

Anwar's new legal strategy in Sodomy II
Malaysiakini.com
Mar 17, 2010
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Losing it in the courts but winning it among the people - that seems to be the reality for Anwar Ibrahim which must have prompted the withdrawal of his appeal against the High Court judge's refusal to recuse over the latter's alleged bias in Sodomy II.

Before yesterday's announcement of the withdrawal of his appeal, Anwar's legal strategy appeared predicated on challenging every decision that went against him, taking the path of appeal to its highest level of adjudication.

That strategy eventually worked, at least partially, in Sodomy I, though it came after six years of languishing in jail.

NONE Besides being effective at displaying the merits of his argument that he was being hard done by in the courts, the strategy of relentless appeal was poised to exploit to best effect the deliberative wheels of justice that are said to be slow.

Now, it appears there is little hope of review and reconsideration for Anwar Ibrahim in the judicial precincts of Chief Justice Zaki Azmi.

After enduring a series of judicial setbacks, the most recent being the Federal Court's dismissal of his appeal over the legitimacy of his sacking as deputy prime minister by Dr Mahathir Mohamad in September 1998, it seems that Anwar is wearied of the process.

The nub of the Federal Court's argument was that the Yang Di Pertuan Agong had only a bystander's role in the process of sacking a minister whereas another panel had only recently construed that the Perak ruler had more than merely that role in the dismissal of Menteri Besar Nizar Jamaluddin's Pakatan Rakyat government a year ago.

Consistency of reasoning is not the strong suit of several among Zaki's cohort.

Master of his fate

It's the judicial version of Humpty Dumpty's argument in Lewis Carroll's *Through the Looking Glass*, to wit, "When I use a word, it just means anything I say it means - neither more or less."

When Humpty Dumpty's interlocutor in the exchange concerning semantics queries the resultant inconsistency in meanings, she gets the reply: "The question is who is to be master - that is all."

Well, for Anwar at least, the question of who is to be the master of his fate does not lie with the judiciary alone.

In the courtroom of public opinion, Anwar appears not to be losing, despite defections from his PKR party by MPs from the north of the Peninsula.

Even there it seems a similar asymmetry is at work: even as his party loses MPs, his road show gains more and more crowds, just as his felling by the courts contrasts with the swelling crowds for his 'meet the people' sessions.

The withdrawal of his appeal to disqualify judge Mohamed Zabidin Diah in Sodomy II must be linked to the rousing receptions he has received for his road shows in the last 10 days at least.

penang pakatan govt second anniversary forum 100310 pg pakatan celebration crowd
02Something like 60,000 people turned up at Batu Sembilan in Alor Star last Saturday to hear him. This followed the 20,000 that showed up in Seberang Jaya the previous Wednesday, hard upon the 10,000 who braved drenching weather in Seremban the previous night.

In the courtroom of public opinion, Anwar appears not to be losing. Judicially he may be down, so too among some elected legislators. By popular count, things may be different.

Since the ballot box is the final arbiter of a democratic polity's distempers, resort to that device must be the final resolution of this morally marred and historically adrift moment in our history.

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