

Transitional justice : an acid test of democracy
Malaysiakini.com
Sept 12, 2008
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Former prime minister Dr. Mahathir Mohamad recently remarked he would choose to migrate should Anwar Ibrahim come to power.

I wonder if Mahathir had Zimbabwe in mind when he said this. Anyway, his sarcasm is well known, and his statement as such is either indicative of his lack of faith in his nemesis as prime minister, or an expression of his latent fear that Anwar might leave no stone unturned in unravelling all the dark secrets surrounding the Mahathir regime of 22 years.

Mahathir may profess himself to once be a 'popularly' elected leader, but a liberal and a democrat he has certainly never been. Given a choice, he would not have hesitated to rule the country by decree than having to put up with the constant power struggle within Umno, not to mention the electoral challenges from all fronts. Never forget this is a man who once proudly declared himself a benevolent dictator.

The outcome of the Mar 8 General Election is as much a harbinger of a more democratic Malaysia as is a clear verdict on Abdullah Badawi's weak leadership. But for Mahathir, it is also a blunt rebuttal to his crude and failed attempts to demonise Anwar over the last decade.

anwar sodomy 2 trial session court 100908 10Being an ambitious politician, Anwar will surely not settle for anything less than Seri Perdana, and the public's sentiment for a change of national government is at all-time high now that the prime-minister-in-waiting has secured a convincing win in Permatang Pauh.

This is something most unpalatable to Mahathir. While he relishes in further erosion of Abdullah's credentials, he also appears to be most repugnant to the prospects of Anwar assuming national leadership.

I am not hundred percent certain if Anwar is a changed man; he may very well be. But for Malaysian politics to move forward, Anwar and the Pakatan Rakyat will have to do more to convince the electorate that they are as committed to democratic transformation as Nelson Mandela was to the abolition of Apartheid in South Africa.

New mandate

r sivarasa 270208To that effect, I laud PKR vice-president R Sivarasa's promise to clean up the house and go to the country for a new mandate upon taking over. It is not that the people are fanatically in love with the Pakatan; rather, it is the complete lack of faith in the Barisan Nasional that many are now desperately looking forward to even one iota of change.

With democratic transition should come transitional justice, something that I guess Mahathir most probably has never heard of. This is a moral dilemma that all newly democratised countries find themselves in. Memories of the violations of human rights under more than five decades of Alliance/BN rule remain fresh, as numerous victims of unfair trials, oppression and crackdowns are awaiting state compensation?

A clean break with the past will mean that the Pakatan must seek justice on the part of the victims, dead or alive, which will inevitably dismantle Mahathir's 'achievements' and legacy en masse.

For instance, future leaders must be prepared to exorcise the ghost of May 13 before the nation can fully embrace Sept 16 as articulated so passionately by Anwar, Tian Chua and other Pakatan politicians.

batu talam nominations 170107 tan lian hoeBN leaders are a hopeless lot when it comes to this crucial issue, which is one reason why Tan Lian Hoe, for all her promising start as deputy information minister, has shown herself to be intellectually defunct when she resorted to May 13 in response to Ahmad Ismail's racist remarks. Her 'righteous wrath' that the Internal Security Act be used to detain the Umno chieftain is also uncalled for.

How to deal with political leaders who were implicated in gross violations of human rights? In the Malaysian context, those who could be brought to court would certainly include Mahathir and his cohorts. Failing that, the newly formed Pakatan government would risk being perceived to be as tainted and not too dissimilar from the BN, which would in turn undermine its legitimacy.

Given that the BN is corrupt to the core and the Pakatan leaders are glowing like a new penny, it somewhat reduces the room for a compromise between the two. However, one can never rule out the possibilities of some BN heavyweights from crossing over, such as Sarawak's Chief Minister Abdul Taib Mahmud who had fallen out with Abdullah prior to the General Election.

taib mahmudShould this most undesirable scenario come to pass, it could very well weaken the will on the part of Anwar and his partners to revisit the past in a thorough manner. I don't think Anwar, in order to stabilise the new government, would have the guts to tackle the years of misrule of Sarawak under Taib Mahmud.

Marcos removal

In the Philippines, the overthrow of Ferdinand Marcos in 1986 could not have come about without the tacit support of the military, which explains why the successive civilian leaders have not been able to put in place a reform agenda; on the contrary, they have been constantly beholden to the generals to sustain their presidency.

japan war shrine memorial 180806And not all democratic countries are able to face up to historical atrocities. The post-war economic success of Japan has resulted in a populace that is more ready to remember the atomic bombing rather than commemorate the victims of World War II, during which as many as two hundred thousand female sex slaves of various nationalities were forced to deliver sexual services to Japanese soldiers.

The ruling Liberal Democratic Party's success in rebuilding post-war Japan as an economic powerhouse has won support and praise from much of the Japanese population, and many now prefer to look over the past and 'move on'. Little wonder that none of the contenders for the top job of the LDP has spoken on Japan's militarist past. It is clear that the policy of the LDP government is to refuse to recognise their responsibility and to stonewall all requests for justice.

Still, I am deeply heartened to learn that some conscientious Japanese people, together

with nationals of the other victim countries, have made a small but significant step toward righting the historical wrongs by unveiling a memorial for victims of sex slavery on Okinawa, the first of its kind on Japanese territory.

Political prosecutions

Personally, I am doubtful if the majority of the Malaysian people would desire transitional justice.

abdullah ahmad badawi pak lah pc 050908 03As far as I can see, many are indeed disgruntled with Abdullah's paltry performance as prime minister, under whose leadership the country has just registered the highest inflation in almost 30 years, causing some to miss the 'good old days' when Mahathir was still calling the shots.

However, we must not lose sight on all the injustices during and prior to the Abdullah administration. A small reminder though: any effort by a new government must not be seen as politically prosecutory, and certainly not an act of personal vengeance. Rather, a process as such is to enable the nation to remember the past and to look to the future, so that we can all say to ourselves: Never again.

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