

The lame sovereignty argument
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The federal government was very upset when the US issued warnings about "due process fair play in the new Anwar Ibrahim trial, especially by the media." Their caution and concern was only that Anwar be given a fair, transparent and open hearing in the yet unsubstantiated complaint.

MCPX

abdullah ahmad badawi govt announce new petrol price increase 040608 04I am frankly amused by the PM's argument that we are a sovereign nation and have our own laws and therefore immune to international evaluation. And he implied that the US should not be interfering in Malaysian internal affairs. Frankly, that is not the issue. And this is a wrong argument.

The real issue and cause for the warning, justifiably so, is the trial by the media and false accusations and assumptions being made by the leadership. In the international legal system, and based on our adopted standards, every person is innocent until proven guilty.

Both Anwar and Saiful Bukhari Azlan are innocent until one is proven guilty, under our Malaysian laws. The issue is not whether sodomy is a crime or not. The problem is that all mainstream interpretations and arguments make Anwar look guilty and Saiful the 'poor victim'.

Why are not both given due and fair chances to prove their innocence or guilt? Both are adults and must be given a chance to defend their dignity and integrity.

Let me therefore make two comparisons to make my point. There were two reports made against two public figures in the recent past. One by Saiful against Anwar, and the other by Raja Petra Kamarudin against Rosmah Mansor and her two apparent partners. All parties must be seen as innocent by the law, until proven otherwise.

What is amazing to me, and I suppose to any outsider observing Malaysia, and not just the US government, is that in the one case, the PM literally cleared one person of the potential crime, almost without an investigation, whereas, in the other case, the accused was treated like a criminal even by the police before the investigation was complete.

Watched globally

altantuya razak baginda mongolian murder 250607 shameMore ridiculously, the PM went further to declare that the deputy prime minister and his wife were not involved in the said case against the dead Mongolian lady. How does he know, when the case is still ongoing? To me, for now, only God knows.

Even sovereign nations do not live in darkness or within the shades and shadows of justice, especially in the inter-networked world. Every action of every public individual is being observed and watched by the global community for standards of due process and whether just values are applied.

Whether it is Robert Mugabe or former Bosnian Serb leader Radovan Karadzic, the world wants

similar standards of justice to reign for the preservation and protection of human dignity. After all, this is the era of human rights and human dignity.

Is that not why we set up a Human Rights Council in Malaysia? The US system understands and appears to stand by these global standards, although their government too is far from perfect. They too have weak or corruptible human systems. But at least they have an almost impeccable system of separation of powers and due process jurisdictions between the legislative, executive, and judiciary.

They have checks and balances that we do not yet seem to have. How else could we have had one leader who reigned so presidentially over all three of our systems, with almost absolute control and impunity in the last 20 years, especially since 1988?

The net result of that era of abuse of authority and power was the decline in our standards of justice and jurisprudence. We seem to have inherited a one-eyed view of justice. In Malaysia, the judicial system appears to keep one eye open and the other one shut. One can use either eye as the case may require!

Regardless of which system of justice we follow, the burden of proof must belong within the courts and without interference of any external party, whether the Legislature or the Executive or even the Administration.

In our system, we appear to have very corruptible systems, or actually, already corrupted systems as demonstrated by the Lingam tapes inquiry. Therefore, when the US government speaks against the backdrop of "such global standards of justice," they are not speaking as one country, but rather on behalf of all citizens of the world who support the values and virtues of a good and healthy democracy.

Glass houses

anwar out from hospital 160708 01 In such matters, the sovereignty of nations is not the issue. Rather, we all live in glass houses and as much as we throw stones at others, we must expect them to throw stones at us. Why else would any sovereign nation go to the International Court of Justice to seek resolution over any border issue? Was our sovereignty sacrificed by this effort? Or, was this the more mature and civilised way to resolve an outstanding issue?

It appears to me as a Malaysian citizen, as well as to global watchers, and especially those who respect and protect human dignity, is that Anwar Ibrahim appears to be a victim of various political intentions.

No one is really sure who the real actors and perpetrators of the evil intentions are, but it has become obvious that they exist and appear to be pulling all the strings. If Malaysia really is genuinely concerned about global perceptions and our credibility as a sovereign nation, we should become fully transparent and invite international observers to follow and agree with the respective tests and procedures being applied without fear of favour.

In this age of information, which is filled with knowledge and even wisdom, this is a typical case which need not be tried in public over the media. It could even be done in private but with international observers and global standards of investigation, if our real concern is for truth and justice to prevail.

But, instead, if we take a katak di bawah tempurung approach, wherein the coconut-shell

becomes the limit of our sovereignty, the rest of the world will forever remain curious, and we could easily become the new pariah in the international arena of law and justice.

At the end of the day, we can declare ourselves sovereign, but we remain so only when other brother states view us with equal respect and integrity. No state can be an island unto itself, within the large sea of nations and continents. That is why we have the United Nations as the final arbiter of truth and justice between nations.

Interestingly therefore, it comes as no surprise to me that the Human Rights Council of Malaysia may be downgraded based on the Paris Principles, for non-adherence to those very principles which define human rights and dignity. The sovereignty argument cannot protect us because human dignity of every person is given and preserved by the Creator Himself.

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