

Verdict boosts hopes for change in Malaysia: Two failures should be enough for Anwar Ibrahim's enemies.

January 11, 2012

WAS it such a shock after all? On the face of it, the Malaysian High Court's dismissal of sodomy charges laid against the country's opposition leader, Anwar Ibrahim, was an unexpected rebuff for the government of Prime Minister Najib Razak and a reassuring vindication of Malaysia's independent judiciary. Most observers, outside Malaysia at least, had expected that after failing in an earlier attempt to ruin Mr Anwar's career with the taint of sex offences, the ruling National Front coalition would have completed the task this time, assisted by a compliant court. Even Mr Anwar seemed content to go along with this narrative, saying after his acquittal on Monday that he was "a little surprised".

The adjective "little" may indicate no more than a predilection for understatement on Mr Anwar's part. He may also, however, have been hinting that the court's verdict was perhaps not so surprising after all. For in truth the case against him was scarcely credible from the time the charges were laid in 2008.

Homosexual acts are still a crime in Malaysia, a Muslim-majority country, but few people are charged. Mr Anwar has been charged twice. The first occasion, arising from accusations by his family chauffeur, resulted in a conviction and a nine-year jail term in 2000, which the High Court quashed in 2004. The second accuser was his former aide Mohd Saiful Bukhari Azlan, who at first claimed that Mr Anwar had raped him but later switched to saying that the sex was consensual: it had become clear that a court would be unlikely to accept that Mr Anwar, a frail older man, would have been physically capable of a forcible act.

The case went downhill from there, and although it has hung over Mr Anwar's head for three-and-a-half years the evidence against him grew no stronger. Mr Saiful's testimony was dubious, and this week Judge Mohamad Zabidin Diah found that the supposedly corroborative DNA evidence could not be safely accepted as uncompromised, either. In the circumstances, he could only acquit and dismiss the charges.

Whether this demonstrates fearless independence on the court's part, as the Malaysian government has claimed, or simply the judge's recognition that no other verdict would have been credible, cannot be certainly known. The safest conclusion is probably expressed in the elliptically worded comment of Foreign Minister Kevin Rudd, who said: "I think it says something for the evolution of the Malaysian legal system."

What can more confidently be said is that from now on the United Malays National Organisation (UMNO), which has dominated Malaysia's coalition governments since independence in 1957, will have to rely on normal

democratic politics if it is to defeat Mr Anwar. Attempts to smear his reputation and exclude him from public life by fabricated criminal charges have ignominiously failed, and the government should resist any temptation to resort to them again.

The first prosecution was a response to Mr Anwar's campaign against the corruption and authoritarianism that characterise UMNO's stranglehold on the country. The second responded to the success of his opposition coalition in elections held in March 2008, when its representation in the 222-seat national parliament increased from 19 to 82. New elections must be held soon, and for the first time it is not inconceivable that UMNO and the National Front may be defeated.

An opposition victory is far from certain: Mr Anwar leads an unwieldy alliance of his own Parti Keadilan Rakyat, the Islamist Parti Agama SeMalaysia and the mostly Chinese Democratic Action Party. That such a coalition can exist at all, however, indicates that the momentum for change in Malaysia is building.

Copyright © 2012 Fairfax Media

Source: <http://www.nationaltimes.com.au/opinion/editorial/verdict-boosts-hopes-for-change-in-malaysia-20120110-1ptg7.html>