

Mahathir Behind Rush to Justice in Anwar's Case?

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Political sources in Kuala Lumpur say former premier engineered pushing appellate decision forward

The decision to push forward last Friday's appellate verdict declaring Malaysian opposition leader Anwar Ibrahim guilty of sodomy represents the final return to power – if from behind the scenes – of former Prime Minister Mahathir Mohamad, sources in Kuala Lumpur say.

Several Kuala Lumpur sources told Asia Sentinel that Mahathir and Daim Zainuddin, his longtime ally and former finance minister, basically pushed Prime Minister Najib Tun Razak aside to dragoon the court into moving up the action against Anwar, although there is no evidence that the two engineered the actual decision.

Having been in power for 22 years until he retired in 2002, the 88-year-old Mahathir has never seemed quite comfortable out of power. In 2008, he engineered the ouster of his successor, former Prime Minister Abdullah Ahmad Badawi, following an electoral debacle.

The former premier was largely silent during Najib's first five-year term, in a major way because Najib's father, Tun Abdul Razak rescued Mahathir from banishment because of politics that at the time were considered too radical for UMNO. But in the past few months he and his forces have since basically taken over as a kingmakers in the wake of the 2013 election debacle in which the ruling Barisan Nasional lost the popular vote for the first time in 44 years although it held its parliamentary majority through its first-past-the-post voting system and gerrymandering.

Although he lost a bid to make his son, Mukhriz, a party vice president last October, Mahathir has since manipulated the levers of power inside the United Malays National Organization to make life uncomfortable for Najib in the past year, rousing Malay nationalists while deploying a legion of bloggers to criticize Najib, [which intensified last August](#). He and his allies have forced Najib to discard a series of reforms of affirmative action programs for ethnic Malays that economists say have slowed economic progress for the country.

At the same time he has continued his pursuit of his old nemesis, Anwar, whose 1998 prison sentence for sodomy and corruption he allegedly engineered after he fired Anwar as Finance Minister, although he has repeatedly denied it. Both cases against Anwar have been criticized internationally as politically motivated to destroy the opposition leader as a political force.

The Malaysian Bar Council and others have charged that the Court of Appeal hearing, which ended last Friday, was pushed forward by more than a month in what appeared to be a move to thwart Anwar from an almost certain by-election victory that would have in effect made him the chief minister of Selangor, the country's most powerful and prosperous state and given him a potent platform from which to criticize UMNO and Najib.

Although Anwar remains free on appeal to the Federal Court, the decision, opening the 66-year-old opposition leader to a five-year prison sentence, means he is

disqualified from running for the seat in Kajang, a Kuala Lumpur suburb. His wife, Wan Aziza Wan Ismail, registered to run for the seat instead.

The March 7 appellate decision against Anwar and another finding Democratic Action Party Chairman Karpal Singh guilty of sedition on March 11 has led to widespread calls for US President Barack Obama to cancel an April visit to meet with Najib. Failing that, opposition groups and NGOs are calling for the Obama to refrain from praising the country as a democracy and to meet with opposition leaders as well.

A high court declared Karpal, Malaysia's most prominent opposition lawyer, guilty of sedition for saying a decision of the Sultan of Perak to remove Mohammad Nizar Jamaluddin as the Perak chief minister in 2009, shortly after the opposition won the state, could be questioned in court. Karpal was fined RM4,000 and, if the decision stands on appeal, would be disqualified from serving in Parliament for five years.

As with Anwar, a high court had declared Karpal not guilty in 2010. The prosecution appealed the case and an appellate court sent it back to the high court for a new trial, which ruled Tuesday that the 73-year-old attorney was guilty.

Because nominations for the Kajang seat were to be submitted March 11, it appeared that pushing forward the appellate decision, which disbarred Anwar from running for the seat, had more political than judicial overtones. For one thing, instead of Attorney General Abdul Gani Patail arguing the case before the three-person Court of Appeal, Mohd Shafie Abdullah, a private attorney and ally of the former prime minister, was brought in to do so, which rarely happens in appellate cases.

Daim in particular has made several public statements that Anwar must not be allowed to become Selangor chief minister. Bloggers aligned with Mahathir have said the same thing repeatedly.

The Bar Council protested the decision against Anwar, citing the haste with which the appeal – which had been pending since July of last year – was taken up. The defense was given only a week to prepare, although in most appeals the defense is given weeks or even months to prepare.

The case was taken up despite the fact that Anwar's counsel told the court he was unavailable on the dates set. Invariably appellate courts grant delays in such situations. Also, the Bar Council said, the registry of the Court of Appeal had told Anwar's lawyer to reserve April 7-10 as the proposed hearing dates, but suddenly moved them up to last week.

Normally judgment is reserved for a few days, or even months. But the appellate court insisted on delivering the guilty verdict against Anwar on the same day, insisting on proceeding with sentencing into the early evening despite the fact that in most cases the court adjourns at 5 pm.

“These matters raise many questions, cause much speculation, and lend to the perception that justice may have been hijacked,” according to a bar council statement, signed by Christopher Leong, the Malaysian Bar President. “The questions to be answered, in the mind of the public, are thus: ‘Was the cause of justice best served by the manner and timing in which this appeal was handled?’” and, ‘Was the administration of justice compromised or interfered with?’”

