

' ALIRAN  
MONTH LY  
ISA DETAINEES: FREE THEM OR CHARGE THEM. THE ISA IS UNJUST  
X  
X  
,... JUDGE NOT, MALAYSIA: THE STOP  
THAT YE BE spam 05.?46 PRESS  
"07 3'5 R'SES 10mm: LISTEN  
REMOVED...5 AGAIN...40 1-0 ME...26

(xi:  
new year always signals  
A hope. Sometimes new  
hopes burst into bud.  
Often it is the old hopes which  
blossom again.  
ISA DETAINEES &  
EX-DETAINEES  
As we welcome 1989, we hope  
, and pray , that all the remain-  
ing detainees from the Internal  
Security Act (ISA) sw00p of  
October-November 1987 will be  
released immediately and un-  
conditionally. As long as they are in  
jail, the rest of us cannot be free  
men and women. For there can be  
no freedom in a land which allows  
an individual to be detained with-  
out trial for any length of time.  
It is not just the detainees who  
should be freed. Many of those who  
have been ttfreedii should also be  
freed again. Severe restrictions have  
been imposed upon a number of  
former detainees. Their ttfreedom"  
has been rendered meaningless. The  
restrictions imposed upon these ex-  
detainees should be removed with-  
out any delay.  
There are also serious allegations  
that a few detainees and ex-  
detainees have been subjected to  
physical torture and verbal abuse.  
The authorities have not dared to  
refute them. This is why Aliran  
feels that an independent Commis-  
sion of Inquiry should be establish-  
ed as soon as possible to probe  
these allegations.  
We hope that 1989 will see an  
end to the increasingly rampant  
practice of using the ISA for all  
sorts of alleged crimes. In the  
last 16 months or so, the ISA has  
been employed against individuals  
allegedly involved in passport  
t'orgeries, arson, armed robberies  
etc. There are specific laws and  
specific penalties for these crimes.  
It is wrong to classify any and every  
alleged crime as an uinternal  
securityn case. If this goes on then  
there will be no need for other  
laws: everything can be brought  
within the ambit of the ISA. There  
will be no need to scrutinise  
evidence through the forum of an  
open court. There will be no need  
for witnesses, counsel, a public  
trial. if this isnt subversion of legal  
0  
2  
procedures, indeed of the rule of  
law itself, what is it? The ISA  
which is already a violation of the  
rule of law should not be used now  
to undermine the entire system of  
justice in the country.  
This is why the ISA has to go. It  
is a law which by its very nature

lends itself to easy abuse. Of course, we cannot hope to get rid of the ISA in 1989. But we should intensify efforts in 1989 directed towards the eventual abolition of the ISA. This should be the resolution of each and every Malaysian who cherishes freedom and justice. For our part, we will continue to educate the Malaysian public on what the concept of "security" really means, what national security is as distinct from the security of the ruling elite and what the novel idea of citizen security implies. We shall show through our writing and speeches why both freedom and justice are essential to a genuine concept of security. Towards this end Aliran has just published a book in Bahasa Malaysia called ISA Dan Keselamatan Negara. Lets hope the book sells well in 1989.

#### JUDICIARY

As important as the issue of the ISA is the question of the Judiciary. 1988 witnessed an unprecedented, unparalleled assault upon Judicial independence. If anything, some recent appointments to the Supreme Court appear to confirm the general feeling among people that the Executive is determined to create a Judiciary which will act according to its wishes.

The people will not easily forget the injustice done to the nations system of justice. The Executive should make amends. The dismissed Lord President and the two sacked Supreme Court Judges should be restored to their former positions. Restoring them would be a little complicated but it can be done if the Mahathir government is really sincere about an independent Judiciary.

If the government cannot reinstate the three expelled Judges, then it should at the very least ask for their forgiveness in public.

!

Admitting that one has -done something wrong and asking for forgiveness from the victim, is a spiritual act held in high esteem in all the religious traditions found in our country. It will show the people that certain government leaders have begun to repent for their misdeeds and are genuine in their efforts to heal the nation's wounds. To show their sincerity, these leaders should also take the necessary steps to abrogate the amendment to Article 121 of the Malaysian Constitution. It is this amendment approved by Parliament in March last year which gives the Legislature, in effect the Executive, the power to control the Judiciary. The government should go even further. It should strengthen those provisions in the Constitution pertaining to the independence of the Judiciary. At present there are certain requirements in relation to the appointment and dismissal of judges which allow a political elite inclined towards authoritarianism to impose its will. These rules will have to be changed with the aim of minimising Executive interference with the Judiciary.

MEDIA

The government should, at the same time, loosen its tight hold upon the Bahasa Malaysia and English language dailies and Radio and Television networks. Media control has been most blatant since October 1987. It explains to some extent why important segments of the media have become incredibly biased towards the Mahathir leadership, ship in their reporting of the UMNO crisis. Indeed, there are Bahasa and English newspapers which deliberately distort the views of Mahathir's political adversaries, denigrate them and defile their reputation.

This bellicose attitude towards those who are not with us should not continue into 1989. The other side should also be given just and fair coverage in the dailies and over Radio and Television. As a general policy, non-Establishment views on social and political issues should be regarded as legitimate and given sufficient scope for expression through all the channels of public communication available.

It is in this regard that Aliran hopes that in 1989 the government will see sense and amend the severely restrictive Printing Presses and Publication Act. The requirement in that Act that every periodical should obtain from the

government a new publishing licence every year inhibits most newspaper's and magazines from telling the truth - if the truth is going to embarrass or hurt or anger the authorities. In a democracy, people should be free to publish as a matter of course. If what is published threatens national security or ethnic harmony or public morals the authorities can always act against the publication concerned on the basis of established laws and procedures. Just as the annual licensing requirement hinders the freedom of expression, so the Official Secrets Act (OSA) hampers democratic accountability. This again is another law which one hopes will be amended, if not abolished altogether, in the new year. Certain sections of the OSA deter journalists from investigating alleged malpractices within the public sector. There is a mandatory ' jail term (which can go up to 14 years) for revealing an official secret. Theoretically, anything can be classified as an official secret. Let us therefore in 1989 take another hard look at the whole concept of official secrets in the light of a trend towards diminishing democratic accountability since the new OSA came into force two years ago.

So far we have examined fundamental civil and political liberties and crucial democratic institutions to determine how 1989 can breathe fresh hope into a deteriorating situation. However, there are other important challenges this year which should also concern us.

#### THE ECONOMY

The economy, for instance, has been showing signs of recovery since the middle of 1987. This is mainly because our export commodities

3

like rubber, tin and petroleum have been fetching very good prices in the international market, compared to the recession years between 1983 and 1986. Our manufactured goods especially electronic products have also been selling well aided no doubt by the buoyancy of the United States economy in recent times. But some of the credit for the economic recovery must go to the Malaysian government as well. The government reduced public expenditure quite significantly between 1985 and 1987 and has encouraged foreign investments by relaxing some of the rules on foreign equity and participation.

'Let us hope that the economic

recovery continues into 1989. Some economists feel that after September this year or thereabouts current growth rates which are impressive will begin to decline again. If this does happen, it would be largely because the United States economy with its huge deficit might be compelled to adopt measures which could well affect both our commodity and manufacturing exports.

Whatever the forecasts for the future, there are certain present trends which are even more worrying. Since there is more money in our national coffers today compared to two years ago, and, with the promise of better wages for civil servants and teachers, retailers and wholesalers appear to be taking advantage of the situation and have begun to increase prices of goods and services. In fact, some would even argue that serious inflation has already begun to set in. The retail price of powdered milk for instance - an essential foodstuff - has gone up by 15 per cent. Prices of eggs and chicken have also increased. Likewise, the recent increase in the price of petrol is, undoubtedly, part of the same inflationary trend. At the same time, the ringgit is getting weaker and weaker in relation to the world's major currencies and, in particular, the Singapore dollar. What this means is that the Malaysian consumer purchases much less with her

issues in the economy from "this perspective - a perspective: concerned with human dignity and money today compared to what she could buy with the ringgit a decade ago. Since a lot of goods, including essentials . are imported, the consumer, with the shrinking ringgit in her hand, is really hard hit. To make it worse, prices of goods and services are soaring up, as we have observed. Inflation, in a situation where the ringgit is depreciating rapidly, will affect adversely the economic well-being of most Malaysians.

One of the nation's major economic tasks in 1989 then would be to control the prices of essential goods and services. It may be helpful to set up a Price Control Tribunal which will not only monitor prices but also ensure that they remain within certain reasonable bounds. A network of fair price shops, throughout the country would also be worth considering. Such a service would offer an alternative market to the consumer and may even compel other retailers and wholesalers to lower their prices.

The problem of the declining Malaysian ringgit, however, is more complex and defies simple solutions. It is, in a sense, a little odd that the ringgit should continue to decrease in value when our natural- commodities are doing well in the international market.

Excellent international prices for our exports (mainly natural commodities) were largely responsible for the strong ringgit in the sixties and early seventies. It has been said that one of the chief reasons for the ringgit's depreciation today is the movement of money to Singapore, Australia and Britain, among other countries, where interest rates are higher than what Malaysian commercial banks offer.

The weakening of the ringgit may also be due to what has been described as the flight of domestic capital from the country, arising from a lack of confidence in the political leadership. Since a lot of non-State domestic capital is in the hands of Chinese Malaysians, and since a huge portion of Chinese Malaysians are disillusioned with Prime Minister Mahathir Mohamad's policies and pronounce-

....it is important to try to resolve some of our major communal challenges through consultation and consensus....

ments, it is not inconceivable that a number of them are taking out their money and putting it elsewhere. It is not just businessmen who are reputed to be doing this; professionals, executives and even lower middle-class types like non-graduate teachers and office clerks are allegedly moving capital out of the country, as they migrate to Australia, New Zealand and Canada. It is a well-known fact that more and more people have been migrating to these and other places in the last two or three years. This is why if the national leadership wants to stop the flight of domestic capital from the country and help to shore up the ringgit, it must try to create the conditions which will restore public confidence in its ability to rule with justice and fairness. Dr Mahathir in particular must demonstrate through deeds rather than words that he is capable of being just and fair to all communities.

A just economic order is one which fulfills the basic needs of each and every Malaysian rather than pampers to the greed of a few. It will not only eliminate absolute poverty but also try to reduce the growing disparities within ethnic communities and within sectors of the economy. A just economy will organize production, the market, technology and education in such a manner that the dignity of the human being - rather than attaining the status of a newly-industrialising country (NIC) - will be the overriding goal of the Malaysian nation. It is our hope that the National Consultative Council on the Economy after 1990 or Majlis Perundingan Ekonomi Negara (MPEN) will reflect upon

4

social justice and not just devote itself to quotas and growth rates.

#### ETHNIC RELATIONS

Just as we nurture certain hopes as far as the economy is concerned, so we cherish certain aspirations in the area of ethnic relations. Both the government and the opposition, the State and society, should strive towards genuine integration among the various communities. There is an urgent need to work towards this goal for ethnic polarisation is still as serious as ever. It is wrong to suggest that ethnic relations are better now - compared to the pre-

I

'I

27 October 1987 period - because there is less open articulation of communal issues.

'If communal issues seem to have



receded, it is partly because then-  
avenues for open democratic debate  
and discussion are more limited  
today compared to the pre-27  
October period. Besides, in the  
course of the last 14 months or so L '  
other non-communal issues - like  
the ISA arrests, the sacking of the  
Lord President and two Supreme  
Court Judges and the de-registra-  
tion of UMNO - have dominated  
national politics. The UMNO crisis,  
for instance, though intra-  
community in character has not  
assumed a communal colouring. In  
their attacks upon the UMNO  
(Baru) leadership, the Semangat 46  
group has concentrated up 't  
alleged abuse of power, the politi  
style of certain elites, the failure of  
various economic projects etc.  
Though non-communal  
have been in the forefront of  
national politics, ethnic-oriented  
policies continue to be imple-  
mented, ethnic misconceptions and  
ethnic prejudices persist and ethnic  
perceptions of public institutions  
and national personalities remain.  
In other words, ethnic feelings.  
which are often expressed in  
communal terms are very much  
alive in todayis Malaysia. This is  
why it is important to try to resolve .  
some of our major communal '  
challenges through consultation and  
consensus amongst the main com-

continued on page 35

issues '

7H

'i

l:

i?

'i

?l

53:

i x

i

4

A kme, #-\_ u. M

'I

1

(JUDICIARY '  
HUGO YOUNG -  
JUDGE NOT, THAT  
YE BE NOT REMOVED

- Tun Shllch: Letters purportedly signed by King fabricated!

The cream of Londonis judges and barristers turned out to listen agape to Tun Salleh Abas  
i

talk on his dismissal and those of the other judges who came to his rescue.

NB OF THE most precious

t English exports of the post-

war years has been the idea

of the independent judiciary. It was

written into all the post-colonial

, constitutions and has remained in

: many places at least a pretended

aspiration. Even in South Africa,

some judges are still a beacon in the

I darkness. This is the story of one

countryis destruction of the prin-

ciple: a story so shocking that the

cream of Londonis barristers and

judges turned out the other evening

to hear it recounted by the brave

' man who is its principal victim.

Tun Salleh Abas was, until

August this year, the Lord Pre-

sident of the Malaysian Supreme

Court, the head of that countryis

' diciary. On August 8, he received

letter notifying him that he was

no longer Lord President. The King,

acting as the constitutional puppet

of the prime minister, Dr Mahathir

Mohammed, had removed him, and

that was that.

What Tun Salleh had done was

to write to the King three months

earlier to protest against the mount-

ing attacks being made on the

judiciary by Dr Mahathir. The

prime minister, it seemed, was

vexed by the judgesi independence,

particularly when they interpreted

the law by reference to the consti-

tution. 'tlf the court interprets

contrary to why we made the lawii,

iMahathir told Time magazine as

long ago as November 1986, ttthen

we will have to find a way of

producing a law that will have to be

interpreted according to our wish?

During 1987, this menacing

promise was made good by the

passage of statutes specifically ex-

cluding judicial review, and its

message was amplified, Tun Salleh

told his London audience, by

further iivitriolic and unending

attacksii, which he felt he could

not, as head of the judiciary, let

pass.

Additionally, and not discon-

ected from these attacks, two

cases of much political sensitivity

were pending. One concerned a

habeas corpus application by

Karpal Singh, a leading lawyer and

opposition figure. The other, still

more delicate, revolved around a

challenge to the re-election of Dr

Mahathir as president of the United Malay National Organisation, on the grounds of various improprieties: a challenge so persuasive that the High Court judge who first heard it ruled, brave fellow, that UMNO had become an illegal political party. It would shortly fall to the Supreme Court, headed by Tun Salleh, to give the Final ruling on both these cases.

It should be said that the Lord President had not hitherto shown himself a conspicuously liberal judge. No Denning he, nor even a Donaldson! By his own account, he had sided with the State in numerous cases. When Dr Mahathiris

5

'ment law

original attack \_in Time was cited for contempt, he rejected the complaint. He backed a new government to simplify criminal prosecution, and declined to interfere last year when mass arrests of prominent Malaysians were set in train under the internal security laws. When it was first suggested that he should quit, he even agreed to go quietly, and went so far as to send in his requested resignation. But then, on second thoughts, he withdrew it. And this was the moment at which Tun Salleh Abas, recognising that there was a limit to the depredations on law that Malaysia's condition might necessarily justify, had a kind of greatness thrust upon him. He would fight his expulsion from office by all the legal means at his disposal. That these turned out to be inadequate did not make this a quixotic gesture. On the contrary, it confirmed that the condition was even worse than he had diagnosed. A tribunal was set up, as the law provided, to hear his case. Writing to the King was alleged to have been misconduct sufficient to justify his removal. And besides, it was said, the judges' public utterances had revealed a disabling bias against the prime minister's party. The tribunal, which sat in private, seems to have been composed mainly of judicial placemen. Because it purported to be an investigation rather than a trial, the

man in the dock had no automatic right to legal representation before it. For these and other reasons which made him somehow doubt its bona fides, Tun Salleh declined to appear before it or take any part. What he did do, registering a belief that some of his brethren might still be found to come to the rescue of their calling, was go to court for an order to stay the tribunals activities, and prevent it making its report to the King before he had had a chance to challenge its legitimacy. After the first judge declined his request, five judges of the Supreme Court, acting at the eleventh hour, allowed the appeal. This reassertion of law over arbitrary power, however, was short-lived. The five judges were themselves promptly suspended from duty, and two of them were shortly, like the man who had come before them, removed from office. The tribunal, thus freed from any impediment, swiftly published its report. Since it had sat in private, this was at first thought odd. When its contents were rendered, the oddity disappeared, since it judged that Tun Salleh had been correctly charged and was a suitable case for removal. This finding was apparently rendered the more weighty by being supported with no fewer than five volumes of evidence' an impressive bulk achieved, however, by printing the same documents many times over. An English barrister, Geoffrey Robertson, has called the Tun Salleh tribunal report 'the most despicable document in modern legal history? But that wasn't quite the end of the story. As if to round off the infamous purposes thus fulfilled, it emerged, according to the Lord President, that many of the key documents in the case, including letters purportedly signed by the King himself, were fabricated. And when the UMNO case was finally heard, on the very day of Tun Salleh's removal, the newly-constituted Supreme Court found for Dr Mahathir.

The Malaysian Government has sought to give its conduct a veneer of plausibility. It says that the judges have been trying to prove their independence for its own sake and thereby trespassing outside the law proper. But Tun Salleh, who, as I say, sounds like a pretty conservative chap, is fully alive to

6

An English barrister, Geoffrey Robertson, has called the Tun

Salleh report "the most despicable document in modern legal history" this, as he showed in many of his decisions. Besides, the apologia does nothing to explain the peremptory dismissals visited on the judges who came to Tun Salleh's rescue. It is quite apparent that the Malaysian judiciary, rather like large parts of the Singapore judiciary, have been terrorised into submission by political leaders who have no respect for the law. The English judiciary listened agape to the judges' account. He is, after all, one of them: educated like many of his kind all over Third World, in London, and an exponent, among other things, of the English common law. Malaysia doesn't subscribe any longer to the Privy Council's jurisdiction. On the other hand, there is or ought to be a fraternity between lawyers in the English tradition. They do not have much power. But they do have influence, conference-hopping round the world. One hopes they will make it their business to look after Tun Salleh Abas, now on his way back home.

Reproduced from The Guardian, London, 1988: Nov. 8.

the term "ethics" as usually  
what I understood refers to a  
collection of rules or  
standards of conduct expected of a  
particular professional group. Any  
member of a professional group -  
whether - who departs from  
these ethical standards to a suffi-  
ciently marked degree, runs the risk  
of being excluded from his profes-  
sion. Judges qualify as a professio-  
nal group with very definite duties  
to the community. All the charac-  
teristics of an ethical system as such  
are present in relation to the  
judiciary. Indeed, the ethical  
standards required from judges call  
for perhaps the highest and most  
rigorous standards, sacrifices and  
' disciplines of any profession in the  
community. Therefore, there is no  
doubt that judicial ethics exist and  
all judges are bound by them.

The Malaysian judiciary does  
not have a written code of ethics  
like the Legal Profession (Practice  
and Etiquette) Rules of 1978. One  
cannot find a document which sets  
out ethics for Malaysian judges.  
Accordingly, in my opinion, a start-  
ing point for purposes of discussion  
is the oath of office which all  
judges must subscribe to upon their  
appointment.

Judges of the High Court and  
Supreme Court in Malaysia are  
required under Article 124 of the  
Federal Constitution before exercis-  
ing any functions of their office  
to take and subscribe the oath of  
allegiance set out in the Sixth  
Schedule to the Federal Constitu-  
tion.

after  
having been appointed  
to the office of Judge of High  
Court, JUDICIAL ETHICS

Restoring old-fashioned values to the bench

All judges are bound by judicial ethics. However, such ethics went flying out of the courtroom

when it came to judges judging their own peer. Lawyer TOMMY THOMAS prescribes a  
dose of old-fashioned values for the Malaysian judiciary.

3.6 doctor, engineer, lawyer or'

or

or

(Supreme) Court do solemnly  
swear that I will faithfully  
discharge my judicial duties of  
that office to the best of my  
ability, and I will bear true faith  
and allegiance to Malaysia and  
will preserve, protect and defend  
its Constitution. "  
Preservation, protection and  
defence of the Federal Constitution  
includes institutions referred to in  
the Constitution, like the judiciary.  
I would like to spend some time  
considering the ethics of protecting  
the Federal Constitution with  
special reference to recent events.

These words appearing in the Oath of Office presuppose attack or assault upon or challenge to the Federal Constitution and the institutions of Government, like the judiciary. The traditional sources of such attack are:

- i) External to the country e.g. Indonesian Confrontation.
- ii) Executive
- iii) Legislature.
- iv) Conference of Rulers (this is special to Malaysia).

What is striking about the episodes of the six judges is that attacks upon the Constitution came from a very unexpected source that is, judges themselves. Self-inflicted wounds hurt the judiciary far more than external assault.

The Tun Salleh affair, the affair of the five Supreme Court judges and the conduct of the two tribunals comprising some eleven judges were the results of intrigue, manoeuvring and scheming within the judiciary without parallel or precedent in Malaysia or any other common law jurisdiction. In other

7

words, if the judiciary had stood completely united, none of the judges would have been dismissed. Judicial disunity and infighting of such magnitude offers the following five lessons:

First: Judges can plainly and easily disregard basic notions of law, equity, justice and ethics which are studied in the first year of any law course, and which are ingrained in every lawyer in the land. Thus, the Chief Justice of Malaya had no qualms about taking the following actions which anyone with an elementary knowledge of the law would find repugnant:

- (a) Acting as chairman of a Tribunal in circumstances where he could secure the vacant Lord President's post if the incumbent is removed.
- (b) Acting as chairman of a Tribunal when he attended a meeting of judges, and did not dissent from the decision taken thereat to write a letter to the King, which was the very subject matter of the charge before the Tribunal.

- (c) Exercising constitutional and statutory discretions vested in the office of the Lord Pre-

sident when he was the 1st  
Defendant in a civil action  
relating to that action.



Second:

Third:

This included convening a special sitting of the Supreme Court consisting of \_ two Supreme Court judges and three High Court judges to hear an application to set aside the interim stay order granted by the five Supreme Court judges on 2 July 1988.

((1) Making representations to the King under Article 125 for the appointment of the Tribunal, which representations contained material non-disclosures and errors of fact.

(e) Giving directions to the Chief Registrar relating to the -civil action to which he was 1st Defendant, including directions that the Court staff should not cooperate with the Judges, the Court room should be locked, and the seal hidden.

Rules of natural justice can be easily ignored without regard to established principles of law. Thus, two Supreme Court judges refused to disqualify themselves from sitting in the Supreme Court, although they 1133 expressed a view on the sitting on 2 July 1988, which was the subject matter of the application before them. One of them, it may be recalled, described it as a revolution. According to these two judges, it was enough for them to declare in Open Court that they were not biased.

Six judges, two of them were from foreign lands, could draft a report in the first tribunal without referring even once to the evidence filed by Tun Salleh in the prohibition proceedings, which were served upon them as Defendants therein at the

Fourth:

Fifth:

outset of their deliberations.

Five judges, two of whom were foreigners, could write their report in the second tribunal without referring at all or sufficiently to two crucial

facts. Firstly, that, as a litigant, the Acting Lord President was precluded from exercising his discretion in making representations for the appointment of the Tribunal under Article 125, and secondly, that because he was a litigant the Acting Lord President was precluded from exercising any powers relating to that action, and therefore Justice Wan Sulaiman was the most senior judge solely for all matters relating to that action pursuant to Section 9 of the Courts of Judicature Act 1964.

A Judge sitting in the High Court could drag *ex parte* prohibition proceedings which normally last five minutes to three hearing days so as to deliberately render any decision he would make academic.

The upshot was that three of our most senior judges, including the head of the judiciary, could not be delivered as speedily as possible, justice from their courts.

What should be done in the wake of these lessons? In my opinion, one possible cure is the restoration of old-fashioned values. I say "restoration" because I would like to think that the Malaysian judiciary did at one time adhere to most of these values. It is a sort of *Dos and Donits* for those sitting on the Bench.

Eight values have been identified:

1. Diligently discharging his judicial duties, including being punctual on the bench, sitting daily from 10 am to 4 pm and the like. Administering justice is a service industry. I are paid salaries from the public purse. They have a duty to the community to deliver the goods? It is compounded by the fact that judges must sit in public. Thus the glare of publicity is ever present.
2. Judges must possess judicial temperament. Having regard to their awesome powers, it is essential for judges to be polite to witnesses and parties. Other qualities include patience, tolerance and humility. Must recognise and acknowledge the important role of Counsel.
3. The ability to make decisions quickly. Parties have a right to expect judges to be decisive. After all, that is what they are paid for.

If judgments are to be reserved -  
and this is inevitable \_ they t  
say no longer than two inonths.

4. Must give written reasons for  
their decision. Otherwise, it would  
be ttMarineris compass," in Justice  
Krishna Ayeris words, or palm tree  
justice. It has often been said that  
the most important person in the  
judicial process is the loser. He  
marked significance of judicial  
work is not the importance of  
must know why he lost. Hence the I  
He must not be a social animal.  
There must be no involvement

continued on page 35

making a decision, but giving  
reasons for a decision. J

5. A judge must lead a sober life. 1

.- 'Jn...

MA A.- !l hum

i

(010.

—  
Lette rs .

We welcome letter: from radon. Lotto  
n can be either in Ennuh or Bahm  
Malaysia. These letters may be edited to: purposes of space and clarity. The  
be legible.

xvau-Lt

Penanl. Malayan.

ll

COURAGE AND APATHY

ll here are few aims greater than the  
defence of liberty in the awful  
face of injustice and oppression.  
And like all great purposes, the courage  
of a few gives hope and strength to a  
I silent majority.

, But let this silence not be miscon-  
ed as apathy. For history is our  
i Quess to the terrible consequences of  
Is tragic misinterpretation.

David Mizan Hashim

Kuala Lumpur

SEMARAK IN NEW

VILLAGES?

he Semarak campaign is a good  
programme in its own right. It  
allows the leader to mix with  
rural Malaysians and it gives him a first-  
hand knowledge of how the poor live. It  
is to be congratulated.

However, if the leader was wise, he  
would also go to New Villages and hold  
a hoe with the lower income groups  
there. He should also bend and plant  
vegetables. Racial discrimination should  
.ife?allowed in a true democracy.

. (-15

Wen Ai

Kuala Lumpur

STANDARD CHARTERED

AND THE QUESTION OF

APARTHEID

e refer to the above article

which was published in Ali-  
ranis December 1988 issue.

We would like to draw your attention  
to page 35 which made reference to  
Standard Chartered Bank having indirect  
links to apartheid in South Africa. In  
this respect, we categorically state that  
this information is incorrect. The Stan-  
vlowa may not be those of the Allran Monthly. Mdonym an accepted but  
I" letters should include the wlrto

putanbly be typewritten with doubl

'l nuns and Adana. Letter: should

o-opaclu: ll hmd-wrltun they should

Letters should be addressed to the Editor. Alina Monthly. P.O. Box 1049.

dard Chartered Group disposed of its  
interests in South Africa in March 1988.

Following the sale by Standard  
Chartered Bank PLC of its shareholding  
in Standard Bank Investment Corpora-  
tion Limited, we advise that the  
Standard Bank of Soffth Africa Limited  
(SBSA), I and Standard Bank SWA  
Limited (SBSWA) are now no longer  
regarded as members of the Standard  
Chartered Group.

We shall be pleased if you will advise  
your readers of the correction.

Ian R. Wilson

Chief Manager Malaysia

Standard Chartered Bank

THE PM AND APARTHEID

like to thank Aliran for publishing the articles on Shell's dealings in South Africa. Your call to boycott Shell is appropriate.

Though the Mahathir regime has been very critical of apartheid and South Africa, it has done little to publicise anti-apartheid campaigns in other countries. For example, I heard that a campaign against Shell is being waged in Australia, too. But our government-controlled newspapers and TV have not reported these campaigns.

From this, it is obvious that Dr Mahathir's actions are hypocritical. He has used the apartheid issue to get cheap publicity!

Thiru

Ipoh

BOYCOTT ROTHMAN S

AS WELL!

our latest issue of Aliran

Monthly strengthened my belief

that democracy is the best poli-

tical system a country can hope for. I am

9

grateful that you carried the interview with Professor Fang Li-zhi.

I also sympathise with the Burmese students and hope our government will do something to erase the suffering of the Burmese people. Yes, once the Burmese chased out all the Indians, and that was when Burma supplied rice to many countries. Every action causes a reaction. I believe in the law of Karma. I hope the UN will do something to help them.

Regarding your call to boycott Shell, I have decided to stop buying all products of Shell. I will have to buy a different brand of engine oil for my motorbike! We must also boycott Rothmans. Aliran must distribute leaflets to the public and put up posters so that Malaysians become more serious in fighting apartheid.

As a trainee teacher I need to be conscious about what is going on with our people and with the world. I look to Aliran for true and accurate information. Keep up the good work.

Thinee Teacher

Penang

OPEN LETTER TO

SARAWAK CHIEF

. MINISTER

justice, to use your power and influence as the Chief Minister of Sarawak to unconditionally withdraw all charges against the people arrested under the Sarawak Penal Code, during last October's timber blockade.

The case of the anti-logging protestors reflects the general worsening plight of the impoverished tribal people in the rural and forest areas of Sarawak. They

are far from achieving any real improvement in their living conditions or becoming masters of their own destiny as promised with "independence". This situation and the lack of real democracy and self-determination have already aroused widespread questioning on the value of this union. They have paid a very high price but gained little out of the federation.

There is world-wide outrage and opposition to the authorities, suppression of the tribal peoples protests against logging activities on their land and destruction of the rainforests and environment by the timber companies.

The protestors and those arrested during the blockade action are not criminals. They were merely defending their customary and legal rights to their homeland against seizures and plunder of their land by officially backed timber companies. They have owned and used this land for centuries. I write to urge you in the interest of

. 53 ' r "gm; Ma:

Sarawak Penans protest

Their land rights were protected by the Land Code prior to 1963. Since then the increased exploitation of Sarawak's timber resources has resulted in the erosion of these rights. The authorities dispossessed the people by disregarding existing land rights and rezoning protected communal land for commercial uses. At one time the ownership and use of land was generally shared among the traditional owners. Now this land is concentrated in the hands of a minority group of powerful politicians and businessmen who are only interested in making quick profits from the timberland.

This minority group has committed many wrongs against the people in the name of "economic development" and "progress". They are among those who shout the loudest for indigenous rights. But they do not hesitate to use troops, police and the full authority of their laws to attack the defenceless people and protect the logging companies. Timber companies given a free rein to fell timber have wreaked havoc in the lives of thousands of tribal people and the environment. They have carried out the wholesale destruction of the people's heritage and source of livelihood - the irreplaceable virgin forest land. The people's protests fell on deaf ears. They have been treated in a very off-handed manner by timber companies and authorities alike. They are left to fend for themselves without proper compensation or adequate means to survive. They flood into the urban areas totally dispossessed, disoriented and disorganized. As a consequence, the problems of urban squatters and slums, including the plunder of their homeland, crime, prostitution and unemployment have markedly increased.

The environmental damage and physical changes caused by over-logging have reached alarming proportion. Large tracts of land have been laid bare and become infertile. The complete removal of the trees and vegetation in the hills has caused flooding of large areas of lowland. Pollution of the river through extensive soil erosion and waste discharged by the irresponsible timber companies has mined sources of food and water for the rural and forest dwellers.

The tribal people have borne the brunt of this disaster with dignity and refused to give in to intimidation and threats. They have realised that to gain control of their life and destiny they must take matters into their own hands. They have stood up to fight back. Their cause is a just cause. The government must listen to their demands for justice and not punish them for defending their basic human rights.

The following proposals would lead to immediate improvements in the people's situation:

1. The unconditional withdrawal of all charges against those mistreated.
2. A ban on all further timber logging.
3. The restoration of the people's land rights.
4. The payment of compensation for damages and loss to the people affected.

I urge you to act in the interest of the people and environment.

Robert Pei

Victoria, Australia

10

JUSTICE AND WRITERS

would like to share the following thoughts of three Asian writers which appeared

(22-1-82):

(1) Mochizuki: Lubis (Imprisoned never long, need no Introduction):

"When you open your mouth to protest violations against your human rights, human freedom and hurting dignity, and you are muzzled down, clapped in jail and tortured, or are booted out of your job. that it is injustice When your children cannot go to school. or you cannot send them to school for financial reasons, that is an injustice. When people get rich through corruption, when politicians get away with lies, that is also injustice. When the state spends some US\$300 billion a year on the



' a arms race. while 600 million babies, children and adults are under-nourished or starving in Latin America, Africa and Asia, it is a terrible injustice." ' Where is the clear voice, the strong heart, the great human spirit which will speak out, unafraid, for the victims of injustice in our times? It is a \_challenge that writers should meet."

(ZFAjit Singh Rye (Director of the Asian pines):

"History has shown that writers have often aligned themselves with tyranny whenever there is something to be gained from the alliance. During the martial-law years in the Philippines many local writers grew fat on government assignments and adopted pro-establishment stands. Indeed, many are employed fulltime by the administration; their critics label em iikept'i writers, ones who have mpromisedi'.

i (3) Mauro Avena (Columnist in Manila):

iiSurely, the writer is meant for a higher, more decent and much nobler vocation than this".

Daniel Tan Abdullah

Kepala Betas

DEMOCRACY IN

MALAYSIA?

P irst, "people poweri' in the Philippines, next democratic reforms in South Korea, followed by the struggle in Burma and now the election of Benazir Bhutto in Pakistan clearly show that the winds of freedom 19' blowing throughout Asia, thus ving the common misconception that freedom and democracy are western values which cannot work in the East. Meanwhile, the state of democracy in Malaysia remains uncertain. The Star (25 Nov 1988) reported that the Dewan Rakyat had to be adjourned early (at 4.20 pm) on the previous day because . only 25 MP3 (one short of the required ' quorum) out of total of 177 were Ions is that the House had earlier passed a a motion to extend the sitting from 6.30 pm to 7.30 pm.

Imagine, less than 15 per cent of our MPs were in Parliament! The report did not mention if our Prime Minister was present nor did it give any details of his reaction. Instead, we were given a ludicrous account of how Datuk Samy Vellu was reduced to raiding the canteen in search of truant MPa but unfortunately he ncouldnlt drag them in" - despite Studies Program, University of Philip-being the Barisan's Deputy Whip (where was the Chief Whip??). Datuk Samy quipped that he would have to "whip the MPsil if it happened again.

Dear Datuk Samy, I am sure the Doctor will be able to tell you that the MPs are not solely to blame. They are merely displaying symptoms of the

larger disease plaguing our Executive  
- that of total contempt for the Legisla-  
ture and the Judiciary.

The Star report ended with a grim  
illustration of how low democracy has  
sunk. "One MP admitted that many of  
them wanted to finish their tea before  
they went into Parliament".

Pray, pray hard, for democracy in  
Malaysia.

Hidup Demokrasi!

Butterworth

IN DEFENCE OF THE  
MERDEKA CONSTITUTION

am writing in view of the fear  
Malaysians have, especially when  
they have to commit themselves to  
a cause. I refer to my efforts to get  
Malaysians, that is, friends and collea-  
gues of mine to place their signatures in  
defending the Merdeka Constitution and  
Rukunegara. Some were apathetic but I  
feel that the majority who did not sign  
up were afraid.

A number of my friends and collea-  
gues did not even want to talk about this  
iCitizensi Strugglei organized by Aliran  
because they felt Aliran has an extreme,  
approach in its criticism of the govern-  
mentf its leaders and its policies. I am  
amazed and saddened by the way the  
mass media has instilled fear and mis-  
information in the minds of many  
Malaysians.

I compare these Malaysians who are  
fearful and apathetic with the brave  
Malaysians languishing in the Kamunting  
ISA detention centre because they did  
what they had to do and I feel very  
dissapointed. On the other hand there is  
still hope as long as some of us are will-  
ing to make our own small contribution  
to defend the Merdeka Constitution and  
Rukunegara. Let us stand up and be  
counted.

Ben Indnm

Sandakan

ISA AND DEMOCRACY

he late Reverend Martin

Luther King Jr. during the

Montgomery bus strike said

11

that he had a deep seated belief that  
democracy transformed from thin paper  
to thick action is the greatest form of  
government on earth.

Having observed the fall of demo-  
cracy and civil liberties in Malaysia since  
October 1987 and having since then  
returned to Malaysia after my studies in  
the U.K. I can only note with dismay  
and disgust the Executive's disrespect for  
the Federal Constitution which protects  
the other institutions like the Judiciary,  
Legislature and the Monarchy.

In 4hijaekingi civil liberties, human  
rights and democracy all in one go, the  
Prime Minister and his cronies provide  
clear evidence of the emerging authorita-  
rian regime. Malaysia has already been in  
the bad books in international circles for

its inhumane death penalty; the ISA arrests have worsened our international image.

Lim Kit Siang and the rest are duly elected representatives and it is only the electorate who can determine their future. Democracy to suit one's self is despotism and autocracy.

The Prime Minister is lucky to be a leader of a docile nation, with contented people. However, the world is a small place and we have witnessed the dissatisfaction amongst the people of authoritarian regimes.

Let the thin paper tightly and justly be transformed into thick action.

S Sivam

K0 ta K inabalu

HOPE FOR DEMOCRACY?

vents in the past year had made me doubt whether truth and justice will really triumph in the end. I thought I might as well swim with the current and become one of thousands who sheepishly accept the argument that the government is for our own good.

But after reading the article in Malaysia - the judiciary and the law, by Justice M Kirby in the latest issue of the Aliran Monthly, I have become more optimistic that there is still hope for a more just social order. It is heartening to note that in the world at large there is no shortage of decent people with a conscience who also care for the state of democracy beyond their borders.

Thanks to the Aliran Monthly for this timely reminder that if one gives up now, the sacrifice of all those who are in Kamunting will be in vain. The least I can do is to give my moral support and silent prayer that all will turn out well in this fair country of ours.

Loyal Malaysian

Penang

THE AMNESTY INTERNATIONAL REPORT

"a

h

WHY ISA IS WRONG

ii" On 20 December 1988, Amnesty International distributed world-wide its 32-page report on

liOperation Lallangii in Malaysia.

Operation Lallang was the code-name for the detention without trial of at least 106 people

in October and November 1987 under the Internal Security Act (ISA).

The report is based on Amnesty's own investigation into the mass arrests of October and November 1987. It is an excellent report which is careful with its choice of words and draws

conclusions and makes recommendations which would be acceptable to any sane, sensible person.

We are reproducing the concluding remarks of that report and recommendations made to the Government by Amnesty International.

Amnesty International

recognises the right

of governments to

invoke special powers to secure the safety and security of the state in times of a public emergency when faced with a situation of exceptional and actual danger which threatens the life of the nation.

However, the term "national security" should not be used to limit the rights to freedom of thought, conscience and religion. In this respect Amnesty International welcomes the decision of the High Court in granting a writ of habeas corpus and ordering the release of Jamaluddin Othman on 7 October 1988. Likewise, an activity or program designed to combat social, economic and educational injustices by lawful and constitutional means cannot be equated with, and must be distinguished from a threat to national security. Amnesty International is concerned that the ISA is not precisely enough formulated to make this distinction clear. As it stands the ISA fails to provide any precise definition or criteria for determining which individuals pose as such an extreme and imminent danger to the state and to the public that the executive is entitled to order their preventive detention without trial.

Amnesty International is also concerned that, in their use of the ISA, the Malaysian authorities make no distinction between violent activities that constitute a real and exceptional threat to the security of the state, and non-violent activities that do not constitute such a threat. Amnesty International has on previous occasions pointed out that the Malaysian authorities have repeatedly interpreted non-violent activities and views of individuals as constituting a threat to national security (see Report of an Amnesty International Mission to the Federation of Malaysia, I 979).

In the present case of the arrest of over one hundred individuals in October and November 1987, the government White Paper purports to "give an account of the activities of all parties involved" so as to justify the arrests and detentions

12

Editor

that took place, and to show that some of those detained were seeking to depose the lawful government of Malaysia through militant action". On the basis of all the available evidence, including the White Paper, and subsequent discussions with government authorities held in October 1988, Amnesty International has concluded that the government has not substantiated this claim, and, . failed to show that any of the detainees served with renewable two-year detention orders at the end of the investigation period had in any way used or advocated violence. This was acknowledged in the meetings Amnesty International had with government officials and the Inspector-General of Police who stated that the arrests were made to nip in the bud any potential and future outbreaks of violence by people other than those detained under the ISA. The fact that more than half of those originally detained under Section 73 of the Act were released before the end of the 60-day investigation period supports Amnesty International's

views that the exceptional circumstances required to invoke the ISA were not met in their cases. In any event, if the government had the evidence to suggest that any of those detained had committed a criminal act, it should have charged them with a recognizable criminal offence and tried them publicly in a court of law according to the procedures laid down in the International Covenant on Civil and Political Rights (ICCPR).

In addition to these concerns about the vague formulation and indiscriminate application of the ISA, Amnesty International is also concerned about the discretionary nature of the powers of detention vested in the Minister of Home Affairs under the ISA. Any system of administrative or preventive detention which invests an executive authority with the power to detain individuals without charge or trial risks being used to circumvent the due process of law and the authority of the courts. Unless this power is strictly circumscribed in conformity with internationally recognized standards, individuals may be arbitrarily detained for purposes of harassment or intimidation, as a means of facilitating oppressive and illegal interrogation, or to silence non-violent critics and opponents of the government.

In addition, Amnesty International is concerned about the powers invested in the police to arrest and detain individuals under section 73 of the ISA for up to 48 hours without a warrant for the purposes of investigation, and without informing the detainee at the time of arrest of the reasons for doing so. These powers contravene internationally accepted guarantees against arbitrary arrest, as reflected in Article 9 of the International Covenant on Civil and Political Rights, which states that:

1. Everyone has the right to liberty and security of person.
2. No one shall be subjected to arbitrary arrest or detention. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him?

In all the present cases of prisoners held under the ISA, none of the detainees was informed of the reasons for his or her arrest until the end of the 60-day investigation period, when either a two-year detention order was issued accompanied by the grounds for the arrest and the allegations of

fact against the detainee, or alternatively he or she was released.

Consequently, none of the detainees was in a position to challenge effectively the legality of his or her arrest for the entire period that he or she was under investigation.

Amnesty International is further concerned about reports that during the initial 60-day investigation period in detention officers of the Special Branch resorted to both physical and psychological ill-treatment in order to obtain incriminating statements from detainees. In this respect Amnesty International has welcomed the public statement by the Inspector-General of Police in September 1988 that the use of force on suspects during interrogation was illegal and would not be tolerated. According to the evidence examined it appears, however, that statements recorded from detainees while in detention were often made after they had been subjected to prolonged interrogation under mental and physical duress, threatened with indefinite detention without trial, and deprived of sleep for long periods of time. The detainees are further said to have been humiliated during interrogation in deliberately overcooled rooms and in some cases by being subjected to mock sexual assaults. In cases where detainees were found to be "uncooperative" interrogating officers are reported to have additionally resorted to beatings, slaps and punches. Throughout this initial period of interrogation, the detainees were held in incommunicado detention, and even later on were only given very limited access to families, relatives and defence counsel. Amnesty International remains concerned that several sworn testimonies concerning ill-treatment in deten-

tion tiled in the High Court have not been investigated to date, and that neither the courts nor the Advisory Board have in any- way dealt with detainees consistent testimonies of ill-treatment while in police custody, nor ordered an independent inquiry into the treatment of detainees held under the ISA.

Amnesty International regards the systematic use of such interrogation methods as a violation of international legal standards, insofar, as it constitutes torture or cruel, inhuman or degrading treatment as laid down in the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the United Nations General Assembly in December 1975, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was adopted by the United Nations General Assembly on 10 December 1984 and which came into force on 26 June 1987. In particular Articles 1 and 2 of the Convention state that:

"1.1 .. the term "torture" means any act by which severe pain or suffering, whether physical or mental is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity

2.2 No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture?

Articles 11, 12, and 13 of the same Convention in addition provide that interrogation methods and practices shall be kept under systematic review with a view to preventing any case of torture; that a prompt and impartial investigation shall be ensured whenever there are reasonable grounds to believe that an act of torture has been committed (emphasis added) and that any individual subjected to



torture has the right to complain and to have his case promptly and impartially examined. It is regretted that despite the Inspector-General of Police's recent statement that it stern action would be taken against any policemen, irrespective of rank, found to have used physical force on suspects<sup>ii</sup>, no independent investigations of the public testimonies of ill-treatment in detention by four ex-detainees has to date been instituted.

The practice of exerting extreme psychological pressure on detainees and in some cases subjecting them to physical ill-treatment also contravenes Article 5 of the Universal Declaration of Human Rights and Article 7 of the ICCPR, which state unequivocally that NO one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment?

The practice of extracting incriminating statements from detainees under such conditions cannot be reconciled with respect for the internationally recognized right to be presumed innocent until proven guilty according to the law, and the right of a detainee not to be compelled to testify against himself or herself or to confess guilt as reflected in Article 14 of the ICCPR. In Amnesty International's experience it has been consistently found that when authorities prevent detainees from gaining access to legal counsel they provide the preconditions for torture and ill-treatment and the unlawful extraction of confessions<sup>ii</sup>, particularly during the detainee's first hours or days in detention. Amnesty International finds the existing legal safeguards in Malaysia to protect individuals from arbitrary arrest, detention without trial

14 and torture or other cruel, inhuman or degrading treatment or punishment seriously inadequate. This relates to the length of time a person arrested under Section 73 of the ISA can be held in police custody without recourse to a magistrate to establish the substantive validity of the reasons for his or her continued detention. In particular, Amnesty International is concerned that the attitude of the Malaysian courts in not submitting the "subjective satisfaction" of the detaining authority - corpus as guaranteed by international standards. Moreover, the current practice of the Malaysian courts of not applying an objective test to examine the evidence

as grounds for an individual  
detention without trial is in -  
Amnesty International's views are  
erroneous and contrary to the  
prevailing judicial practice else-  
where in the world. .,  
This concern is heightened by  
the July 1988 amendment to the  
ISA, which further reduced the  
safeguards against arbitrary deten-  
tion without trial under the ISA. It  
is also heightened by the '  
executive's overt interference with .  
and disregard for the judiciary in  
rearresting Karpal Singh hours after  
the Ipoh High Court had ordered -.  
his release, without awaiting the ;  
outcome of the government's  
appeal against the judgment in the  
Supreme Court.  
It is evident from the con-  
stitution of habeas corpus and from auth 3 :  
tative interpretations of interna-  
tional legal guarantees that every  
person deprived of his or her liberty 2  
has the right to enjoy this safeguard  
from the moment of being arrest- t;  
ed or detained, and further that the  
courts should determine whether ,  
the substantive evidence objectively ' .  
warrants an individual's arrest and -. t  
detention. If the courts fail to do i  
so, it would appear that the i  
principle of habeas corpus as;  
contained in Malaysia's Federal  
Constitution is reduced to a remedy: gj;  
in name only.  
Lastly, Amnesty International;jk;:

wdztthe practice of the Advisory  
EibaaId insufficient to restrain  
lvarbitrary executive action resulting  
in the prolonged detention without  
trial of those detained. In  
particular, Amnesty International is  
concerned about the Advisory  
Boardls competence and indepen-  
dence, and the fact that it is em-  
powered only to make recommen-  
dations and not to order the release  
of a detainee where the board finds  
his or her continued detention  
unwarranted. Given further that the  
Advisory Board may take up to five  
months before a detaineeets  
representation must be heard, it  
fails to safeguard the rights of  
individuals to be free from arbitrary  
arrest as required by internationally  
recognized legal standards.

. In Amnesty Internationalis view,  
e  
re are therefore pressing reasons  
why the formulation of the ISA'  
ought to be reviewed in order to  
ensure that the fundamental civil  
liberties guaranteed by the Malay-  
sian Constitution are upheld. Other-  
wise, the ISA will continue to be  
used as a means of justifying the  
piolonged detention without trial  
of people engaged in legitimate,  
non-violent activities, and express-  
ing legitimate and non-violent views  
- in other words, prisoners of  
conscience. The use of the ISA in  
such cases is incompatible with  
internationally recognized stand-  
ards of fundamental human rights  
including the right to liberty  
of person, to freedom from  
innocence, and to a fair and  
irbitrary arrest, to the presumption

l  
I  
l  
)

pen trial in a court of law.

#### 10. Recommendations to the Government

Based on all the available  
l evidence regarding the arrest and  
E detention of more than 100 in-

l  
l

dividuals in itOperation Lallangh  
and the following from the  
I conclusions reached in this report,

(  
x  
2  
I  
II

Amnesty International calls on the  
Government of Malaysia to  
consider the implementation of the  
following general recommendations  
h as a matter of urgency to further  
the protection of human rights in  
Malaysia:

# 1. Reviews of the Internal Security Act, 1960 I

In view of the application of the ISA to arrest and detain prisoners of conscience who did not in any way use or advocate the use of violence, a review should be instituted of the application of the Act in order to prevent its use in such cases in the future. Amnesty International also recommends that the government undertake a more general review of the appropriateness and necessity of maintaining the practice of preventive detention without charge or trial.

# 2. Safeguards against abuse of the ISA.

Until the practice of preventive detention is discontinued, the use of the ISA should be restricted only to exceptional circumstances and in strict compliance with the exigencies of a particular situation. Further safeguards need to be instituted against the potential abuse of the extraordinary powers invested by the ISA in the police and the Minister of Home Affairs. These should include a requirement that any person so detained must be produced before a magistrate promptly after arrest, ideally within 24 hours. The continued detention of any suspect beyond 24 hours should not be allowed unless a magistrate, after carefully examining the substantive validity of the allegations that led to the arrest of a suspect, is satisfied that the continued detention is warranted. The current practice of holding suspects detained under the ISA for up to 60 days for the purposes of investigation is contrary to international legal standards which recognize that in the event of any arrest prompt judicial supervision is a vital element in preventing arbitrary detention.

# 3. Establishing an effective remedy against unlawful detention

The practice of the Malaysian courts which afford a detainee seeking a writ of habeas corpus only a limited recourse to challenge his or her detention, in that they do not question the "subjective satisfaction" of the detaining authority, 15

is in urgent need of a review. This narrow interpretation of the courts in examining the reasons for the detention of a suspect is not only inadequate to prevent arbitrary detention, but also against the purpose and intent of habeas corpus, and falls short of internationally recognized principles for effective judicial review. In order to allow a detainee an effective

remedy against any unlawful detention before a court, the government should in accordance with internationally recognized standards provide the detainee with the reasons for arrest at the time of arrest, and not at the end of the 60-day investigation period currently permitted under Section 73 of the Act. The reasons provided to the detainee ought to be specific, detailed, and intelligible.

#### 4. Review of the Advisory Board proceedings

In view of the fact that the Advisory Board's constitution and proceedings fall markedly short of international standards for a fair hearing and thus do not provide an effective safeguard against erroneous or wrongful detention, the rules governing the composition, authority and proceedings of the Advisory Board are in need of an urgent review to provide for a prompt, effective, independent and authoritative assessment of the necessity to detain a suspect under the ISA.

#### 5. Accession to international human rights treaties

In order to demonstrate its stated commitment to uphold internationally recognized human rights principles, the government is in addition urged to take steps to accede to the International Covenant on Civil and Political Rights (ICCPR) including its Optional Protocol; to the International Covenant on Economic, Social and Cultural Rights; and to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

In addition to the above general recommendations to further the

protection of human rights in Malaysia, Amnesty International wishes to draw the attention of the government to the following specific recommendations in view of the consistent and disturbing testimonies of detainees arrested in "Operation Lallangii suggesting that they were subjected to harsh, oppressive and punitive treatment in detention amounting in Amnesty International's view to torture or cruel, inhuman or degrading treatment. Amnesty International found the existing mechanisms in place gravely insufficient to guarantee that such abuses do not take place during interrogation of suspects and urges that the Government implement the following steps without delay as a sign of its commitment to stop torture and ill-treatment, as well as to demonstrate its commitment to stop torture and ill-treatment, as well as to demonstrate its commitment to uphold the most basic human rights of its citizens:

1) Official condemnation of torture and ill-treatment

The head of state and senior members of the government and the Special Branch should demonstrate their total opposition to torture and ill-treatment. They should make clear to all personnel belonging to the armed forces, the Special Branch and the various branches of the police that torture and ill-treatment will not be tolerated under any circumstances.

ii) Limits on incommunicado detention

Since most cases of torture take place during incommunicado detention, the government should undertake steps with a view to ending incommunicado detention of suspects detained under the ISA. All arrested persons should be brought before a magistrate or other judicial authority without delay after being taken into custody, and relatives, legal counsel and medical personnel should have prompt and regular access to them.

iii) NO secret custody

In order to prevent anyone from being kept in secret custody, there should be public notification as soon as possible of the identity of the detained. Relatives and legal counsel should be informed promptly of the whereabouts of persons who have been arrested and be given prompt access. Lawyers should be ensured of confidential access to their clients in line with the requirements contained in the United Nations Standard Minimum Rules for the Treatment of

Prisoners.

iv) Safeguards during interrogation  
All detainees should be told of their right to lodge complaints about ill-treatment. Arrested persons should not be held in custody by the branch of the police which is responsible for their interrogation. There should be regular, independent visits to places of custody and interrogation to ensure that torture does not take place and that detainees are not subjected to cruel, inhuman or degrading treatment. Interrogation should normally be conducted in short sessions and should take place within, and not exceed, normal working hours, and should be conducted by the minimum number of officers at a time who are necessary for questioning the suspect.

v) Independent investigation of reports of torture and ill-treatment

The testimonies filed by four ex-detainees of Operation Lallangii in court bear witness to abuses during their 60-day investigation period at the Police Remand Centre (PRC) in Kampung Batu. The Government should ensure that an impartial body investigates all complaints and reports of torture or ill-treatment. Its finding and methods of investigation should be made public.

vi) No use of statements extracted under torture or ill-treatment  
Steps should be taken to ensure that statements and confessions obtained through torture or ill-treatment may never be invoked in legal proceedings or used to justify the imprisonment of detainees. Courts and the Advisory Board

16

should be particularly careful in examining "confessions" or statements made by detainees while in custody, in order to verify that they were not made under torture or ill-treatment.

vii) Prohibition of torture in law  
The government should ensure that acts of torture are punishable offences under the criminal law:

viii) Prosecution of alleged torturers  
When it is proved that an act of torture has been committed by or at the instigation of a public official, criminal proceedings should be instituted against 3' alleged offender.

1!

:3

ix) Training procedures \_  
It should be made clear during the training of all officials involved in custody, interrogation or treatment of prisoners that torture is a

criminal act. They should be instructed that they are obliged to refuse to obey any order to torture or to engage in any other cruel, inhuman or degrading treatment or punishment

1

x) Compensation and rehabilitation '

Victims of torture and their dependants should be entitled to obtain financial

Victims should be provided with appropriate medical care or rehabilitation

Finally, Amnesty International recommends that all those arrested in Operation Lallangii

be released unconditionally, and that those released have their restrictions lifted and thus be granted their unconditional release as the restrictions continue to violate their. ' right to freedom of expression, movement and association.

Extracted From Amnesty International' 3 Report on Detention without trial under the Internal Security Act in Malaysia Of 20 December 1988

compensation; 1

who 1

continue to be held in detention. f without trial be released immediately- 9

0"

1

w

1



In this issue of Detainees Watch, Aliran member, BELLA L00, reports on various questions pertaining to the Internal Security Act (ISA), detentions, detainees and their treatment which cropped up in the course of a two-day seminar on Human Rights organized by the Bar Council of

Editor  
Malaya.

December. 1988 was the 40th anniversary of the Universal Declaration of Human Rights. To commemorate this day, the Bar Council of Malaya organized a seminar on Human Rights with the theme, "Towards a nation committed to the ideals of the Universal Declaration of Human Rights." \_YTM Tunku Abdul Rahman declared the seminar open on 9th December, 1988. The Seminar was held over two days and was attended by about 203 participants.

Paper presenters included an academic, practising lawyers, a former detainee and family members of those still detained. We provide below various points raised in certain papers.

Associate Prof. Azmi Khalid of University Malaya explained in his paper that the Internal Security Act provides for preventive detention. Preventive detention is very different from punitive detention. In punitive detention, a detainee is only tried in a court of law, found guilty of commission of a crime and imprisoned. In preventive detention, no crime has been committed but a public official believes that the detainee may act in a manner prejudicial to the interest of the State. Such detention is not meant to be a punishment but only a means to prevent the likelihood of such negative action. Further the detainee has no right to defend himself in a court of law (no matter what we say).

Thus, Jagdeep Singh Deo in presenting his paper on the trauma of detention on the families of the detainees, says of his father, Karpal Singh,

... Cloettevis from top - The Tunku delivers his opening address at the seminar; a segment of the multi-ethnic participants; Karpal Singh's son Jagdeep declares his father is not a criminal."

Singh, "My father is not a criminal. If the present government feels that he has committed an offence punishable by law, they should, in the name of true justice and democracy appropriately charge him in a court of law." But the Act neatly deprives Karpal Singh of his right to defend himself in a court of law. Preventive detention is justified in the supposed interest of the State's security, although no crime has been committed by the detainee. If preventive detention is what it is, the authorities should not regard preventive detention as a form of punishment as it was never meant to be a punishment. Yet, oft repeated allegations of physical and/or psychological torture by detainees, reveal the level of official understanding of preventive detention.

Dr Tan Seng Giaw, in presenting his paper on the conditions of detention: The investigative 60 days and 2-year detention period,, read excerpts from it The Real Reason? The Real Reason is a brief submitted to the Inter-Parliamentary Union (IPU) Mission which recently visited Malaysia to investigate the violation of the human rights of Malaysian parliamentarians. In that brief, Hu Sepang, DAP MP for Rasah recounted his 45 days in detention, the light in my cell was switched off; plunging me into total darkness Without footwear, the very cold floor of the interrogation room felt like sharp needles shooting up my legs To keep my sanity I kept scratching marks on the wall to keep track of time. I was utterly confused and disorientated. Towards the end I could not take it anymore I stopped eating, I wanted to kill myself? If these allegations are true, then preventive detention has obviously become punitive.

Ms Irene Fernandez in her paper, "The Trauma of Detention on the Families of Detainees" referred to Amnesty International Reports which show that torture is universally organized. She observes that the methods are so similar to what our detainees have experienced that it is possible that the officers had gone for training to the same places on the use of such methods. She further notes, "unfortunately one group that has remained silent and has indirectly supported torture is the medical profession. Our medical profession has yet to recognise that the detainees who have been victims of torture have special medical needs.

I may sound harsh but I see that doctors have become accomplices to torture and its perpetuation. The physician becomes an accomplice of torture:-

1. When he/she participates in torture, looking after the victims so that they may not die.
2. When he/she does not denounce the wounds and injuries suffered by victims of torture.
3. When he/she does not accurately report the cause of death of a victim of torture.
4. When he/she helps with knowledge, material, presence or in any other form the process of torture?

Another paper presented was that by lawyer Lee Min Choon on the question of Habeas Corpus. In it he explained that when a person who has not been found guilty of committing a crime is detained, he can apply to court to challenge the validity of the preventative detention order. This is called Habeas Corpus. There are 3 grounds on which a court can declare a preventative detention illegal and so set the detained person free.

An instance of a successful application of the first ground for setting a detained person free would be the Jamaluddin Bin Othman (4? Joshua Jamaluddin case. Jamaluddin was detained under the Internal Security Act for allegedly propagating Christianity to Muslims. However the ISA was made under Article 149 of the Federal Constitution. Article 149 recognises that the ISA may be inconsistent with certain articles on fundamental rights in the Constitution but this does not include Article 11 which deals with freedom of religion. Jamaluddin's detention was therefore outside the scope of the ISA and was illegal.

18

The second ground, valid since? the ISA was first introduced in 1960, lost its legitimacy in July 1988 with amendments to the Internal Security Act, and other Acts permitting preventive detention. Previously, certain procedural defects could invalidate the detention. But now they cannot.

To succeed on the third ground, the detainee must show that the Home Minister had acted in bad faith or did not apply his mind whilst making the detention order. It is for the detainee to prove bad faith and non-application of mind, and it is indeed difficult to prove this to the Court's satisfaction. The law allows the detaining authority to say that it has information which

has led it to the conclusion that there are grounds for the detention. The Court cannot order disclosure of this information if the authority maintains that this information relates to national security and it is not prepared to disclose it. The Court is therefore unable to review the fairness of the decision-making process of the police and/or the Home Minister. The issue of Advisory Board hearings was discussed in a paper by lawyer Varghese George. He explained in the paper that the Constitution provides for an Advisory Board where there is preventive detention. The Advisory Board was intended to afford protection to the detainee. As the Courts have declined to review the satisfaction of the Home Minister on the alleged grounds of detention, the detainee must pin or her hope on the Advisory Board. However, unless drastic reforms are introduced to the powers and nature of the Advisory Board, the detainee is left at the mercy of the Home Minister. Under the Act, the detainee can be detained indefinitely for successive two year periods. Initially, the Reid Commission in making its recommendations to the proposed Constitution intended the 3 members of the Advisory Board to be judges or eminently qualified people. This was to enable the Board to be independent of the Home Minister and Executive. However, at present, only the I

Chairman must be a judge or of equivalent standing. It was suggested by Varghese George that the other 2 members must also be judges.

Detainees are also painfully aware that even if the Advisory Board decides in their favour, those recommendations may not be enforced at all. There is a sense of futility in appearing before the Board. It was therefore suggested that the recommendations of the Advisory Board should be given conclusive authority, and be binding on those responsible for the detention.

As the Courts have been precluded from ordering the production of information deemed to be against national security, the Advisory Board should be empowered to require production of ' such information. It could then determine if indeed such disclosure would be against the national interest. Without this semblance of accountability, no one would ever know if the detaining authority is telling the truth or not about national security and withholding safe and relevant information under false guises.

The Seminar participants whilst denouncing the preventive detention laws, recognize that they are part of the present reality. At the very least, there must be certain minimum standards of detention bearing in mind that the detainees are not convicted offenders. In fact, by analogy, Article 10 of the International Covenant on Civil and Political Rights states that accused persons shall be subject to separate treatment appropriate to their status as unconvicted persons. Until and unless all parties particularly detaining authorities right down to the guard are made to realise that detainees under preventive detention laws have a recognised status as unconvicted persons, the alleged conditions of detention will not improve. The Declaration on the Minimum Standards of Detention adopted at the Seminar, states that until abolition of all preventive detention laws, the Bar Council, or such other organization as the Bar Council may consider fit, be called upon to formulate comprehensive minimum conditions of detention. Due regard should be given to the principle that a detainee shall be treated with respect and in

FINANMAL

ScANDM-S .7

19

AHEALTHY MIDDLE CLASS

accordance with his inherent

dignity as a human being and that  
no detainee shall be subjected to  
torture, or to cruel, inhuman and  
degrading punishment or treatment.

gathering of concerned people).at a  
A forum titled ttReflections i87-i88i,  
has given a resounding itNOii to the  
injustice of the ISA. Among other things, the  
gathering:

#### NOTES AND DEPLORES

- 1) The arbitrary arrests under the Internal Security Act 018A") on Oct 27, 1987 and thereafter of more than 106 people including leaders and activists of opposition parties, public interest groups and associations;
- 2) That 17 of those arrested are still serving their two years detention orders and several others released have been served with restriction orders curtailing their freedom of movement, speech and association;
- 3) The continued detention under the ISA at Kamunting Detention Centre and at other places of persons held before the arrests of October 1987, some of whom have been held without trial for more than 10 years; and
- 4) The passing by the government of draconian and unjustifiable amendments to the Printing Presses and Publications Act 1984, the Police Act 1967 and the ISA further curtailing the fundamental freedom of speech and peaceful assembly in this country;

#### FURTHER NOTES

- 1)With great concern that the detainees were subjected to psychological and physical torture during the course of their detention;

#### DECLARES

- 1)That the use of ISA is an affront to the protection of basic human rights and freedoms enshrined in the Constitution of Malaysia;
- 2) The existence of the ISA and other repressive legislations has created an oppressive climate in this country;
- 3) That the prevailing repressive climate in this country and the culture of fear existing amongst the citizenry will remain a major obstacle in Malaysia's political and economic development;

#### DEMANDS

- 1) The repeal of the ISA and other legislations which violate the basic and fundamental freedoms enshrined in the Constitution;

20

NO TO ISA!

- 2) A Royal Commission of Inquiry be set up to investigate into the conditions of detention and the psychological and physical torture of the ISA detainees; and
- 3) That all persons held in detention under the ISA be released unconditionally forthwith or be charged in open court and given a fair trial. The forum was held in Kuala Lumpur on Nov 3, 1988.

For Absent

Brothers & Sisters

At times of festive cheer,  
At times when families meet,  
Many hearts shed a tear  
For those in forced retreat.  
For those in bonds, suffering  
Adversity and pain,  
Our hearts go out, feeling  
Their distress and their bane.  
We pray God gives them strength  
For cheerful fortitude,

And to forgive, forthwith,  
All with grace and sanctitude.  
- J.CK. John -



under the ISA.

small rally outside the New Zealand  
A Parliament on Oct 27 marked the  
anniversary of the arrest and detention  
without trial of more than 100 Malaysians  
who have been held under Malaysiats internal  
security act. \_

Council of Trade Unions secretary Ron  
Burgess addressed the group of about a dozen  
people.

Meanwhile, members of a Malaysian detainee  
1, support group representing groups of political  
t'. prisoners stood gagged inside a mock detention  
centre.

, MPs Jim Anderton, Paul East and Sonja

21

N2 GROUPS

PROTEST

AGAINST ISA

A small rally outside the New Zealand Parliament on Oct 27 marked the anniversary of  
the arrest and detention without trial of more than 100 Malaysians who had been held  
Davies and speakers from concerned groups

spoke about the plight of political prisoners in  
Malaysia. Reports were carried by national radio  
news, national radio current affairs, and national  
television evening news. The television report,  
included reference to the hunger strike of Karpal  
Singh and the other detainees, and background  
:film of Mahathir and the situation in Malaysia.

The news also showed the mock prison, and  
statements by two M.Pfs.

A representative of the Malaysian High  
commission in Wellington was also shown taking  
notes during the demonstration. C

HUMAN RIGHTS  
A MALAYSIAN HUMAN  
RIGHTS ORGANIZATION

On 9 and 10 December 1988, the Bar Council of Malaya organized a seminar to commemorate the 40th anniversary of the Universal Declaration of Human Rights. At the end of

the seminar, 15 distinguished Malaysians, including YTM Tunku Abdul Rahman and YAB Tun Hussein Onn signed a Declaration calling for the establishment of a national organization to

promote, preserve and defend human rights in Malaysia. We carry below their Declaration. 18 days later, on 28 December 1988, the promoters of the Declaration established the . pro-tem committee of the National Organization for the Promotion, Preservation and Defence of

Human Rights in Malaysia. The names of the pro-tem'Committee appear below.

The pro-tem committee will soon be submitting an application for the registration of the above-mentioned organization as required by the Societies Act (1966). It is our fervent hope that

the Registrar of Societies will register the organization without any delay. -Editor

---

Declaration for the establishment

of a national organisation to promote, preserve and defend human rights in Malaysia

Nation was proclaimed a sovereign democratic and independent nation founded upon the principle of liberty and justice ever seeking the welfare and happiness of its people and the maintenance of a just peace among all nations.

Whereas this Nation, upon becoming a member of the United Nations Organisation, subscribed to the principles embodied in the Universal Declaration of Human Rights.

Whereas there has been a constant erosion of these principles.

We hereby declare that there is a need to promote, preserve and defend these principles and

hereby propose that there be established a national organisation for that purpose.

Declared at Kuala Lumpur this 10th day of December, 1988 on the occasion of the 40th Anniversary of the Universal Declaration of Human Rights.

whereas by Proclamation of Independence dated the 31st day of August, 1957 this

NATIONAL ORGANISATION  
FOR THE PROMOTION,  
PRESERVATION AND DEFENCE  
OF HUMAN RIGHTS IN MALAYSIA  
PROTEM COMMITTEE

CHAIRMAN:

YTM Tunku Abdul Rahman Putra Al-Haj

DEPUTY CHAIRMEN:

YAB Tun Hussein Onn

YM Raja Aziz Addruse

MEMBERS:

YB Tan Sri Ahmad Nordin

YB Datuk Mohd. Soviee

Dr. Chandra Muzaffar

Rev. Father Paul Tan

Assoc. Professor Azmi Khalid

Mrs. F. R. Bhupalan

Encik Zainal Rampak

Encik Gurmit Singh

Encik Bishan Singh

Encik Valentine Willie

Encik John K0

Encik Param Kumaraswamy

SECRETARIES:

Encik Ramachelvam

Encik Chia Loong Thye

TERMS OF REFERENCES:

Former Prime Minister

Former Prime Minister

President Malaysian Bar

Retired Auditor General

Newspaper Columnist

President ALIRAN

Secretary-General Malaysian

Consultative Council for Buddhism.

Hinduism. Christianity and Sikhism

Law Faculty U.M.

Vice-President - NCWO and Chairman

of NCWO - Education and Training

Committee

President M.T.U.C.

President E.P.S.M..

President Sabah Bar Assoc.

President Advocates Assoc. of Sarawak

Chairman Human Rights Committee

Bar Council

Members of the Bar Council Human

Rights Committee

To do all acts necessary to register the organisation as a society under Societyk  
Act 1966.

Injustice is Miran

Campaign for the Metdcka

Constitution and the Rukunegara

launched a signature campaign on behalf of the

Affair Merdeka Constitution and the Rukunegara on 9 July 1988. .

NO Domestic As of the first week of January 1989, Aliran received 6776

Inacivilized society it is not signatures. These signatures were forwarded to the Prime

considered to be a mants domestic Minister, Dr Mahathir Mohamad.

affair when he ill-treats his wife and Readers of Aliran Monthly can continue to forward  
the

children. Neither in a civilized signatures to the Aliran office.

world should it be considered a

countryts affair when its

government makes a law which

treats human beings with harshness

and injustice.

ALAN PATON

CONFERENCE REPORT

uphold the Rakyat's  
Rights! - MTUC

The following resolutions were passed by the 29th Biennial Delegates Conference of The Malaysian Trades Union Congress held on 3 and 4 December 1988 in Petaling Jaya.

1 . INTERNAL SECURITY

ACT

his 29th Biennial Delegates  
Conference of the Malay-  
sian Trades Union Con-  
gress held on 3rd and 4th December  
1988 in Petaling Jaya,

NOTING

that the Internal Security Act  
(ISA) is an obnoxious piece of  
legislation which is contrary to  
human rights and democratic free-  
dom.

RECOGNISING

that it is a violation of one of the  
guiding principles of RUKU-  
NEGARA namely Rule of Law;

CONSIDERING

that the ISA has been repeatedly  
invoked by the Executive to stifle  
constructive criticisms of and  
opposition to some of the decisions  
and policies' of the Government.

RESOLVES

TO CALL UPON THE GOVERN-  
MENT:

t't to repeal the draconian legisla-  
tion without any further delay;  
't to lift all the restrictive condi-  
tions imposed upon the  
Secretary General of MTUC, Dr.  
V. David and to permit him to  
discharge his duties and responsi-  
bilities as a trade unionist freely  
and to withdraw all conditions  
imposed on detainees who have  
been released; and  
t to release unconditionally all the  
remaining detainees held under  
the ISA immediately.

2. LABOUR LAWS

This 29th Biennial Delegates  
Conference of the Malaysian Trades  
Union Congress held on 3rd and  
4th December 1988 in Petaling  
Jaya,

RECOGNISING

that strong democratic trade unions  
are vital for the economic growth  
of the nation as well as for the  
eradication of poverty, which is the  
declared policy of the government;

VIEWING

that there are numerous prohibitive  
and restrictive provisions in our'  
labour laws and that they have  
impeded the growth and develop-  
ment of a free, strong and healthy  
trade unions; Further amendments  
were introduced in 1969 and 1980  
which curtailed all legitimate  
functions of the trade union  
movement.

NOTING

that such provisions are contrary to  
the various ILO Conventions,

especially Conventions No. 87 and 96, which guarantee minimum rights of workers and their organisations;

RESOLVES

to strongly urge the government to carry out a thorough review of the labour Laws, namely the Trade

24

-Editor

Unions Act 1959, the Employment Act 1955 and the Industrial Relations Act 1967 with a view to removing those prohibitive and restrictive provisions from these Acts and to ensuring trade union rights in conformity with the ILO Conventions;

FURTHER RESOLVES

that the affiliates of MTUC commit themselves to continue their struggle collectively and severally for the restoration of their basic rights.

3. WORKERS OF

ELECTRONIC INDUSTRY

This 29th Biennial Delegates Conference of the Malaysian Trades Union Congress held on 3rd and 4th December 1988 in Petaling Jaya, having recognised the fact that it is the right of the workers in the Electronic Industry to form a National Union based on the industry in accordance with Section 9 of the Trade Unions Act 1959, reaffirms and reiterates its support for the formation of the National Union as has already been decided by the workers concerned and hereby empowers the Secretariat to strongly oppose any attempt by any quarter to form In-House Unions in the industry and to take such actions as are necessary and appropriate to enable the workers to have the right to form the National Union, both within the country and outside.

#### 4% HUMAN RIGHTS

JW-This 29th Biennial Delegates  
Conference of the Malaysian Trades  
Union Congress held on 3rd and  
4th of December 1988 in Petaling  
Jaya,

##### NOTING

that Malaysia is a signatory to the  
Charter of the United Nations  
Organisation which adopted in  
1948 the Declaration of Human  
Rights;

##### TAKING

cognizance of the fact that Malaysia  
was a party to the adoption in 1966  
of the International Covenant by  
the United Nations Organisations;

##### RECOGNISING

that the Government of Malaysia  
has enacted several legislations such  
as the OSA and ISA which are in  
conflict with the above Declaration  
and Covenant;

##### RESOLVES

to call upon the Government to  
restore Human Rights by legislative  
action.

#### 5. RIGHT TO COLLECTIVE

##### BARGAINING IN PUBLIC

###### a SECTOR

This 29th Biennial Delegates  
Conference of the Malaysian Trades  
Union Congress held on 3rd and  
4th December 1988, in Petaling  
Jaya,

##### NOTING

that the right to Collective Bargain-  
ing was accorded by the Colonial  
legislation by establishing Whitley  
Council and which right had  
continued to have been extended  
after Merdeka until 1979, when it  
was abruptly withdrawn vide  
Service Circular No. 2 of 1979.

##### RECOGNISING

that it is the basic right of trade  
unions, irrespective of the sector  
they belong, to Collective Bargain-  
ing, without which they are virtual-  
ly impotent;

##### CONSIDERING

that the ILO has adopted Conven-  
tion No. 151 guaranteeing freedom  
of association and the right to  
Collective Bargaining to the public  
employees and that the Malaysian  
Government was a party to the  
adoption of this Convention,

##### RESOLVES

to call upon the government to  
restore the right to Collective  
Bargaining to the public sector  
trade unions by introducing the  
necessary amendments to the  
Service Circular No. 2 of 1979.

#### 6. MTUC LOAN

This 29th Biennial Delegates  
Conference of the Malaysian Trades  
Union Congress held on 3rd and  
4th December 1988 in Petaling  
Jaya hereby resolves to authorise

the General Council of the MTUC to negotiate and seek appropriate loan with the Employees Provident Fund Board and to take all necessary actions to refinance the outstanding loan secured from the Central Co-operative Bank.

#### 7. FEDERATION OF STATUTORY BODIES

This 29th Biennial Delegates Conference of the Malaysian Trades Union Congress held on 3rd and 4th December 1988 in Petaling Jaya, recognising the fact that the various statutory bodies have been set up by the government with the common purpose of servicing the people hereby resolves to urge the government to permit the trade unions in the statutory bodies to form a Federation of Trade Unions by introducing necessary amendments to Section 72 of the Trade Unions Act 1959.

#### 8. OCCUPATIONAL SAFETY AND HEALTH ACT

##### REALISING

that the new Occupational Safety and Health Act has been finalised by the Factories and Machinery Department

##### APPRECIATING

that the new OSH Act is intended to cover all employees in the Private and Public Sectors and also establish OSH Committees at workplaces having a certain number of employees

##### CONCERNED

with the annual increase in occupational accidents and diseases which is a great loss to the nation in terms

25

and manpower

of financial

resources

##### CALLS UPON

the Government to expedite the implementation of the new OSH Act in the interest of the workers safety and health at the workplace.

#### 9. ALLOCATION FOR

##### SARAWAK DIVISION

Requests that a reasonable amount from affiliation fees from all Sarawak based unions be allocated for the Sarawak Division to function and carry out its activities.

#### 10. REQUESTS FOR LAND

##### FOR MTUC SARAWAK

##### DIVISION

The State Government is favourably considering allocation of land for putting up of MTUC Sarawak Hq., and if said land allocation is granted, the Division requests the 29th BDC to take note that the MTUC Hq will go all out to help the division to secure necessary funds to erect the building Hq.

11. CANCELLATION OF  
PERSONAL ACCIDENT  
POLICY

Dismayed over the reactions of the Public Services Department in directing the Management of Statutory Bodies and Local Authorities to cancel or stop employees in pensionable posts from taking Personal Accident Policies.

The Kuching Port Authority Employees Union strongly opposes the move of the Kuching Port Authorities in implementing the ruling.

The KPAEU strongly stresses the importance of Personal Accident Policies for employees engaged in cargo handling machine operators.

KPAEU urges the 29th MTUC BDC to discuss and adopt this Resolution and through the MTUC hq to take further action with the Government.

12. INDEPENDENT  
SOVEREIGN STATE FOR  
PALESTINIAN PEOPLE



#### RECOGNISES

The MTUC representing the Malaysian workers recognises the Palestinian Liberation Organisation led by Yasser Arafat who has bitterly struggled to establish an independent Sovereign State for the Palestinian people. The MTUC recognises the Palestinian Nation under the able leadership of Yasser Arafat.

#### CALLS UPON

The MTUC calls upon all peace loving nations to work towards everlasting peace in the Middle East.

#### DEPLORES

Deplores the US. Government for refusing a visa to Yasser Arafat to address the UN which had invited him. The Un as a world body

#### TUNKU:

i should have access to all hatiotgis and leaders regardless of likes and dislikes.

#### FAILING

which it is time the World Body should be located in a place where nations and their leaders will have free movement. 0

#### Petaling Jaya

Tunkuis recent remarks that conditions in the country now were worse than during the Japanese Occupation brought about an artilerry of return fire from UMNO quarters including the deputy PM. Here Tunku explains the context of his remarks and calls on the people to struggle against the moral evil in the country today.

#### s

Old UMNO cast away as unwanted piece of tag by Mahathir 8: his cronies

#### LISTEN TO ME...

ncik Ghafar Baba and

the other UMNO

veterans, have interpreted my words literally. Mental sufferings

and physical sufferings are not the same, one is direct pain and the other is indirect mental pain which can drive people into mental agony. The suffering I referred to is not quite the same as that we

experienced under the Japanese Occupation. We expected all those atrocities to happen then, and the Japanese Military took no account of our feelings as they were intent on conquering the country, subduing the people and maintaining order at any cost, and anybody who defied them were arrested,

26

tortured and\_ killed. This was expected and we give thanks to God that we survived it all, in particular, the agony and mental anguish that it caused. Many of us lost our relatives. I lost my brother-in-law Raja Aman Shah in Singapore. According to reports, he 3Q

other members of the Malay Volunteer Force, Chinese and Malays, were made to dig their own graves and then machine-gunned and bayoneted to death. Some were buried before they died. But in the present case we had set up independence and were considered to be a successful developing country and our people were enjoying the best of life with everything they could get to enrich life. Our economy was stable, our currency was good and the cost of living then was fair and compared favourably with other developing countries. There was no difference between the value of our currency continued on page 34

LIVING, IN A  
MULTI-ETHNIC SOCIETY

In this summary of a paper presented at a forum of the same title on April 3, 1988 CHANDRA MUZAFFAR urges Malaysians to overcome their ethnic prejudices in meeting the challenges of multi-ethnic living.

One of the main reasons why multi-ethnic Malaysia has held together, in spite of everything, is because of a 'live and let live' attitude among the people. This is due to certain cultural, economic and political factors. All the cultural and religious traditions in the country value mutual tolerance and respect. At the same time, right through the sixties and seventies we experienced a certain degree of economic prosperity which allowed for some accommodation of competing ethnic aspirations at the middle and upper levels of society. Also, the politics of balance and accommodation has been a characteristic of Malaysian society especially in the first decade and a half after Merdeka.

Perhaps, the 'live and let live' attitude is also a product of a type of caution in ethnic relations that has developed since the May 13 incident in 1969. Malaysians are now very afraid of provoking anyone from another community just in case it leads to an ethnic conflict. This caution, this fear of trouble breaking out, appears to be a crucial aspect of the Malaysian psyche. It is similar to the way Japanese feel about the danger of earthquakes!

In the last 10 years or so, there has been a significant deterioration in ethnic relations. There is less social interaction among the different communities at all levels. There is more distrust and suspicion than ever before. Among all communities there is a feeling of insecurity, of deprivation. This is compounded by fear of the other community. Unfortunately, these feelings are seldom articulated openly. In the presence of individuals of the other community, one often avoids talking about ethnic issues. However, within one's own ethnic circle, one is often vocal and vociferous in expressing all sorts of ethnic gripes. This is a good example of 'closet communalism'. Closet communalism is slowly creating a 'two-face' culture among Malaysians - one, the face presented to the person outside your community and two, the face you reveal to your own kind.

What are the major causes of this deterioration in ethnic relations? communities.

o Unnecessarily divisive public policies in education, the economy and the administration. A certain degree of veiled discrimination in the private sector.

0 Manipulation of ethnic sentiments by politicians in both government and opposition parties.

0 Vested interests in the economy and politics which are determined to perpetuate communalism in public life.

0 Sectarian notions of society and social issues . supported by either religious or cultural ideologies which command emotional support among a section of the people.

0 Lack of understanding of each other's position, interests, aspirations and sensitivities among both Malays and non-Malays. This is made worse by ignorance of one other's religion and culture.

In order to check this deterioration in ethnic relations there are certain pre-requisites that must be fulfilled.

o A national leadership of high ethical and intellectual calibre with a clear vision of how the communities would be integrated. The commitment should be to integration not to assimilation on the one hand or segregation on the other.

0 A sincere commitment to justice and fairness in dealings with the various communities on the part of all those who exercise power and authority in all sectors and at all levels of society.

0 Effective inter-ethnic communicators within the intelligentsia who will strive to increase understanding  
Striking a note of hope: an ethnically-mixed crowd among the various communities and reduce g .t H; misconceptions and apprehensions. ,

0 Economic growth and economic expansion accompanied by a concerted effort to eradicate poverty among all communities. Growth will help to reduce ethnic antagonisms which often increase when the economic pie is shrinking while the eradication of poverty could result in a lessening 0E4 ethnic insecurity and ethnic anxiety. f:

o A willingness to communicate, to consult and to seek" consensus on ethnic issues. There must also be an attempt to encourage people's participation in finding solutions to ethnic challenges. Consultation and participation are vital in a multi-ethnic society; otherwise whole communities may feel that they are being ignored and neglected. This could lead to ethnic alienation.

Apart from these pre-requisites there are certain specific measures that can be introduced in the short run.

0 Establish a National Consultative Council on Ethnic Relations comprising representatives of all political parties, public interest societies, cultural and language organisations, religious bodies, professional groups etc. The idea is to provide a channel for frank communication on ethnic issues.

0 Establish the equivalent of this Council at the district level. These district Councils will consist of local 1 community leaders. Unlike the National Council, they will be more concerned with day-to-day ethnic problems.

0 Establish an independent autonomous Institute of Ethnic Relations to study in depth the ethnic problem in the country and to recommend solutions.

0 Re-vamp the primary and secondary curriculum in relation to certain subjects like history and civics with the aim of inculcating a multiethnic outlook among the young.

0 Review radio and television programmes so that programmes with ethnic biases will be eliminated.

Introduce programmes that would help non-Malays understand the history and background of the country and the role of the Malay language and 151mg in the evolution of our society. At the same time, introduce programmes which will enable Malays to appreciate better the realities of a multi-ethnic society and the legitimate aspirations of the non-Malays. Equally important, Radio and Television should give special emphasis to the values, principles and ideals which Malaysians of different communities share in common. Indeed, shared values should be the basis of our national identity and the foundation of the nation-building process. Finally, Malaysians should realise learning to live harmoniously in this multi-ethnic society is our greatest challenge. We should strive to become a shining example to the world of harmonious multi-ethnic living. If we can achieve that goal, we would have made a priceless contribution to humanity \_ of far greater value than joining the ranks of the industrial giants of the world. 0

rounx  
 menyedihkan,  
 s ramai pemimpin politik  
 kini yang tidak mahu  
 malah tidak tahu membezakan  
 antara taatsetia kepada kerajaan  
 dengan taatsetia kepada negara.  
 Kerana itu bila kita mengkritik  
 sesuatu dasar kerajaan atau mem-  
 persoalkan sesuatu tindakannya,  
 walaupun kita mengkritik dan  
 mempersoalkannya dcmi ke-  
 pentingan negara, kita 'dicapkan  
 tidak setia kepada negarai  
 Hams kita sedari bahawa keraja-  
 I ,gzersilih ganti tetapi negara kekal.  
 l apa yang dilakukan oleh  
 sesebuah kerajaan pada sesuatu  
 ketika itu mungkin bertentangan  
 dengan kepentingan masyarakat  
 dan negara. Misalnya dasar regim  
 Pol Pot di Kampuchea dulu ter-  
 nyata bertentangan dengan ke-  
 sejahteraan rakyat. Dasar-dasar  
 kerajaanNazi di Jerman sewaktu  
 Perang Dunia Kedua akhjrnya telah  
 membawa Jerman menuju ke-  
 hancuran. Banyak dasar kerajaan  
 Marcos di Filipina telah meninggal-  
 kan pelbagai masalah serius yang  
 kerajaan Aquino 'dapati begitu  
 sukar mengatasinya.  
 Lebih kurang sebulan lalu Datuk  
 Musa Hitam telah menyampaikan  
 suatu ucapan di Hong Kong di  
 mana beliau memberi pandangan  
 fang tindak-tanduk Dr Mahathir  
 belakangan ini. Kata Datuk Musa,  
 Dr Mahathir mungkin akan meng-  
 adakan pilihanraya mengejut dan  
 kalau Dr Mahathir nampak seperti  
 akan kalah maka beliau akan  
 menimbulkan huru-hara dan meng-  
 isytiharkan Darurat. Kalangan  
 tertentu di sini lantas mengutuk  
 Datuk Musa. Kata mereka Datuk  
 Musa telah menderhaka kepada  
 negarai  
 Tetapi ucapan Datuk Musa itu  
 merupakan kritikan terhadap stail  
 kepimpinan Dr Mahathir. Beliau  
 tidak mengkn'tik atau mencemar  
 nama negara. Jadi kenapa dikatakan  
 Musa derhaka kepada negara'?  
 Bolehkah Dr Mahathir disamakan  
 ungguh  
 Setia?  
 dengan negara Malaysia? Dr  
 Mahathir tidak dapat disamakan  
 dengan Malaysia walaupun memang  
 beliau Perdana Menteri negara  
 Malaysia. Kalau disamakan juga, itu  
 serup'alah seperti di zaman feudal di  
 maina Raja dan negara di anggap  
 satu. Negara dianggap milik Raja  
 seorang dan baginda dibolehkan  
 berbuat sesuka hati dan sepuas  
 nafsu. Raja Louis XIV dari Perancis  
 di zaman feudal pernah mengatakan  
 l am France? Tentu sekali tidak  
 wajar kalau Dr Mahathir mengata-

kan uI am Malaysia". Maka mestilah kita bezakan antara Dr Mahathir, kerajaan dan negara atau sekurang-kurangnya antara Dr Mahathir dan negara. Oleh itu janganlah mengecap mereka yang mengkritik undang-undang atau dasar-dasar negara sebagai widad setia kerana dalam sistem demokrasi memang menjadi tanggungjawab seseorang rakyat untuk menilai kerajaannya. Kalau mereka yang mengerjakan tanggungjawab ini boleh dicapkan tidak setia kepada negarzf, maka tidak salahlah pemimpin-pemimpin negara pada tahun 1969 kerana menganggap Dr Mahathir tidak setia kepada negarfi. Mereka yang mempunyai semangat patriotik tidak semestinya menyokong segala dasar atau tindakan kerajaan yang memerintah negara itu. Mereka yang patriotik tidak semestinya menyokong Perdana Menteri. Mereka yang cintakan negara tidak semestinya juga menyintai Perdana Menteri. Misalnya bila kita menyaksikan perlawanan bolasepak di mana Malaysia bermain dengan pasukan lain, tentu sekali kita menyokong penuh Malaysia. Di kalangan penyokong Malaysia ini termasuklah UMNO Team A, UMNO Team B, PAS, DAP, Hamim, PSRM dan sebagainya. Tetapi kita tahu bukan semua yang menyokong Malaysia ini juga menyokong politik Dr Mahathir.

29

Dasar-dasar Perdana Menteri, tindakan-tindakannya dan kairannya boleh dikritik. Malah adalah menjadi kewajipan rakyat mana-mana negara pun untuk mengkritik dan membetulkan satu-satu kesalahan Perdana Menteri, seperti kesalahan memecat hakim. Jika kita sebagai rakyat gagal membetulkannya, atau sekurang-kurangnya berusaha keras untuk membetulkannya, maka kita bersalah. Ertinya kita menerima kesalahan itu. Penting kita ingati selalu sepotong ayat Hadis yang berbunyi, uSesiapa dari kalangan kamu melihat kemungkaran hendak ia membetulkan dengan tangannya, jika ia tidak mampu berbuat demikian hendaklah ia membetulkan dengan lidahnya, jika ia tidak boleh berbuat demikian hendaklah ia betulkan dengan hatinya, dan itu adalah selemah-lemah iman? V Khalifah pertama Islam, Saidina Abu Bakar, pernah mengatakan Saya bukanlah yang terbaik dari kalangan anda; bila saya melakukan kebaikan, berilah sokongan; jika saya melakukan kesalahan, tegur

lth saya. Menyuarakan kebenaran kepada seseorang yang diamanahkan untuk memerintah adalah kesetiaan yang tulen; menyembunyikan kebenaran itu suatu pengkhianatan."

Begitulah kata-kata mutiara Saidina Abu Bakar yang diucapkan oleh beliau beratus tahun dahulu. Berapa ramai pemimpin yang akan bersetuju dengan kata-kata itu? Sesungguhnya sesudah kita melihat sikap pemimpin-pemimpin kini, sesudah kita mendengar ucapan-ucapan mereka, bolehlah kita simpulkan bahawa kata-kata mereka ini pula mungkin begini bunyinya, "Akulah yang terbaik dari kalangan kamu semua; aku mahukan anda menyambut aku dengan galuan kompong dan iringan. bunga mangga. Jika aku melakukan Di sambung di muka surat 35



#### CURRENT COMMENT

A record of Aliran 5 complete press statements made in the preceding months

#### HUMAN RIGHTS DAY

On the occasion of the 40th Anniversary of the Universal Declaration of Human Rights, Aliran calls upon the family of nations to ensure a genuine respect for human rights throughout the world, especially in Third World countries where the implementation of human rights is still accorded little priority. Cynicism and hypocrisy in the practice of human rights cannot be avoided but they can and must be exposed wherever they may occur. Mankind now has the duty to review the record of the last 40 years in respect of reaching the common standard of achievement, prescribed in the preamble to the Universal Declaration of Human Rights. We also urge the Government of Malaysia to demonstrate its support for human rights by forthwith ratifying the International Covenant on Economic & Social and Cultural Rights and the International Covenant on Civil and Political Rights. There is no excuse for us as a longstanding supportive member of the United Nations and of its Security Council to delay ratification any longer. Human rights has acquired unprecedented attention throughout the world in recent years which is building up to a global movement. muim/M

"Human Rights don't

We may yet have reason to hope that this global movement will herald the dawning of an age of spiritual commitment to concrete human concerns transcending the narrow interests of the contemporary nation-State.

Gan Teik Chee

10 December 1988 Acting President statement has not

-Editor

The above appeared in any daily.

#### CONSULTATIVE COUNCIL

#### ON THE NATIONAL

#### ECONOMY

In the face of it, the proposal to establish a Consultative Council on the National Economy after 1990, appears to be a good idea. It is significant that the Council will be multi-ethnic in composition and will include opposition political parties and independent public interest societies.

ALIRAN hopes that the Government will soon provide more information on the legal status of

respect any borders. 3  
The Struggle for them 1.  
.is our common

30

the Council, its actual powers, site  
area of jurisdiction and its term of  
reference. If the Council is 'to  
command the confidence of the  
public, it should be independent 'of  
Executive control and should  
comprise men and women of  
integrity and ability.

While it is important to seek the  
views of opposition political parties  
and public interest societies, it is  
equally crucial to find out what the  
ordinary citizen feels should be the  
national economic policy after  
1990. The proposed Consultative  
Council should therefore invite the  
general public to provide written  
comments on the subject. The  
views of the public, apart from its  
own deliberations, should consti-  
tute the crux and core of the  
Council's position on the national  
economy after 1990.

Through rational, democratic  
deliberations of this sort the  
Consultative Council, it is hoped  
will produce an economic policy  
which will secure human dignity  
and social justice for all Malaysians.

Chandra Muzaffar

19 December 1988 President

AMNESTY

INTERNATIONALIS

REPORT OF

"OPERATION LALLANG"

on 20 December 1988,

Amnesty International,

the world famous human

rights organization and winner of

the 1977 Nobel Peace prize made

public a 32 page report entitled

Malaysia: "Operation Lallang

Detention Without Trial under the

Internal Security Act.

The report gives a balanced

analysis of the events that led to

the mass arrests of October 1987. It

also examines the Government's

White Paper on the arrests and the

public's reactions to it. Detention

conditions and the treatment of

detainees are described in some

detail.

The Amnesty report makes

several significant recommendations

to the Malaysian Government. It

calls on the Malaysian Government

to: 1. Release all remaining

detainees from the October 1987

arrests immediately and uncondi-

tionally. (Amnesty has for some

time now adopted all of them as

prisoners of conscience). 2. Lift the

.. ultriction orders imposed on those  
wireleued end 3. Institute an  
independent investigation into the  
telimoniei of torture and ill-  
treatment of the detainees and to \_ \_ .  
make its findings public. Aliran is  
t')

I  
, of the view that the requests made 2'; 5  
by Amnesty are of tremendous ; ) a-  
importance. The Government i \_ E 2  
should respond positively. The .5  
, Government is no doubt aware that f ' E  
Amnestyte reports produced by its  
investigative missions to various  
countries are publicised throughout  
the world. They are avidly read and  
are highly respected.  
If the Government wants the  
outeide world to continue to  
believe thnt Malaysia is a Parliamen-  
tary Democracy which upholds the  
rule of law and protects fundamen-  
tal human liberties it has no choice  
but to release the remaining  
detainees immediately and un-  
conditionally, remove the severe  
.conditions imposed upon those  
leased, and order an independent  
quiry into allegations of torture  
of detainees.

The Government must realise  
that the Internal Security Act  
detentions and the allegations of  
torture are gross violations of the  
Universal Declaration of Human

i  
D Order ohoother Alinn publications  
.....-u.  
dated ..... for the sum of  
..-.....-.....-u.....  
.....u..... .1.-  
(see averse side)  
' Includes \$0.50 for outstation cheques.  
Send this ode: and payment to Alia, Bimini.-  
Blues, P.O. Iex 1M9, 1.30 ha... W-  
I enclose money orderlpoml onlorlcheque no.  
D I year's subscription (\$10.50i'  
El 2 years suburption (\$20.50i'  
ProfesionlOecupation .....  
Mr/Ms..."  
I A" to i \_  
I Ihh NuneandeddmsJLOCKLETTERSphae  
Rights, the International Covenant h'  
on Civil and Political Rights and the h  
Convention against Torture and ' 3:  
other cruel inhuman or degrading 0 n I-  
treatment or punishment - all 0 E N  
documents associated with the 3 v  
United Nations (UN). Since Malay- a o '-  
sia is about to take its seat in the a 3 3  
United Nations Security Council on a 0 w  
1 January 1989, let it assume its 6  
new role with its head held high. It 5 u  
would be a shame if our country I: k  
entered the UN. Security Council  
as a nation which has trampled  
under its feet the basic dignity of  
. m . . z"-  
thehumanbemg. t;- "515 35185 g '2 1332.25  
5 35 Bette :: cu agag:

" H0 E'Ew D "org  
. a 85 3:52 5 S Bzggg  
hows --Ea;e zcwi  
Chandra Muzaffar g E 76 B B 2 % 3,9 5 g .23 .5:  
23 December 1988 President a E ;m gigglgg 7; . E %7232(  
H g :15; 13233.52 :3 . fugee  
\_ .. \_ n  
The above statement has not 8 2 g; \$1313.23 .5 8 3-5 th-ggrg  
. - - h- h ea. m- : V' In ',m  
.\_ - C L NV 4.-  
appearedmany daily. Editor :5 E 5 5 9 );9\_: L: g g gamug  
8:32 2E :52 E; :35?  
a -- m5 -0178'0 e 3 .\_ 99, 3  
.35m% 03-:988 5 u, 2.33%..  
ea g 3- Saigon: 'o E \_ 3.205?  
5 .23 .513 3-? a a 3 p38-  
eiwrranez '4 2 eggs:  
0:;2530'6305 3. t: vmgwe  
ACCEPTANCEOFSEATON q, x ,2 81,3503 N n, g shag  
I- O t.- b c -- ...-vc  
THECOUNCILONTHE w " 02223m5033g 5 'D'w-E'CN  
; .. xoawc . cieng  
a c Q; C goN-C.8:J2 g" .n' O".-  
ECONOMY 3 g E3 2 ..U (gig :43. 13' ..E 85%5;  
n - em -  
gamegz-acsgag '35 U2 3-  
om)-o\_-)WVEU.\_U '9 52329  
houghIhave some reser- 9 3 ST: 8 wage; 5,. 5 .E'... \_:.;o...  
vations about the real ( o 02 a: 33238 m8 0 38 (Eg'GB  
powers of the National  
Consultative Council on the  
Economy after 1990 and the over-  
31

## ALIRAN PUBLICATIONS

Book! In English

### 0 REFLECTIONS ON THE MALAYSIAN

CONSTITUTION - \$12.20

- A compilation of papers presented at a Conference on "Reflection: on the Malaysian Constitution: 30 Years After Merdeka." The topics addressed include the Historical Background, the Role of the Monarchy, the Role of the Judiciary, the Role of the Parliament, the Role of the Executive, State and Federal Relations, the Rule of Law, Fundamental Liberties, the Ethnic Dimension and Islam in the Constitution.

0 FREEDOM IN FETTERS - \$10.20 :1

Comprehensive study of the state of democracy in Malaysia. Deals with all the major laws and Institutions relevant to an understanding of democracy in Malaysia. It examines all the major trends and developments which have influenced the practice of democracy in Malaysia.

0 DIALOGUE ON DEMOCRACY - \$3.20 D

Collection of speeches made by leaders of various political parties and public interest societies in connection with the Third Dialogue of Concern on Parliamentary Democracy.

0 WE SHALL OVERCOME - SONGS OF

OF HUMANITY - \$4.20

A rich and varied collection of songs dealing with reality, hope, freedom, justice, unity, peace and compassion.

0 THEAN TEIK: THE OTHER SIDE OF

DEVELOPMENT-\$3.20 E1

Discusses the Thean Teik Estate dispute objectively, raising the question, "Development for whom?"

0 ARMS RACE: HUMANITY IN CRISIS - \$5.20 D

Reflects a common humanitarian viewpoint on the awful realities of modern warfare and attempts to consider the transformation of man and society as the means towards achieving a worldwide peace.

0 CORRUPTION - \$4.20 D

An easily readable, informative and analytical collection of papers on various aspects of this social scourge presented by Aliran officials and guest speakers at an Aliran seminar on Corruption.

Books in Bahasa Malaysia

0 5PERSOALAN-\$3.70 E1

Apakah Asia Tenggara Selamat? Mengapa Terdapat Kemiskinan Dalam Masyarakat Kita? Apakah- Dia Kebudayaan Nasional? Mengapa Adanya Kekurangan Rumah? Mengapa Wujudnya Polarisasi Kaum? Dapatkan jawapannya dalam buku ini.

0 ISA DAN KESELAMATAN NEGARA -\$5.20 E1

Buku ini membicarakan undang-undang ISA. Ia memaparkan tentang ketidak-adilannya, tentang kezalimannya. Ia cuba memberi gambaran tentang apa sebenarnya yang berlaku pada bulan Oktober 1987 bila lebih 100 orang ditangkap di bawah ISA.

0 PANDANGAN ALIRAN -\$10.20 B

Menilai persoalan-persoalan masyarakat secara kritis dan rasional. Mengkaji penyakit masyarakat seperti rasuah, perkauman, kemiskinan dan penindasan. Mengandungi pendapat, analisa, cadangan dan komen Aliran tentang isu-isu semasa yang jarang tersiar di akhbar-akhbar tempatan.

0 CABARAN-CABARAN SEMASA — \$7.20 D

Suatu kajian yang mendalam tentang cabaran-cabaran yang kita hadapi dalam bidang demokrasi, ekonomi, kemanusiaan, pendidikan, kemanusiaan, hak asasi manusia dan hal-hal antarabangsa.

'Indicate number ordered in box next to title.

Name: Mr/Mrs/Ms ..

Address: .....

I enclose money order/postal order/cheque no.

dated ..... for the sum of

' Please include 80150 for bank commission for outstation cheques.

' For local orders, prices quoted are inclusive of postage

" For overseas orders, prices quoted in US\$ with 20% of total order for surface mail 1. and 100% of total order for airmail.

32

all composition of its membership ,  
I am accepting in good faith the  
invitation from the government to  
sit on the Council. The terms of  
reference of the Council are broad  
enough to enable its members to

evaluate critically the performance of the New Economic Policy (NEP) and to suggest fresh ideas on the formulation of a more just economic policy in the nineties. However, since I have been invited as an individual, I have requested the government to convert my seat on the Council to an Aliran seat. This will enable other Executive Committee members of Aliran to stand in for me if for some reason or other, I cannot attend certain meetings of the Council.

It is my hope that by inviting independent-minded individuals and groups to participate in the shaping of the nation's economic policy in the nineties, the government is beginning to adopt a more positive attitude towards various views on important social issues.

It is only if there is healthy respect for good ideas which may even be critical of the government that Malaysian society will be able to develop its moral fibre and its intellectual sinews.

In this connection, on behalf of Aliran, I urge the government to set the right tone and tenor for 1989 by rectifying some of the wrong-doings it has committed in the last 14 months, since the mass ISA arrests of 27 October 1987. These wrong-doings include - apart from the continued detention of 16 Malaysians - the emasculating of the independence of the Judiciary and the transformation of the daily newspapers into government gazettes.

If the government is prepared to set right its wrongdoings then the public will be convinced that it is sincere about being more open, more consultative in its approach to the nation's challenges. The public will then see the National Consultative Council on the Economy after 1990 as the beginning of a new attitude towards critics and criticism which is more in harmony with democratic principles and practices. Otherwise, they will soon dismiss the Consultative Council as yet another ploy, as yet another idea with an ulterior motive designed to strengthen the political position of the ruling elite - and nothing else.

31 December 1988

Chandra Muzaffar

31 December 1988 President

lg jAGM' REPORT

1  
1  
1  
I  
1  
D  
a  
(  
1  
l:  
1

On 18 December

. 1988, Aliran Kesedaran Negara  
; (ALIRAN) held its 12th Annual  
. General Meeting at a hotel in  
Penang.

The following were elected to  
1 the Executive Committee for 1989.

h President:

1 Dr Chandra Muzaffar (re-elected -  
unopposed) '

Secretary:

. , Hamima Dona Mustafa (re-  
'?cted - unopposed)

ssistant Secretary:

Sdra Tong Veng Wye (re-elected \_\_,  
unopposed)

Treasurer:

Sdra V Malayandy (re-elected #  
unopposed)

Members:

- 1) Sdra Ariffin Omar
- 2) Sdra P Ramakrishnan
- 3) Sdra Gan Teik Chee
- 4) Sdra Gan Kong Hwee
- 5) Sdra Ismail Hashim
- 6) Dr Tan Chee Beng
- 7) Sdra Denison Jayasooria
- 8) Sdri Jannie Lasimbang
- 9) Sdra S. P. Subramaniam
- 10) Sdra John Kim
- 11) Dr Mohamad A Kadir

Hon Auditor:

ting Teng Liang

The general meeting also  
approved last years minutes, the  
statement of accounts for  
November 1987 to October 1988,  
the 1988 general report and the  
1989 budget.

A resolution was also adopted  
unanimously by the general meet-  
ing empowering Aliran and its  
Executive Committee to be actively  
involved in the political and  
electoral process as a reform  
movement (not as a political party)  
to check the rise of authoritaria-  
nism in the country and to secure  
a democratic way of life for future  
generations.

Ensuring that some democratic  
space is available to all Malaysians is  
a crucial pre-requisite for the sort  
of social education work that  
Aliran is committed to. Indeed, the  
12th Annual General Meeting  
emphasised that long-term social  
education \_ and not short-term  
responses to the immediate situa-

tion - should be Aliran's real mission. Like many other groups in the country Aliran has been forced to react to events and episodes as they happen because of the extraordinary circumstances we are in.

#### ALIRAN'S 1989 Leadership

However, if Aliran is to serve Malaysian society in particular and humanity in general, it is important that it develops that spiritual vision of human dignity and social justice which is at the very heart of Aliran's philosophy,

It is a vision which is neither left nor right but straight. Neither left nor right but straight will be Aliran's guiding principle in the years to come.

#### The Executive Committee

##### Ever Thought of Joining Aliran?

Contrary to what certain quarters would like you to believe, Aliran is not a society for intellectuals only! Our members come from all walks of life covering the whole spectrum of Malaysian society. If you are a thinking, feeling and caring Malaysian, we would certainly be glad to hear from you.

We normally request those who express interest in joining Aliran to read the Basic Principles of Aliran, which is available from: Hon Secretary,  
Aliran,  
PO. Box 1049,  
10830 Pulau Pinang.

..-..-..

Attention All

Subscribers!

Dear Subscribers of Aliran Monthly,  
You will notice that we are starting on Volume 9, No. 1 although Volume 8 has yet to complete its 12 issues. The Editorial Board fell behind by three issues mainly as a result of the confusion over Operasi Lalang on Oct 27, 1987. Unfortunately the Printing Permit from the Ministry of Home Affairs does not allow us to print beyond the permits expiry date Dec 15, 1988, so we are limited to only nine issues for Volume 8. However, we will honour all subscriptions (each subscription covers a total of 12 issues) by extending the expiry date by three months. We hope you will bear with us. .

Thank you for your unwavering support.

Editor

12-1-1988

33



TUNKU: LISTEN TO ME

continued from page 26

and that of our neighbours, Singapore and Brunei. When I left the government we had gold reserves to boost up our currency. Everybody was enjoying his freedom without being put in fear of arrest or victimisation in any way. Our enemy the communist terrorists were on the run but they had time to penetrate some of our opposition parties as frontmen; but by and large we were in complete control of the country's affairs, administration and security.

The UMNO veteran who declined to be named said that my statement on the May 13 incident contradicted what I wrote in my book *It May 13 Before and After*. "He quoted only a few lines from the book. He should have read this in connection with the whole incident of May 13 and not just picked one single sentence to justify his criticism of me. I mentioned earlier that all these opposition parties had the communists planted in their parties as frontmen and who worked in close consultation with the communist activists. As a result of this, all these opposition parties had come under close scrutiny of the government and many of them were arrested under the ISA.

But now every political party, every social organisation and our friends abroad have more or less closed ranks and subjected this present government to severe criticism for its undemocratic actions. I quote extracts from the *Bombay Indian Express*:

'Malaysians thought that in Mahathir they had found a leader who would administer by consensus, understand the fears and feelings of the minority races as much as those of the majority Malays and provide an open government where freedom of speech and democracy would prevail. Seven years under Mahathir's rule have shattered the dream and shaken public confidence to an unbelievable degree, fear and suspicion plague the country. Malaysia remains a democracy in name but in practice it is racing towards dictatorship. ....

"However, more than anything else what has really jolted the people is the Mahathir government's systematic campaign to bring the much-respected judiciary to heel.

"All said and done, the portents are grim for civil rights in Malaysia unless Mahathir is stopped in his

tracks. The Prime Minister must ponder why he has lost public support so rapidly and senior statesmen like Tunku Abdul Rahman and Tan Hussein Onn and politicians like Tengku Razaleigh and Datuk Musa Hitam have turned against him. Minus his arrogance Dr Mahathir can be a leader of distinction."

These are some criticisms which I would like to mention here, and there are many more made from time to time from all the countries friendly to us before.

Whatever Dr Mahathir's friends may think of him, the old UMNO members must remember that the party that had given us a pride of place in the sun was the UMNO which Mahathir and his cronies have now destroyed and cast away as an unwanted piece of rag. If they don't feel any love in their hearts for this old party then they must truly be an ungrateful lot of people. They have forgotten that we had been nothing but slaves from time immemorial and that it was only the work of this old UMNO and its loyal supporters which have won for us freedom.

Literally speaking, the conditions, in wartime and those in peace-time are not the same, but metaphorically speaking, the moral effects are, and they affect the minds of the people as badly as in wartime, if not worse.

One thing we have to realise is that unless action is taken to remind the government of the mistakes they are making, they might lead this country to worse troubles, troubles we have never experienced before. It is the duty of all citizens who really love this country to do all they can to help bring back honour, law and justice to Malaysia

34

of our judiciary, the dissolution of the assault on the independence of the old UMNO and substitution of the new UMNO which was registered as "UMNO BARU" and not free to call itself "UMNO", and the auctioning of UMNO property worth over \$1,000 million to recover a bank loan of \$308 million, have become a shocking tragedy for us all.

Many things have happened; which do not require repetition here, it is hard to predict how far the government would go to satisfy the whims and fancies of their leaders, in particular, Dr Mahathir. That is why I maintain that what is happening today is as morally evil as that which happened during the

Japanese Military Occupation. ' charge was not meant to be tub? lated literally, but commonsen \_ should tell our people what I , intended to convey to them. They used to listen to me in those days of our struggle for independence So listen to me again in this struggle ' to restore law, order, economic well- -being and prosperity to the country 0

The Greatest Threat

66

If I were asked what is the l greatest threat to the human race, I would not say the nuclear bomb, though that is great enough; I would say that the greatest threat is the growing inclination of authority to control peoplels minds.

When authority wants to control peoplels minds, it uses first a well-trained weapon, the fear of the common enemy. And if that does not work, it uses a second, the fear of itself.

as

ALAN PATON

WEfKT HOPE 89? continued from  
lm4 .

.mupities. A mechanism should be  
tcreated for this purpose. 5 years  
:ago Aliran suggested the establish-  
tment of a National Consultative  
(Council on Ethnic Relations which  
would serve as an instrument of  
gdialogue among individuals and  
groups known for their differing  
Iperspectives on ethnic issues. Now  
(in 1989, we are reviving that  
Kproposal.

We are resurrecting yet another  
. idea associated with our movement:  
the popularization of values and 1  
ideals Which are shared in common  
by the different spiritual philosop-  
hies found in our country. From  
,res ect for knowledge and a  
cgnitment to balance and mode-  
r n to an abhorrence of  
ltunbridled materialism and greed,  
.the philosophical positions adopted  
by Islam and Christianity on the  
one hand, or Taoism and Hinduism,  
,on the other, are strikingly similar.  
We should develop this shared  
philosophy of life and living as the  
lbasis for unity in our multi-religious  
society.

SETIA di sambung dari muka surat 29  
sedikit kebaikan, besar-besarkan-  
nyalah dengan akhbar dan tele-  
visyen aku; jika aku melakukan  
kesalahan tolong tutupkannya atau  
buatlah alasan. Menutup kesalahan  
mrang yang diamanahkan untuk  
l erintah adalah kesetiaan yang  
tulen, mendedahkan kesalahan itu  
suatu pengkhianatanfl

Menegur pemimpin adalah ke-  
wajibpan rakyat dan kesanggiipan  
pemimpin menerimanya adalah  
salah satu sifat mulia kepimpinan.  
Negara kita sendiri pun boleh  
kita kritik sekiranya negara kita  
melakukan sesuatu kesalahan atau  
ketidakadilan. Mengkritik negara  
sendiri demi menegak kebenaran  
lan keadilan tidak salah. Apakah  
seorang rakyat kulit putih Afrika  
Selatan yang menentang negaranya  
:endiri kerana dasar apartheid  
legaranya itu melakukan suatu  
:esalahan? Salahkah seorang rakyat  
Soviet Union yang menentang

#### CONCLUSION

Ethnic integration, 3 just  
economy, democratic media, an  
independent J udlclary, freedom for  
ISA detainees - these are some of  
the formidable challenges facing us  
in 1989. But Ilhe greatest challenge  
of all - the challenge that over-  
shadows all other challenges - is of  
course the resolution of the UMNO  
crisis. Only if this crisis is overcome  
will it be possible for the leaders  
who are embroiled in it, to ttrrn to  
other more crucial challenges facing

the Malaysian nation. It will be in the interest of everyone then if a solution is found immediately to the UMNO crisis which is acceptable to all the contending forces. But it must be a solution which addresses itself directly to some of the underlying causes of the crisis. Otherwise the crisis will continue in one form or another. So if there is one wish that all Malaysians should make in the new year it is this: Let 1989 see an end to the UMNO crisis. And if that wish does not come true . . . well, what hope. 89?  
0

Chandra Muzaffar

pendudukan Soviet di Afghanistan?

Salahkah seorang rakyat Israel yang menentang negaranya sendiri kerana kezaliman rejim Tel Aviv terhadap rakyat Palestin? Tentunya tidak. Kesetiaan kepada sesiapa sekalipun walau apapun kedudukanannya dan kesetiaan kepada mana-mana institusi pun, mesti didahului dengan taatsetia kepada Tuhan.

Dalam Islam, ulama-ulama teragung pada zaman silam pernah meninggalkan negara atau wilayahnya dan mengkritik masyarakat atau kaumnya sendiri.

Di zaman moden ini kita boleh mengambil contoh Perang Vietnam. Ramai kalangan rakyat Amerika Syarikat, terutamanya kalangan belia dan cerdik-pandai, mengecam negara mereka kerana campurtangannya yang tidak wajar dalam Peperangan itu. Kerana kecaman yang hebat itulah akhirnya Amerika  
35

JUDICIAL ETHICS continued

from page 8

whatsoever in business or

commerce. There should be no

Mafia economics, in Justice Krishna Ayeris colourful phrase. A hermitic life is recommended.

6. Integrity, both in public and private life. This includes ' the element of honesty, both intellectual and general.

7. Courage of convictions. A judge must act without fear or favour. The law must be applied even if the heavens fall. Obviously, it will be easier for him to take such courageous decisions if he leads a sober private life. This links up with the observations made in respect of the fifth value.

8. A judge should avoid impropriety and the appearance of impropriety in all his activities. Recent developments clearly demonstrate that judges must not suffer undue ambition or crave promotion. 0

Paper given at Bar Council Seminar

011 Independence of the Judiciary,

Kuala Lumpur, 4-5 Nov, 1988.  
Syarikat berundur dari Vietnam.  
Nasionalis Filipina, Jose Rizal,  
telah mempertahankan konsep  
mengkritik negara sendiri sekiranya  
negara berlaku salah. Kata beliau  
iiKita dapat berkhidmat kepada  
negara kita hanya dengan menyua-  
rakan kebenaran, biar betapa pahit-  
nya sekalipun kebenaran itu?  
Konsep itmy nation - right or  
wrong sewajarnya tidak wujud  
dalam sesebuah masyarakat atau  
tamaddun yang beretika dan  
bermoral. Menurut Muhamad Iqbal,  
liSegala kesetiaan, termasuk ke-  
setiaan kepada negara, mesti di-  
tempatkan di bawah ketaatsetiaan  
kepada Tuhan? Dan ketaatsetiaan  
kepada Tuhan pula bererti ketaatm  
setiaan kepada pandangan semesta,  
cara hidup dan nilai-nilai seperti  
kebenaran, belas kasihan, keadilan  
dan kebebasan yang bersumberkan  
Tuhan. 0  
Chandra Muzaffar

MALAYSIA: THE SPIRIT OF 146 RISES AGAIN - continued from back page

Malaysian public seems to understand it immediately, seems to catch it immediately, and seems to even agree with this point of view that I'm putting across...I feel personally...that in the present atmosphere, you literally feel the vibrant opposition to the leadership of Dr Mahathir.

Now, one of the issues that seems to have convinced the Malaysians that Dr Mahathir is leading us to this path that is threatening democracy is, of course, the issue of the independence of the judiciary. When one talks about the independence of the judiciary, one would expect that the educated elite would immediately understand what this is all about. And politicians will only be left to say that the independence of the judiciary is most crucial to the survival of the democratic way of life: but the village folk would just be indifferent to such arguments because it would be beyond their understanding. But since the suspension of the Lord President of Malaysia and leading on to his expulsion, and then on to the suspension of the five Supreme Court judges, leading on to two of them being sacked, there seems to be a ground swell of an understanding of what independence of the judiciary meant and what the implication was...

But now, as soon as we talk about the independence of the judiciary as the basic principle of democratic system of government, there is clapping and cheering and agreement from the village folks. This response seems to be based on an appreciation of what this is all about.

This is an interesting phenomenon. Why it is happening this way is simply that we have been democratic in the past; democratic, not only in political terms, but in educational terms. I'm not talking about formal education. I'm talking about political education as a process that goes on during the course of us following the democratic system that we have adopted thus far.

In other words, the Malaysian appreciates that a judge could not and should not be touched. He appreciates that if he were in trouble, even with the government, he would, and could, turn to the judiciary for appeal. And in many cases he knows that, if it is the government that is guilty, the court will say that it is the government that is guilty. He has been so used to it. So much so, when the prime

minister tries to and succeeds in muffling them, there seems to be an uproar. And this is something which I feel that the prime minister would not be able to stop. I have been in government for quite a long time, and I have been in UMNO (United Malay Nationalist Organisation) for quite a long time. Every time we wanted to have a crowd, let me confess to you if you did not know already, we had to allocate a certain amount of money. In other words, how many busloads of people... They would be called volunteers, of course.

"...since the suspension of the Lord President... there seems to be a groundswell of an understanding of what independence of the judiciary meant..." What is happening now, in the current Malaysian situation is that this allocation is completely ignored by the five or six times bigger crowds that come. They just come. They cycle, they come by bus, by lorries, they pay on their own, they come by car, they walk. This is what we are talking about the so-called spirit of 1946. In 1946, on the 11th of May, UMNO was formed in Johore Baru. At that time, the village folks and all the Malays from all over the country used to walk, used to go by lorry, on their own, to Johore Baru to form the party and to oppose the British. So, now, we get the phenomenon of 1946. It is indeed a people's movement.

QUESTION: Could you please describe the state of your relationship with Tunku Razaleigh and the possibility eventually of a rival coalition being formed, perhaps with the participation of other forces that are not now part of the National Front, such as the DAP, the fundamentalists, etc?

MUSA: I was in partnership with Tunku Razaleigh when he challenged the prime minister for the presidency of the party. It had been done before and we nearly succeeded. So there is no reason why it cannot be done now. At the moment, the reforming of this partnership seems to have attracted enough attention to that the government side try to spend it very seriously with all sorts of anti-



cles in the newspapers. In fact, let me say that lots of people have said (that they were concerned about this talk; that since I came back there was a lot of hoo-ha, about the position of Tunku Razaleigh. But the answer is simple. There is no problem because I am not threatening the leadership of the group. I am not after the job. I am back here only to back the group and to support them wherever and whenever I feel that I am needed.

Secondly, with regard to possible realignment of the different political groups, let me say this, - just as I would have said about the Tunku Razaleigh and me - politics is the art of the possible, with only one objective in mind, that is, to gain power. Let me unashamedly say this: anybody who gets into politics and says that I am really not interested in power is bullshitting. In one way or another, he is interested in power, either at its ultimate or being nearest to it.

'0, having said that, it seems to me that it is not impossible that we get quite a few opposition groups to be with us...I am told that the leader of the group, Tunku Razaleigh is holding talks with a lot of people, in the opposition as well as those in the coalition now. So anything might emerge out of that.

The prime minister is reported to have opted for a snap election. I am told that the current problems in the MCA, where the president of the MCA, has taken leave, is because the prime minister says that he wanted a snap election before he went on this huge shopping spree. But the MCA was horrified at the idea because they thought they would be wiped out. So they are dead against it. As a result, they had long discussions with the presidential council of the MCA. The most interesting thing is that they discussed whether or not they should stay in the coalition. About half of them said they should get out in order to survive and join up with us. The other half said they should stay. My footnote: those who advocated to stay had problems ranging from four million to 450,000 Malaysian ringgit. So there you are, you have a situation of the full range of possibilities.

"The trouble with what is going on is simply this: what Dr. Mahathir wants, Dr. Mahathir gets..." actually means

one-man rule"

QUESTION: I realise you have said that you are not the leader, but let 's imagine that you have the ultimate power and you are Prime Minister Musa, what are the major changes you would like to see made in Malaysian society as it currently exists?

MUSA: Letis say Pm not the leader but as a good politician I fantasise. Thank you very much.

To begin with, style. To westerners it might sound unimportant. In a developing society, style counts a lot. How do you deal with people? Do you push 'your ideas across or "I've said, 'Look, you (Dr. M) spend billions, give me 400 millions, I will make the village folk happy."

"The national car...I've had arguments with him...now we know what the losses are, 214 million Malaysian 'ringgit." do you try to persuade people to be on your side?

I would provide a completely contrasting style to the current prime minister, who says, like the good doctor that he is, this is good for you, take it? I would try to persuade and discuss. I think style, to the Malay especially, is very important. The problem with Dr Mahathir is he is crass, rough and hard. This man pushes things down your throat. And the Malaysian public seems not to be able to accept that or swallow that. When you talk about other things, were a very rich country. But the trouble with what's going on is simply this: what Dr Mahathir wants, Dr Mahathir gets. What does that mean? It actually means one-man rule.

We became independent, as a country and within a few years we managed to do without expatriates. We have young talented minds in the country. That goes right across. And we don't seem to be using them. In the government service, for example, we have a so-called economic planning unit and, under Dr Mahathir it has become less and less useful. The job of the economic planning unit is merely to justify a fait accompli, something that has already been decided rather than looking at projects and the implications of them, and then making the politicians decide. Even then, politicians collectively decide. Now, consider the way that Tun Razak used to do things. He used not only Malaysians, but he also used to have foreign experts, and he used to talk continually, have dialogues, have ideas, get ideas from people before he embarked on anything. That is one big thing. But now any project is literally named by the prime minister as who should get it. I think this is just bad, just blatant, it can't go on...I would revert to the old system of tender, open tender, competitive tender.

Now, on the social side, I don't think Malaysians need to be pushed. Revolutions are always counter-productive. Now you know my political stance. I'm anti-revolution. I think it's not sensible. A society needs to evolve. And in the Malaysian context, the Malaysian society needs to be given the chance to evolve, not to be forced. When the prime minister talks about Ilook East for example, it

sounds good. Okay, you can tell

38

people, take them as example

But when you carry it very far

push it very hard, it's count

productive. People rebel again

it. When you talk about Islam

or values, it's well and good to say

"look it's good for us." You pe

suede the people. But when you 3 1

right down to it, people say, this:

no good for us because human

beings don't like to be forced,

So at that level of social intern

tion of Malaysians, I think we mus

be allowed to evolve. There must

be gentle...subtle persuasion within

the Malaysian context.

Then of course, to me per

sonally, the emphasis should be 02

the rural areas. This is me. I've ha

arguments over it with the prim

minister. I've said, tlook, you spent

billions, give me 400 million, I

make the village folk hap .

So, these generally are my views

I feel that it could be done; I fee

that Malaysia could go ahead

What is happening in Malaysi

now is not unlike whats been

happening in Korea, to a lesser

extent of course. That is, Koreans

were wealthy as a nation, and the

people were reasonably happy,

their stomachs were full. Yet they

demand freedom. The Malaysians

are also prosperous. Malaysians are

reasonably happy, their stomachs

are full, and yet they are telling the

government: look, we are happy,

because of the freedom and we

don't want you to spoil thisX

QUESTION: About this freed t

You just mentioned that Dr M\$

thir decided on snap elections

which led to the latest concern of

the MCA. Do you think that he will

still go with the snap elections? If

not, will he stay until 1991? And

if things get out of control, what

are the possibilities of his imposing

emergency rule?

MUSA: My guess is that Dr Maha-

thir wants to have this snap election

whatever the consequences: be-

cause the king is the present king.

By next year Well have a new one.

Sorry this sounds terrible but that's

true, it's a fact of life. Now my

theory is that he would go for elec

tions. If he wins, he will of course

"He (Dr. M) told me...that admitting a mistake is a sign of weakness. And I told him...not necessarily..."

be very happy, he'll trumpet to the whole world that were still a democracy. But if he has any inkling, any indication, that he could lose, he would create trouble I think. He could and' would create trouble so that there is an excuse to declare an emergency. And this is something very unpleasant. But all I wish to say is that, if what I say makes him say: No we're not going to do it, then I've achieved something very good in the interest of the nation. I'm saying this quite openly ' at home.

QUESTION: This Club was host to a former head of state of Singapore, Devan Nair, who also had a long history of cooperation with a man he is now at odds with. You have been deputy prime minister of Malaysia for four years, a close colleague of Dr Mahathir's for some time, could you describe to us, the steps with which you gradually became disillusioned and convinced that the policies were divisive?

MUSA: Within the course of the four years, issue after issue have been raised privately between the two of us. I believe that as the deputy prime minister I should not make public any differences because I think that this is the principle of collective responsibility and that I should keep it in the confines of the two of us. I think it is my job to tell him. Let me give an example: The national car. I had arguments with him and he gave me a long lecture and I was telling him about the danger of the Japanese taking over, if you did not know how to do it. And he told me that I did not know how; while he knew how to do it? and that things would go on beautifully. We know what is the status of the national car. were very proud to have a national car. I always recommend people to buy the national car because it is the best Japanese car and the cheapest on the market. But the point is that having criticised and forewarned him of the danger of going ahead

39

without proper planning and assuring that it would really stay Malaysian, now we know what are the losses, 214 million Malaysian dollars.

There are lots of other things... One newspaper after another, and magazines, have been asked to be suspended or to be delayed. I will tell you frankly...I had a lot of difficulties in trying to convince him, you either have freedom of

the press or you don't. If you have the freedom, they will criticise you and you have to take it.

Now, the judiciary. He was continually upset with the judiciary. One of his favourite slogans, privately to cabinet ministers, the supreme council members: 'Hang the lawyers, hang the judges?'

Believe it or not! He has been saying this for years...and it became quite a joke. But underlying that joke is a state of mind, of frustration and anger with judiciary. Again I remember telling him that either you have an independent judiciary or you don't...This sort of argument went on...

Then there was the incident about radio-active waste near the town of Ipoh. Village folks were very unhappy and worried, admittedly the environmentalists and politicians came and stirred the people against it...Prime minister ignored it...Then he went overseas, I was acting. I went to the site. I knew that something was wrong, I changed the site. And then, when he came back, he told me that what I did was admitting a mistake and that admitting a mistake is a sign of weakness! And I told him that admitting a mistake need not necessarily show weakness, it might show courage.

Again, this is what the difference is all about. And, then, there are just a thousand and one things.

Finally, at the supreme council meeting he just went against me accusing me of trying to topple him...Obviously the prime minister had no confidence in me, so I had to leave. And I quit. O

Extracted from THE CORRESPONDENT November 1981

Datuk Musa Hitam has been a close associate of Malaysian prime minister, Datuk Seri Dr .

Mahathir Mohamad for many years. After being deputy prime minister since 1981, he resigned in early 1986, because of differences with the prime minister.

Speaking at the Foreign Correspondents Club in Hong Kong last month, Musa said the differences between him and Dr Mahathir have been growing over a long time on many matters of policy and style of government - including independence of the judiciary and freedom of the press.

Now campaigning against Dr Mahathir, Musa says that developments in Malaysia have reached a serious stage, that Dr Mahathir might call a snap election to consolidate his power and, if he lost at the polls, he would declare a state of emergency. Musa also answered questions from the floor.

Excerpts:

DEVELOPMENTS in Malay- Why am I talking about the actually been set. Malaysia have reached a stage where the situation is serious and Malaysians should be made aware of the serious trend... which I unhesitatingly describe as a threat to the Malaysian democratic way of life... dangerous trend? Pm talking about it simply because quite a number of events have taken place in Malaysia recently. But specifically since the assumption. of office of Dr Mahathir, admittedly with me as the deputy, in 1981, the trend had

Printed by Sim Prat (Penang) Sdn. Bhd., 34-36 Pitt Street, Penang.

Published by Aliran Kerdian Noon", P.O. Box 1049, 10830 Penang. Office Phone: 04-871608

It seems to me that the Malaysian general public agrees whenever we talk about Dr Mahathir as the man who is taking us along this path...leading us to this trend. The

on continued on page 36