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Call for apology is stupid: Dr M

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AS I had anticipated, my comment on (Minister in the Prime Minister's Department) Datuk Zaid Ibrahim's suggestion that the government should apologise for the action taken against Tun Salleh Abas would draw accusations against me for my alleged misdeeds during my tenure of office.

I regard this as an attempt to shut my mouth should I find occasion to criticise the present government. It is always about "You were worse when you headed the government," even if it is obvious that I had not done badly.

(Datuk) Param Cumaraswamy's letter (*the Sun*, April 2) falls in that category. He wants to know why action had not been taken against me over the allegations made by Datuk Shafee Yahya (former director-general of the Anti-Corruption Agency) during the Anwar Ibrahim trial.

The statement may be a sworn testimony in court but the accuracy of it cannot be accepted unquestioned. There were omissions and inferences which mislead. Counsel was of course interested in proving that Anwar did not inveigle Shafee into doing something wrong. But during the trial it was revealed that he did get a senior police officer to threaten and intimidate his accusers.

I admit to calling up Shafee to ask him about the raid by the ACA on the office of the director of the Economic Planning Unit. I did that because I received a complaint from the director that the ACA had been very offensive towards him during the raid. He also said that he believed the deputy prime minister and finance minister had set up the whole thing.

I knew that government officers were sometimes overzealous and would overstep or abuse their authority.

I could not verify whether there was any truth in what the EPU director said. Accordingly, I called the director of the ACA to find out what actually happened.

I asked many questions, many more than what he said in court. I also asked him if he had been directed by Datuk Seri Anwar to carry out the raid.

He denied it but he became angry when I asked whether he intended to pursue his investigation. Raising his voice, he accused me of trying to stop him from carrying out his duty. Angrily, he said that he was a senior civil service officer and that I had no right to question him about his work.

I was shocked at his loud accusation against

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me. No civil servant however senior had spoken to me like that. I was rendered speechless.

These exchanges were carried out in my office. No other person was present. No notes were taken, nor was there any recording, at least by me. So only the two of us would know what really happened or was said.

What he said in court is his version. There is nothing to verify what he said nor is there anything to verify what I say now is wrong. It is a case of his words against mine, sworn testimony notwithstanding. He had obviously omitted his shouted accusations against me. Had what he said in court was all that happened, then it would not have taken more than three minutes. But what he said and what I said took longer than three minutes.

I wonder how counsel knew of what happened in the privacy of my office. Even the Chief Secretary, the only person who was informed by Datuk Shafee could not have told counsel. Obviously it was Shafee who volunteered information. Why did he do this?

I was not a party to the trial of Anwar. If I was to be accused I should at least be heard. But clearly Shafee saw Anwar's trial as an opportunity to make statements detrimental to my reputation.

Shafee was an angry man and what he said in court was opportunistic and seem to reflect his desire to take revenge against me. I can only assume that this was what motivated him, because what he divulged did not help Anwar much. But it did put me in a very bad light.

As to why this case has not been followed I can only assume that the courts are busy and there are tens of thousands of cases which have yet to be heard. Maybe the fault is with the Attorney General or police. I would not know.

Still I welcome any investigation by impartial people as to the truth or otherwise of what I say in this letter.

As for Param Cumaraswamy and Karpal Singh, their hatred of me is well known and apparently has not abated even after I am no longer prime minister.

Many lawyers were angry with me because I had quoted Shakespeare during a cabinet meeting

which says, "the first thing we do, we hang the lawyers". I was only joking but they heard of it and believed I meant what I said. The judges also felt unhappy with me.

Besides, I had criticised the judiciary for disregarding the intention or objectives of the laws formulated by the legislative wing but instead interpret them based on the words used. Was I committing a crime for saying this? I was merely stating a fact. Can no one comment on the judiciary at all even when they disregard the interest of the country? In many developed countries it is common for the public to criticise the judiciary.

As for Param, he made libellous remarks about a fellow-Malaysian when he was a member of a United Nations Commission. He should have been hauled before a Malaysian court but he claimed immunity due to his appointment by the UN.

My stand was that his immunity was only with regard to the specific work for the UN. If he breached Malaysian laws on matters not related to this work, then he cannot plead immunity.

His libellous words against a Malaysian individual had nothing to do with his work for the UN. He should therefore be liable, and his immunity could not be invoked. But he got the UN to back him. It was even hinted that if Malaysia prosecuted him, then our case before the International Court of Justice on the issue of the ownership of Sipadan and Ligitan would be jeopardised.

Accordingly I agreed that he should not be prosecuted. Luckily it was only libel. Had Param Cumaraswamy murdered a person, and he claimed immunity, then there would indeed be a miscarriage of justice.

I do not think my recalcitrance over his immunity endeared me to him. Now that I am not a prime minister, he has expressed his delight at saying that I should not criticise anything the present government does because I was guilty of worse.

I maintain that in the case of Tun Salleh Abas I did what was required of me under the Constitution and Malaysia's laws. I consider the suggestion that I should apologise as frivolous, unwarranted and stupid.

If Param or Karpal is not convinced perhaps they should use their considerable knowledge of the law to shut my mouth.

Dr Mahathir bin Mohamad