

# The Rakyat Has Finally Crossed The Rubicon The Countdown To Defeat For BN Has Begun

**Will Najib Be The First Unelected Prime Minister of Malaysia?**

*By Christopher Chang  
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*This article follows from a discussion with my father who is now recuperating at home. My father was admitted to hospital on the 23<sup>rd</sup> April on the initial diagnosis of having a stroke but was discharged late afternoon on the 28<sup>th</sup> April after his condition stabilised. His concerns for the country prompted him to discuss with me his views and he has directed that I post them to the website asap.*

*"If people lose their trust in the government, then the country has lost its basis"*

*- Confucius*

Christopher Chang (Chris): What is your reaction to the police brutality as shown in several YouTube video clips?

Matthias Chang (Matthias): I am not surprised at all. I had concluded in the early morning of Tuesday, 24<sup>th</sup> April that excessive force would be used. My mind was focused on the Bersih Rally on the 28<sup>th</sup> April. I was contemplating writing an article to warn the BN government not to repeat the mistakes made in previous Bersih rallies even though deep down in my heart I know that my appeals would be ignored. But, I could not pen my article as I was rushed by an ambulance (following a 999 call) to the KL General Hospital.

Chris: But the Home Minister on the 22<sup>nd</sup> April, and as reported in NST was quoted as stating:

*NST: The home ministry will allow next week's Bersih rally and similar peaceful gatherings AS THEY DO NOT jeopardise national security.*

*The minister, Dato' Seri Hishammuddin Hussein, said the ministry's initial monitoring indicated that the Bersih assembly did not require excessive presence of the police, such as the Federal Reserve Unit (FRU) as the rally was not a security threat.*

Matthias: This minister (who is a lawyer by profession) as well as the Prime Minister must explain why the City Police Chief applied *ex-parte* (i.e. without the knowledge and presence of the Bersih organizers) for an order that Bersih

cannot gather at Dataran Merdeka (the Independence Square), as inter-alia it posed a threat to public order and security. This is inconsistent and contradictory to the press statement of the Home Minister. Either the “right hand is not aware of what the left hand is doing” or it is the “good cop, bad cop” routine and the Home Minister hopes to be absolved from any potential fall-out. It would be utterly naïve for him to think of that, and that the public would fall for it.

Chris: Were you surprised by the turnout, estimated to be between 200,000 and 300,000?

Matthias: The exact number is not important but, if as reported by international media and independent observers as over 200,000 and comprising a cross-section of our people then this is historic and this means that ***the Malaysian people have crossed the Rubicon – the threshold has been crossed. It is a clear message to the BN government that the people are fed-up, pushed to the wall and their limits of tolerance have been breached. THEY DO NOT TRUST THE BN GOVERNMENT ANYMORE.***

What I did not expect was that the threshold was crossed at this juncture, at this point in time. I had expected that if the BN Government called for a snap election before the clean up of the electoral roll, the rakyat would come out in droves to punish the BN government and ensure its defeat. The turnout would surpass all previous elections!

There have always been irregularities in our electoral roll as well as incidents of phantom voters, but in the past the people put up with the irregularity as it would not be sufficient to determine the outcome in a major way.

***This reality and perception no longer hold true.*** This has been buttressed by the fact that electoral reforms were only considered after the massive turnout of Bersih 2.0. But for Bersih 2.0, the status quo would remain and this has really stirred the hornet’s nest. The ***fundamental issue is one of trust.*** And as Confucius said, once there is no trust in the government, the country has lost its basis!

Only the die-hard UMNO and BN supporters would not acknowledge this and or fail to see the writing on the wall. I had warned as such in my numerous articles before and after Bersih 2.0. The irony is that, the Home Minister before 28<sup>th</sup> April acknowledged that the government over-reacted when dealing with Bersih 2.0. But, the people treated it as *propaganda* or in local parlance, *sweet talk*. The government is no longer able to command the trust of the rakyat. ***And this is the death knell for the BN government.***

I say this without any fear of contradiction. As a lawyer and as a former political secretary to the fourth prime minister, I have always stated the facts objectively

without fear or favour. If I am wrong, I stand to be corrected but do not throw profanities at me. Prove me wrong and debate with me.

Chris: Dad, there are so many versions as to what happened, what is your take?

Matthias: First lesson in politics, when advising a politician – **Don't get emotional** and be **distracted from the principal issue(s)**.

The starting point must be that **any law or court order must be just and seen to be so**. And that the military, police and security personnel (Special Branch etc.) must be the **protector and defender of the people**.

Screw up this fundamental principle and the ability of the government to govern is undermined and the **trust of the people is forfeited. The legitimacy of the government is brought into question. It is a Herculean task to recover the trust and legitimacy – unless the government is changed or the leadership of the government is changed.**

Invariably, within the government, daggers would be drawn and sharpened as no leader **is ever indispensable**. Who, at the material time would have thought Edward Heath would be replaced by a shopkeeper's daughter in the person of Margaret Thatcher and she (the Iron Lady) at the peak of her powers would in turn fall victim to a political coup. She **did not even know what hit her**, as on that fateful day she went to Paris for an EU meeting in full confidence of her powers on the world's stage! On her return, the plotters thrust the dagger into her bosom. The rest, as they say is history.

There will be the usual blame game and the more the BN government and their spin doctors indulge in such nonsense, the worse it will be for them.

Police brutality cannot be excused **under any circumstances (even if provoked)** as the police are trained to handle such a scenario and to exercise restraint. There are standard operating procedures (SOP) under which strict orders are issued as to how to handle and control such a situation (especially one which the Home Minister has declared that Bersih **is not a security threat to the country**). There were no warnings before tear gas and water cannons were used on the crowd at the barricade near Dataran Merdeka.

Elsewhere, the crowd was peaceful, yet we have videos showing police brutality – several policemen beating a single protester in one instance. Then, we have a video of **traffic police on their motorbikes** in formation chasing the crowd when their role is to control traffic! And more!

Let us take the bulls by the horn. Let's accept the official version that some protesters broke through a **specific barricade**. Does that justify the police brutality????

And if the police were to say that the brutality inflicted on the protesters was the action of a few renegade policemen and that the entire police force should not be criticized or condemned, then my reply is, *sauce for the goose is also sauce for the gander* – the alleged actions of a handful of so-called renegade protesters and or provocateurs cannot be blamed on the entire gathering as from the beginning it was peaceful. In any event, the upper hand is with the security forces as they are trained and properly equipped.

I was informed that someone propagated a lie that a policeman was killed by the protesters when there were no fatalities at all. This could very well be a provocation by someone to inflame the police to react in a negative way. It is hoped that whoever is responsible for this false information be brought to book. This issue must be thoroughly investigated. But, I stand to be corrected.

Chris: But, Dad how do you respond to the assertion that a Court order was contravened?

Matthias: There are court orders and court orders. The order by the Magistrate, Encik Zaki Asyraf bin Zubir is a “lawful order” but was it just in the circumstances or an abuse of power? Can it be said that the magistrate was unaware of the press statement by the Home Minister that Bersih 3.0 was not a security threat to the country. What were the grounds / evidence stated in the supporting affidavit in the ex-parte application to contradict the Home Minister? This should be made known to the public. I hope that the Bar Council and concerned lawyers and human rights groups would file the relevant application to challenge the grounds for the said application, being an application made ex-parte. Hence, utmost good faith and full disclosure of all relevant facts (including the press statement by the Home Minister) is required. Was the magistrate misled?

Be that as it may, I take the view that the Court order is unjust in its scope and purport. Dataran Merdeka, in spite of its haloed name, has been used for all sorts of functions, from rock concerts to other social gatherings. Even Mat Rempits have used the surrounding roads for their illegal racing and getting away with it, but the ordinary folks cannot even use the said road parallel to the square. When hundreds of thousands of people gather there to express their democratic right for a clean electoral roll, they were barred from using the place by a Court order. That order is manifestly unjust, when it has been expressly stated by the Home Minister that it posed no security threat to the country.

The likely retort is that, *Matthias, this is a Court order and must be obeyed!*

I will cite a few examples why it can be disobeyed, ***even at the risk of contempt of court.***

1. During the British colonial rule, several laws were enacted to suppress the people, yet it is UMNO who never ceased to tell us that they “led the

demonstrations against the British for independence and justice for the people". Newspapers were shut down and people imprisoned for defying British colonial rule. There were laws and court orders but they were defied. So the laws and the court orders must be examined whether they are just or unjust laws.

2. South Africa had Apartheid laws and court orders. But they were defied by the Black majority and Nelson Mandela was incarcerated for over 20 years when he defied these inhumane and unjust laws. Malaysians and the Malaysian government supported the struggle of the Black majority.
3. The Palestinians have been humiliated and imprisoned for opposing Zionist Israel's occupation of their land. Today, over ten thousand are incarcerated in Israeli prisons including young children below the age of 14 years. They have been imprisoned in accordance with Israeli laws and court orders. Have the Palestinians no right to demonstrate against these unjust laws?
4. During the civil rights movement in the USA, there were "legitimate" laws forbidding "Blacks and dogs" from public places, e.g. in parks and blacks must sit at the back of buses, segregated from the whites who were seated in the front and any contravention is a criminal offence attracting custodial sentences. But, it took a brave woman to defy the law and demand that she be treated equally. The woman is none other than Rosa Parkes. She has been referred to as "the first lady of civil rights" and "the mother of the freedom movement" by the US Congress. Parkes' act of defiance became an important symbol of the modern Civil Rights Movement and Parkes became an international icon of resistance to racial segregation. She organised and collaborated with civil rights leaders, including boycott leader Martin Luther King, Jr., helping to launch him to national prominence in the civil rights movement.
5. I would like to quote Dr. Martin Luther King, Jr., on defying unjust laws:

*"One who breaks an unjust law must do so openly, lovingly and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for the law".*

And I say, Amen to that.

6. From Yahoo, I found this posting – "In India, the Salt Satyagraha was a campaign of non-violent protest against the British salt tax (an unjust law) in colonial India which began with the Salt March to Dandi on March 12,

1930. It was the first act of organised opposition to British rule after Purna Swaraj, the declaration of independence by the Indian National Congress. Mahatma Gandhi led the Dandi march from his Sabarmati Ashram to Dandi, Gujarat to produce salt without paying the tax, with growing numbers of Indians joining him along the way. When Gandhi **broke the salt laws** in Dandi at the conclusion of the march on April 6, 1930, it sparked large scale acts of civil disobedience against the British Raj salt laws by millions of Indians.

“Gandhi was arrested on May 5, 1930, just days before his planned raid on the Dharasana Salt Works. The Dandi March and the ensuing Dharasana Satyagraha drew worldwide attention to the Indian independence movement through extensive newspaper and newsreel coverage. The satyagraha against the salt tax continued for almost a year, ending with Gandhi's release from jail and negotiations with Viceroy Lord Irwin at the Second Round Table Conference. Over 80,000 Indians were jailed as a result of the Salt Satyagraha. The campaign had a significant effect on changing world and British attitudes toward Indian independence, and caused large numbers of Indians to actively join the fight for the first time.”

And even though I may not agree with the Opposition parties, I will oppose any attempt to stifle such expression of the democratic will of the people. Election with a clean electoral roll is a legitimate way of making political changes, including the change of a government. ***But when the legitimacy of the means to effect change is undermined by fraud, irregularities etc. we are inviting the public to effect change by other means.***

Let me remind the powers that be that Republican France was as a result of the French revolution. The American War of Independence was a revolution against British Colonial rule and the Americans today proudly celebrate on the 4<sup>th</sup> July as their Independence Day, following the success of the American Revolution. It may be wise for the BN leaders to restudy history. I am not here advocating revolution, but when legitimate means for change are denied to the people, be prepared for the inevitable as history has demonstrated repeatedly. BN, you are forewarned. A clean and fair election ***is the only way.***

Chris: Why has the government not come out openly that they will ensure a clean electoral roll?

Matthias: The government has established a Parliamentary Select Committee to look into the electoral reforms but I take the view that it has not and or failed to address the issue of the registration of fraudulent voters and other malpractices. By opposing Bersih 2.0 and 3.0 in the manner in which it did, ***it is the***

**perception** that the government is aware of these fraudulent voters and malpractices but is not willing to clean up the electoral roll.

All it takes is for the government, specifically the Prime Minister to declare that he is against **fraudulent voters and other forms of registration malpractices highlighted thus far, and will leave no stone unturned to ensure a clean electoral roll** to regain the trust of the people and take the wind out of the sails of the Opposition parties.

Why Najib and for that matter all senior politicians in the Barisan Nasional have not done so openly and categorically is the Trillion dollar question. I leave it to you to draw the necessary conclusions.

I am exhausted, I must stop here..... The dizzy spells are getting bad.

Chris: Thank you Dad.