

**Lawyers Divided On Need For Tribunal To Probe Into Memali Tragedy**  
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**By V. Anbalagan, Assistant News Editor**

Legal experts are divided as to whether it will serve any purpose to hold a Royal Commission of Inquiry (RCI) into the Memali incident which claimed the lives of 14 civilians and four policemen 29 years ago.

One lawyer admitted the incident was a black mark in the nation's history post-independence and during the 22-year reign of longest serving prime minister Tun Dr Mahathir Mohamad, but said the truth behind other racial clashes should also be unearthed.

Another lawyer who is associated with the Islamist party PAS said the incident must be probed because up till now the public have been fed with government propaganda on what occurred in Memali on the morning of November 19, 1985.

Yet another criminal lawyer questioned if a RCI would serve any purpose, given that the event took place almost three decades ago.

Their reactions followed suggestions by the opposition and a former top cop that investigations be reopened into the Memali incident.

On that day in 1985, policemen raided the village to detain religious and political leader Ibrahim Mahmud, or Ibrahim Libya, who had been accused of spreading deviant teachings.

Ibrahim refused to surrender to the authorities, who were there to detain him under the Internal Security Act (ISA), leading to the killings.

Sivarasa Rasiah said there was no limitation period to hold a RCI on Memali and agreed that an inquiry should be held to determine, among others, who gave the "shoot to kill" instruction.

However, Sivarasa, who is the Subang MP, also suggested that a Truth and Reconciliation Commission be set up to find out about the May 13 (1969) racial clash, as well as the Kampung Medan incident in March 2001.

In the four-day Kampung Medan clashes, six people died while another 40 were injured.

The incident created a climate of fear, anxiety, suspicion and trauma as groups armed with parang, samurai swords, iron rods and sticks roamed the vicinity baying for blood.

Sivarasa said a Truth and Reconciliation Commission was established in Timor Leste and South Africa as part of the nation's healing process.

"The setting up of the commission will encourage the wrongdoers to confess what they did as they need not worry about punishment," he said, adding that the three events between 1969 and 2001 have created a lot of division and mistrust among the people towards the authorities.

Mohamed Hanipa Mydin agreed that a probe into the Memali tragedy was relevant, saying so far the government has fed the public with its propaganda on the incident.

Hanipa, who is PAS central committee member and Sepang MP, said the government only presented a White Paper in Parliament soon after the incident.

"During the days when there were no alternative media like news portals, the Barisan Nasional government only provided information that the public ought to know," he said.

He said an RCI was necessary now as new facts have emerged to suggest that Dr Mahathir was in the country when the tragedy occurred.

However, lawyer M. Athimulan questioned the purpose of an inquiry 30 years after the incident, asking: "Is to discredit a witness or give credibility to the evidence of a key witness."

Athimulan said in an ideal RCI, there would be follow-up action by the public prosecutor or the Attorney General based on recommendations.

"But what action are the authorities going to take now over an event that took place long time ago?" he said.

Earlier this week, DAP adviser Lim Kit Siang had called for the setting up of the RCI, especially as the protagonists like Mahathir and former deputy prime minister Tun Musa Hitam were still alive and could testify on the tragedy.

This followed Musa's revelation that his former boss was in Malaysia during the incident.

Musa's revelation at a public discussion in Kota Baru last week came as a shocker as it had been reported that Musa took charge of the operations as Home Minister as Dr Mahathir was in China for a visit.

In response, Dr Mahathir said he could not remember if he was in the country at the time and he would have to check his records to verify Musa's claim.

Lim, who was parliamentary opposition leader in 1985, said for the past 29 years, Dr Mahathir had absolved himself of the deaths because he was away in China.

Lim added that there were other key figures who were still alive and could throw light on the Memali tragedy, include former Inspector-General of Police Tun Hanif Omar and former acting Inspector-General of Police Tan Sri Datuk Mohd Amin Osman.

The DAP veteran said he called for an independent commission of inquiry into the tragedy on the grounds that the incident was a Malaysian problem which must be dealt with on a non-partisan basis.

Former city CID chief Datuk Mat Zain Ibrahim, who said he was part of the police operation in the days leading to the Kampung Memali clashes in 1985, also called for investigations to be reopened into the Memali incident.

"The new evidence by former deputy prime minister Tun Musa Hitam last week is sufficient basis for investigations to be reopened," he said. – April 5, 2014.

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