

The burden of power
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Sarawak Chief Minister Abdul Taib Mahmud must have been more than rattled by allegations of corrupt practices bandied about in the electronic and print media. In the Sarawak State Assembly meeting last Monday, he made a 10-page personal statement refuting all the claims about him as published in the Japan Times on March 29.

In Malaysia, the story was broken by malaysiakini, which also carried a series of follow-up reports on the Japan Times claim that 1.1 billion yen (RM28 million) was paid to Sarawak officials as kickback or rebate for the purpose of facilitating the timber trade from Sarawak to Japan.

When the PM was queried by reporters for comments on the case, the PM replied that he had not received any official report, and that if a report has been lodged with the relevant authorities, investigations would be carried out.

On hearing the problem faced by the PM, some Sarawak PKR officials and party members decided to help him out. They went to lodge a police report at the Kuching Central Police Station. Then they distributed 5,000 pamphlets in the downtown Kuching City centre informing people about the case against Taib.

Shortly after that, Taib's lawyer sent out demand letters to malaysiakini, demanding all kinds of apologies and retraction. The editor of malaysiakini calmly refused to entertain this request, and welcome a day in court to clear up this matter.

Taib also sent out demand letters to Wan Zainal Wan Sanusi, the Sarawak PKR chief, and See Chee How, the legal advisor to Sarawak PKR and its Stampin division leader.

As I write, Taib's lawyers had already filed a writ in court against his detractors, including Steven Gan of malaysiakini, Wan Sanusi, and See. Surprisingly, he also sued the Umno-controlled Utusan group of publications.

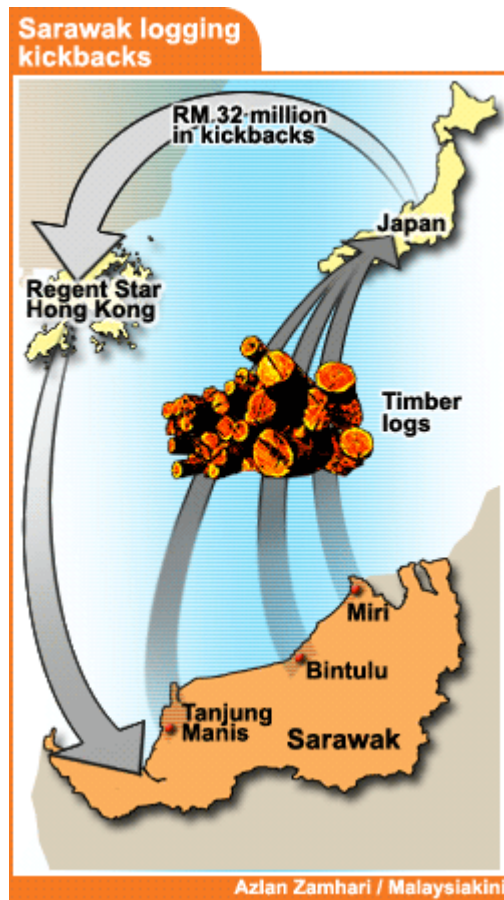
Throughout all this series of events, the story from the original Japan Times report has never been officially published in the Sarawak press. The general public there, who have no access to the Internet and malaysiakini, really do not know what the whole shebang is all about. To see Taib frantically defending himself against unclear allegations circulating on cyberspace reminds one of a shadow boxer.

Taib has every right to sue people who he thinks has wounded his reputation. This is what rule of law means. But let us pause and explore the ramification behind this move.

This is no ordinary defamation case, because of the plaintiff's immense political prominence. If he wins, he can ask for damages that amount to hundreds of millions. He does not need this astronomical sum of money, so the judgment he seeks eventually will be probably punitive in nature.

Deep political implication

On the other hand, the accused do not look like the kind of people with even one million ringgit in their pocket. That kind of punishment will bankrupt and ruin them. We have already seen how opposition leaders have been ruined this way, especially in Singapore. This will make friends and relatives of the accused very worried for their future.



Generally, a bankrupt carries a social stigma on his back as some sort of an unreliable unsuccessful person. But again I reiterate: this is no run-of-the-mill civil case. It is a sensational case pregnant with deep political implication.

Those people who aspire to be a vocal critic of the government must in fact prepare for the perpetual risk of being sued for defamation. I was threatened many times in my active political involvement.

Once, I was issued a demand letter by a prominent politician cum media/timber tycoon. I replied to his lawyer expressing my happiness to see him in court, and the matter fizzled out. In short, individuals who somehow get involved in the thankless task of taking on the most powerful people in the country must be well-versed in the defamation laws and in the down-to-earth approach to life in case they lose in court.

This is what I have learned from some shrewd Chinese businessmen who have gone through the mill. When you face bankruptcy, transfer all your properties and business to someone you trust, like your wife. You can still continue business as usual by using your wife's name, provided she is a faithful wife. The bankrupt needs not be impoverished and miserable. Except for a few inconveniences, life goes on as before, if not better.

Again, this is a political case. When the matter goes before the court, the plaintiff bears the burden of proving his case beyond a reasonable doubt, and the accused is presumed innocent until proven guilty. The accused can also argue their case on grounds of justification, public interest, and fair comments.

Since the defendants in this case are pushed to the corner, so to speak, and have very little to lose, they will try to make maximum use of the court to earn the greatest political capital possible. Their lawyers will summon many witnesses, including some very highly-placed and sensitive officials, to expose the intricacy of how decisions made have already incurred very serious conflict of interest. The mysterious working of government and business behind closed door in Sarawak will suddenly be laid bare for the world to scrutinise and gossip about to no end.


Finally, the defendants' lawyers reserve the right to cross-examine the plaintiff on the witness stand. It will be very embarrassing for the top politician in Sarawak, to appear in court, and to answer very searching and hostile questions from very seasoned lawyers. It will be a no-holds-barred eyeball-to-eyeball confrontation with the judge serving as the referee. It will be an entirely new experience for Taib, the chief minister of Sarawak for over a quarter of a century, who is more powerful and wealthier than all the three Brooke Rajahs put together.

Abdul Taib Mahmud

Aged 71, married to Laila. Two sons and two daughters.

1961	Law graduate from Australia's Adelaide University.
1962 - 67	State minister (serves in various portfolios including communications and forestry)
1968 - 81	Federal minister (various portfolios including primary industries, defence and federal territory)
1981 -	Took over as Sarawak chief minister from his uncle, Abdul Rahman Yaakub. Currently in his seventh term as CM. He has been in the post for 26 years, making him the country's longest-serving state leader.

Azlan Zamhari / Malaysiakini



This kind of defamation cases also takes forever to be settled. The Malaysian judicial system is weighted down by a mountain of back-log in cases waiting to be heard. There will be many side issues to be fought over, like application for inter-parte or ex-parte injunctions, which would surely be hotly contested.

There would be endless court battles over applications to bring in witnesses from Japan to testify in the court of Borneo and in Kuala Lumpur. There would be numerous adjournments because of sickness of defence lawyers.

Then, with our three-tier court system, both sides can take any judgment to the higher courts, not only on the final decision, but on the numerous legal side issues along the way. The integrity, wisdom, and courage of judges at various levels will be tested to the limit. They will need time to consider the merit of the case on law and on facts carefully, and to write long judgments. The whole legal process may take up to at least 10 years, before the final dust can settle.

I have nothing against the Sarawak CM personally. He has always been quite civil towards me. I wish him, as I wish all senior citizens like me, to live a long and healthy life. But this court case concerns public interests and demands that we put our personal feelings aside, and assess the situation coolly and impartially.

Health issues

Time is not on Taib's side. He is in his 70s, and the burden of power over such a huge territory as Sarawak over such a long period of time would have sucked the life force of the best of men.

It seems that lately Taib has been bothered with a spate of health problems. If he is serious about pursuing this matter in court right till the end, it is better for him to retire soon, to concentrate on looking after his health full-time, to add more years to his long life.

Better still, Taib can retire, and then become the next governor of Sarawak, an exalted position that enjoys some degree of immunity from legal actions. Then, he could not even be bothered what his detractors say about his governance.

In any case, he should take the advice from Dr Mahathir Mohamad, the former PM who was interviewed by malaysiakini on this issue. Top leaders should not stay in office too long, on pains of overstaying their welcome. Younger men down the line of succession may get improperly impatient.

Strange as it may sound to those who know me personally, my sympathy is also with Taib. In his twilight years, he still has no successor in sight, and is prevented from enjoying his hard-earned rest at the end of a long and illustrious career. He is confronted with a new PM, who has said his mission is to weed out corruption.

Furthermore, he has the added burden of juggling possibilities and options on this long hanging business of Umno's entry into Sarawak. And now, he has to tangle with young idealistic journalists and political activists over whom he has no control.

The thing that bugs the Sarawak CM now day and night must be that of finding an honourable exit from the centre stage on which he has starred for so long in the drama of political power. It would not be easy.

There is an old Chinese proverb that says, "No matter how strong the bow is, the arrow that has had a long flight cannot even penetrate leather."