

Where is Malaysia heading after the Anwar verdict?

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As Datuk Seri Anwar Ibrahim begins his second jail term, Malaysians need to take a hard look at where the nation is heading, say analysts, as his controversial trial challenges the integrity of its political and justice systems.

The verdict would also tarnish Malaysia's image abroad, said political scientist Professor James Chin of the University of Tasmania, especially since the nation is trying to convince the world that it is a respectable member of the influential United Nations Security Council and as chair of the Asean community.

But the most vital repercussions of the verdict are at home, among the public who are already deeply polarised and irreconcilable after the 13th general election.

Analysts said there will probably not be a repeat of the chaos that followed Anwar's first sodomy trial in 1998, but yesterday's verdict is likely to worsen the political divide in society and make a big impact in the next general election.

Trust deficit

Anwar was sentenced to five years in prison after the Federal Court upheld the guilty verdict of sodomising his former aide Mohd Saiful Bukhari Azlan.

The verdict immediately drew widespread condemnation from international human rights groups, such as Human Rights Watch (HRW), the International Commission of Jurists and even the UN's Human Rights Office.

They said it was a politically motivated trial using a law, Section 377 of the Penal Code, deemed archaic.

HRW said Section 377 had only been used seven times since 1938.

Anwar is so far the only person to have been tried and convicted twice, under the law, in recent memory.

Chin (pic, left) said Putrajaya realised the verdict would be bad for the image of Prime Minister Datuk Seri Najib Razak overseas.

"It confirms that the ruling government is using the courts for political prosecution. The government knows that this is bad international PR for Najib but they are willing to live with this.

"To them, getting rid of Anwar is more important," said Chin, the director of UTAS's Asia Institute.

Minutes after the court delivered its verdict, Putrajaya said the due process shown throughout the seven-year period in which the case has gone on proved that the judiciary was independent.

But that Anwar happens to be the face of a political coalition that threatens the reign of Najib's Barisan Nasional (BN) makes it hard for people to objectively see whether the justice system is really working.

In 1999, Anwar was charged with the same offence, in a trial filled with claims of tainted evidence. He was subsequently acquitted of the charge in 2004.

This public distrust was revealed in a Merdeka Center poll in October last year while Anwar's case was being heard at the Court of Appeal.

In the survey, 48% of respondents had little to no confidence in the judiciary, compared with 38% who said they were confident.

The difference in opinion, said Merdeka Center executive director Ibrahim Suffian, reflected the political divide that emerged after the 13th general election.

The PR won 52% of the popular vote but was not able to form the government, thus creating a sense that the BN cannot be trusted to ever be fair when it comes to dealing with the opposition.

"That wall between those who trust the government and those who don't just became higher by a few feet today," said Ibrahim.

Since the distrust in the judiciary also translates into distrust towards the Najib administration, it would be harder for the BN to win back the support it lost in the last general election, he said.

"The verdict could create more sympathy towards Anwar and this could be harnessed into more support for the opposition. People will move on as time goes by but these feelings can be sparked again during the next general election," he added.

Beyond Anwar

But beyond political personalities and elections, the verdict, said Herizal Hazri of the Asia Foundation, should force people to think about the direction of the country and the health of its institutions.

Herizal said that the struggle must go on, not because it involved Anwar.

"If you believe the verdict is fair, then you should work to ensure that everyone gets thorough due process in court like Anwar did.

"If you do not believe that it fair, then you should work to make the system better," said Herizal, who is the foundation's Malaysia representative.

Instead of just believing in political conspiracies, Herizal said Malaysians must look at the systemic problem, which in this case could be the charge of sodomy itself.

Much of the criticism towards Anwar's trial from human rights groups was that this offence still exists in Malaysia, where adults of the same gender can go to jail for consensual sexual intercourse.

"The ICJ recalls that sodomy cannot be considered a recognisable criminal offence under international human rights laws and standards," said the International Commission of Jurists in its response to the verdict.

Herizal said he was not campaigning for keeping or scrapping sodomy as an offence but that Malaysians should start thinking about the issue.

"It's like electoral reform. Should we campaign for it only because we want certain parties to win or are we campaigning so that we will have a better system to choose our government?"

Although it is more sensational to think of whether Anwar's verdict will have a big political pay-off for opposition coalition Pakatan Rakyat, Herizal said the more important issue should be how to make the country's institutions better.

If Malaysians achieve that, it would ensure that anyone, whether he is a political icon or not, would get a fair chance in court. – February 11, 2015.

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