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Proof of moral responsibility

IT is unthinkable that the findings of the independent commission of inquiry formed to investigate the alleged police assault on Datuk Seri Anwar Ibrahim while in their custody will be under wraps. Any fear on the part of the public that this would be the case has been immediately dispelled by Prime Minister Datuk Seri Dr Mahathir Mohamad. Indeed, as he told the media in response to their questions on the panel on Tuesday, it would be pointless to have an inquiry if the findings are not for public consumption.

As former Attorney-General Tan Sri Abu Talib Othman, who is a member of the four-man commission, said after his appointment last week, the matter at hand is one of great public interest. Already the issue has been heavily politicised here and abroad. The recent revelation by the Attorney-General that the Royal Malaysian Police are responsible for some of the injuries to Anwar while in their legal custody is disquieting. Malaysians react to the case with trepidation as the question foremost in their minds is: If this can happen to a former Deputy Prime Minister, what would be the fate of the less fortunate in police custody?

The issue is not Anwar. The issue is that there has been a violation of the Constitution and transgression of fundamental rights by the very officers who uphold law and order. The public expect the police to carry out their duties within the bounds of the law. They should be subject to the possibilities of prosecution, civil claim and internal disciplinary action if they exceed their powers. The Government in establishing the commission demonstrates that it recognises the imperativeness of an independent panel to restore confidence in the state and its instruments of law and order. It has taken cognisance of the fact that the investigations left in the hands of the police as revealed by the AG's Jan 5 statement is far from satisfactory.

Public confidence in the impartiality of complaint investigations in this case can be secured only by a system of investigations wholly independent of the police and devoid of political interference. Thus, the pledge by Deputy Prime Minister and Home Minister Datuk Seri Abdullah Ahmad Badawi that the Government will not interfere with the commission's work is reassuring. That the commission's findings will be submitted to the Yang di-Pertuan Agong should enhance confidence.

It is clear that the Government is anxious to get to the bottom of the matter with its oft-repeated statement that those responsible for causing the injuries to Anwar will be dealt with according to the law. Now that the commission is well on the way to starting its work, it would greatly help in the due process of the law if it is left alone to carry out its onerous task without undue harassment. Harping on the delay in the setting up of the commission, for instance, is an exercise in futility. Justice delayed does not necessarily mean denial of justice.

Paramount in this whole exercise is that the truth must be out, the culprits brought to book and there are sufficient safeguards that the fundamental rights of citizens are not violated with brutal impunity. Anarchy reigns in a state where the weaker citizen is not secured against the violence of the stronger. The laws are not automatic guarantee of the citizen's safety and well-being. Their efficacy depends on the integrity of the institutions which apply them.

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