering of being illegal and

aimed at causing a riot. He also alleged that the organizers were planning to bring sticks and Molotov cocktails. In fact, what Mahathir did was to create an atmosphere of fear, to justify whatever action he planned to take. The police picked up a few keADILan leaders who were accused of organizing the gathering a day or two before the event. Police blocks were put up on almost all roads leading into Kuala Lumpur. There were several FRU trucks, with hundreds of uniformed and non-uniformed police personnel, stationed at different places, especially near Dataran Merdeka, the National Mosque and the King's Palace. Despite these strict measures, some people still managed to gather at the National Mosque, near the KL railway station and at Jalan Tuanku Abdul Rahman. The police chased them away with canes and fired water cannons. Nearly 50 people were arrested. A few people wanted by police were also detained. They were remanded between five to six days. Sixteen people, including the Vice President of keADILan (Tian Chua) and its Youth Chief (Ezam Noor) were charged in court for illegal assembly or inciting it.

- (f) The government has constantly alluded that the Malay community is split, and this they claim has been caused mainly by an opposition party. PAS has been accused of spreading the wrong teachings of Islam, causing a split and thereby threatening national security. This appeared to be a veiled threat to PAS. In the past, people have been detained under the ISA and organizations banned for being involved in so-called deviationist teachings and accused of threatening national security. A few years ago, the government disbanded an organization called Al-Arqam and several of its leaders were detained under the ISA. Later, a number of people, accused of being followers of the Shiite sect were also arrested and held without trial under the same draconian law. They were accused of being involved in deviationist teachings that threatened national security. The PM has been quite persistent

in his threats and attacks on PAS for causing disunity among the Malays, by misrepresenting some of the teachings of Islam. The Minister in the PM's Department, who holds the law portfolio, has indicated the possibility of government forbidding any party to use any religion, as its ideology or for its name, to operate in politics. As an initial move, the government has set up a National Religious Action Council (MATIN), to monitor and combat deviationist teachings and groups using religion as a political tool to create disunity among the Malays, groups that performed very well in the last elections. It is clear that this is actually a move to combat the growing influence of PAS

### **Important institutions undermined**

Several events that took place during the past two years have shown how the main institutions in the country, particularly the police, the judiciary and the media, were undermined by the government itself. In fact, the popular perception is that the government, or more specifically the PM, has full control of all these institutions and that they are often forced to carry out his bidding. The police conspiracy to shame Anwar through their affidavit against Nalakaruppan, the IGP's cruelty inflicted upon Anwar, the FRU violence against people at peaceful gatherings, and the recent police action on those who wanted to commemorate Anwar's first year in prison, did not help to convince the public that the police force is people-friendly.

As for the judiciary, Anwar's trial in particular has created a strong impression in the minds of the public that it is no more independent. Since the case of Rahim Tamby Chik, the Melaka Chief Minister (CM) who was freed by the Attorney General's (AG's) chamber from all charges for alleged mandatory rape, confidence in the AG and the judges has eroded. It was eroded further when Lim Guan Eng, a DAP Deputy Secretary General and MP was prosecuted and convicted to one and a half year's jail for publicizing the case of the CM. To make it worse, a secret document was circulated among certain circles, making alle-

gations on, and giving specific examples of, corruption among some judges. It turned out that the writer of this document was also a judge, and he was retired because of his action. No action was taken against him or the judges named in the document. Anwar's trials have made it clear, even to a layman, that he was not getting full justice. This point was strongly made by Anwar recently, after he failed in his bid to bring the PM to court to testify in his case. The PM ignored warnings about contempt of court by repeating several times that he believed Anwar was guilty of sodomy. He also ignored it when he was subpoenaed to be present as a witness. Later, when there was a hearing to decide if he should be called, the same judge who heard Anwar's case decided that it was irrelevant to call the PM. Anwar accused the judge of already making his decision even before the hearing finished, perhaps to serve the interest of the PM, and the judge had no answer to it. He did not even charge Anwar for contempt.

As regards the mainstream media, they have mostly lost their credibility. Their role during the elections has been considered as most unbecoming and an insult to press freedom. Most of them fear the Home Ministry and the Printing Presses and Publications Act. In 1987, during the *Operasi Lalang*, when about a hundred political and NGO activists were detained under the ISA, three newspapers, namely *The Star* (English), *Nanyang Siang Pau* (Chinese) and *Watan* (Malay) were closed down by the government. These incidents still haunt the media. Before Anwar was sacked, as mentioned earlier, two chief editors of the main Malay newspapers – Nazri Abdullah of *Berita Harian* and Johan Jaafar of *Utusan Melayu* group – and Yunus Said, the head of programmes for TV3, a private television channel, were removed because they were considered to be 'Anwar's boys'. Recently, Kadir Jassin, group editor of *Straits Time*, who has always been considered a strong supporter of Mahathir and Daim also lost his position. Apparently, the straw that broke the camel's back was that he allowed the paper to publish three articles that questioned why the positions of UMNO President and his Deputy should not be allowed to be challenged in the

forthcoming party elections. It looked as if 100% loyalty was still not enough. Further, as already elaborated above, five monthly and weekly papers have had their permits withdrawn or suspended for not being supportive enough of the government, or even for aspiring to be neutral.

### Changing face of repression

Opposition parties and dissenting groups appear to continue being hounded. In the past, the government has quite easily resorted to the ISA to curb their influence and activities. I myself had the unpleasant experience of being incarcerated without trial for nearly six years. There were many others who were detained for much longer periods, some of them for up to 15 years. I was detained, together with Anwar, for being involved with demonstrations to support rubber smallholders protesting against the fall in the price of rubber and the rise of price of essentials, which caused hunger among some peasants. Initially about 2000 students and lecturers were arrested. But later about 40 of them were detained for two months under the ISA. Out of them, 11 had their detention extended. Anwar was detained for nearly 22 months then. A few weeks before Anwar was released, I was taken to Kuala Lumpur, to be put in solitary confinement in an unknown place for more than six months.

During solitary, I was slapped, spat on and mentally tortured for refusing to admit that I was a communist, and that at one time I was some kind of a link between the present PM with the communist underground. I was promised early release if I admitted to both. But how could I when I was neither? The basis of the allegation was that when Mahathir was in a limbo after he was sacked from UMNO in 1969, following his attack on the then PM's (Tunku Abdul Rahman) handling of the racial riot that year, he was reported to have made a speech in Australia saying that there was the possibility that Malaysia would turn Socialist at the beginning of the 21st century. After he was readmitted into the party and rose to become Deputy PM, there was an attempt by the then

Home Minister to frame him up so that he could be detained under the ISA. Three deputy ministers, three opposition leaders and two newspaper editors had already been picked up earlier, allegedly for being pro-Communists or involved in communist activities. The then Home Minister, Ghazalie Shafie, was an ambitious person who wanted the position of Deputy PM position.

The ISA has long been criticized as undemocratic and violating fundamental human rights. Under it, a person can be detained indefinitely without trial. Following the detention of Anwar and his colleagues under this draconian law in 1998, opposition against it became much stronger nationally and internationally. As a result, it now seems that the method of repression has been altered. A person held under the ISA can still be active politically. In fact, a number of detainees have stood for election, and one of them succeeded to get a very large majority of votes. In view of this, the government has opted to use different kinds of criminal or civil laws to act against those they wish to cripple politically. That is why the ISA was used against Anwar only for the short while when it was necessary to hide his injuries after being beaten up by the IGP. He was later charged under criminal law. That is the reason too many of the opposition leaders have been brought to court under different types of criminal and civil charges. Although the government does not favour this method because trials often take a long time and may cause embarrassment to the authorities, they seem to have decided that it is the better of the two evils. A person given a sentence of more than RM2000 fine or exceeding a year's jail will be disqualified for five years to stand for election. An elected representative to Parliament or the State Legislative Council, similarly sentenced, would have to vacate his seat, and cannot stand for election up to five years after his release if he served a prison sentence. Thus, the law has been blatantly used to serve party political interests. There have been allegations that the prosecution has often been selective, and in many cases the bases for these allegations have been strong. A number of those held on remand before being charged have made

official complaints that they were physically injured by the police during that period.

Another method used is to sue critics of government to court with a demand for huge sums of compensation. A well-known journalist, M. G. G. Pillay, together with another journalist and an academic, was sued by a corporate figure, Vincent Tan, who is known to be close to the PM. They all lost and Pillay was ordered to pay Tan RM10 million, which he has refused to do until now. An academician, Professor Jomo has been sued for RM250 million by the same businessman, for an article published in the *Asian Wall Street Journal*, for allegedly suggesting that he was a crony of PM Mahathir. This is one method of silencing fair criticism of the government in the public interest. But of course, it is not clear if this businessman acted on his own accord or with the blessing of some government figures. What seems to be clear is that the Malaysian courts do not seem to entertain 'fair comment' anymore. This trend has become clearer, especially after the dismissal of the Lord President (Chief Justice) and two Judges a few years ago.

## **Conclusions**

By way of a brief conclusion, it may be said that, of late, the face of politics and repression has changed very fast in Malaysia. The state has become more authoritarian, with power held increasingly in the hand of one person. The opposition coalition has become multi-ethnic and more united and stronger. It won more seats during the last elections, although failing to reduce the two-thirds majority in Parliament, which has been held by the government after almost every election. PAS has emerged the strongest of the parties in BA, winning most of the opposition seats in Parliament and controlling two state governments. The UMNO and the BN coalition government it leads appear to be threatened that they might be defeated in the coming elections four years from now. In the elections, held in November 1999, they lost many seats in Malay majority constituencies to PAS and also keADILan and their voting majority has been significantly reduced in many ethni-

cally mixed constituencies. It is not surprising, therefore, that they have been increasingly resorting to religious and communal bogies to create fear among the people of any change in government.

The government has become more repressive, and has succeeded in controlling the police, judiciary and media, thus undermining the neutrality and independence of these important state institutions. It restricts peaceful public meetings and assemblies, although the right to hold them is guaranteed under the Federation Constitution. In order to curb the opposition and punish groups and leaders, who are perceived as trying to undermine the authority of government, the ISA is less often used now. Instead, the government chooses to charge them under various criminal or civil laws. Changes that have taken place have put democracy and justice in greater jeopardy now, since the government declared an emergency, suspended Parliament and established the National Operation Council, following the

13 May Incident of 1969. That day marked a great tragedy for Malaysia, when ethnic conflicts erupted in Kuala Lumpur, causing deaths and destruction that were completely meaningless. In every election the government resorts to fear tactics by manipulating public memory of this tragedy. Now they are trying to continue with it even after elections. These are very retrogressive steps to take. Justice and democracy for the people could ultimately be killed. They need to be saved.

### **Author's biography**

Dr Syed Husin ALI is the President of Parti Rakyat Malaysia (PRM). In 1990, he was asked to resign his post as Professor of Anthropology and Sociology at the University of Malaya because he contravened the law which prohibited him as a university staff member from participating in active politics. Earlier, he was detained without trial for six years (1974–80) under the ISA. He has written a number of books and articles on the peasantry, ethnic relations and development.