

It's not about Anwar or Altantuya, it's about our future
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Dr Mahathir Mohamad continues to flog the notion that Anwar Ibrahim must be gay because he was MCPX convicted of sodomy as if the court conviction is the true and final determinant of Anwar's guilt. This would be correct if it was a 'divine court' but a court composed of humans can always be subjected to influence.

History is replete with examples of scandalous show trials where innocents were tried and convicted not on the weight of evidence but on political expediency. Is Mahathir prepared to say that the show trials by Hitler and Stalin were fair?

In the case of Anwar, his trial in 1998 was anything but fair. There are many glaring irregularities, inconsistencies and errors of judgement which constitute a miscarriage of justice.

Without going into details, I would just like to point out that he was convicted on the basis of one man's accusation without any creditable collaborating evidence or witnesses. No medical evidence was adduced to prove that his accuser had been sodomised. Failure to establish such a basic fact means that a negative inference can be drawn.

Mahathir also leans on the fact that two of Anwar's associates, Sukma Darmawan and Munawar Anees had been convicted of homosexual relationships with Anwar. Both convictions were manifestly unsafe.

Sukma's conviction was overturned on appeal after he produced medical evidence that he had never been sodomised and Munawar filed a damning affidavit of how his confession had been extracted by coercion.

The federal court, in overturning Anwar's sodomy conviction, gave its opinion that homosexual activities by the accused 'probably happened.' Including their unnecessary and unwarranted personal opinion when they should have merely ruled on points of law showed that the judges' courage in overturning the conviction was shaky at best.

However, Mahathir goes around saying that Anwar must be gay because he has been convicted by the courts. This is particularly galling as Mahathir can be considered the 'master puppeteer' of the whole show and leaning heavily on the tainted judgement is just a wily deceit of the uninformed.

Ten years later we are now facing a repeat of the same show. Initially I had some doubts but after studying Anwar's reaction, his explanation and his body language, I'm convinced that the incident never happened. Nevertheless, could the accuser be acting on his own or is there a conspiracy?

Unfortunately, subsequent revelations of the accuser's visit to the DPM's office, the DPM's admission of a meeting at his residence, the unwieldy explanations offered and the accuser's demeanour point to an audacious conspiracy to frame Anwar and put him out of the political scene for good.

To convict an innocent man of false charges, there must be three institutions in the criminal justice system acting in concert. This is the attorney-general's office, the police and the judiciary. To this must be added a fourth institution, the press, aptly named 'the fourth estate.'

Unfortunately, all these four institutions which protect our freedom and democratic rights have been severely damaged by Mahathir during his iron-fisted rule. If even one of them had been healthy and functioning properly in 1998, the faulty conviction of Anwar back then would not have been possible.

How do these institutions fare now compared to ten years ago? Is it possible for a repeat of 1998?

There is certainly no improvement in the institution of the AG and the police. They are now helmed by men who actively participated in the prosecution of Anwar in 1998.

The judiciary has found a little independence but not enough and planned judicial reforms appear to be stalemated. The mainstream media is less slavish than it was under Mahathir but is still a well restrained boneless wonder. However there is one significant difference - the alternative media is now fully developed.

Time was when the government controlled the flow of information through the mainstream media and anything could be buried. With the coming of age of the online world, this is no longer possible.

An example is the Lingam video scandal which was ignored by the mainstream media and the government initially but knowledge of it became so widespread via the online world that the government was forced to act.

So the first three institutions are still compromised enough to do the job. Only the press has improved somewhat. Can the fourth estate save Anwar as he face an almost comical repeat of sodomy charges?

I have to say a qualified 'maybe'. It will be much harder now to ram through fabricated nonsense just to obtain a conviction. The prosecution must show some substance to obtain a conviction or the wave of public disgust and derision may make Malaysia ungovernable.

But how sad that ten years down the road, we cannot declare confidently that our social reforms have improved to an extent that the sordid show trial of 1998 will never happen again.

Anwar's fight to clear his name in his coming court battle will be a defining moment for Malaysia. This is not about one man's quarrel with the establishment any more than the Altantuya case is about the misfortune of one Mongolian girl.

As long as our democratic institutions are damaged, no Malaysian is safe from unjust prosecution and well-connected guilty ones can escape justice. It's not about Anwar or Altantuya, it's about the future of Malaysia.