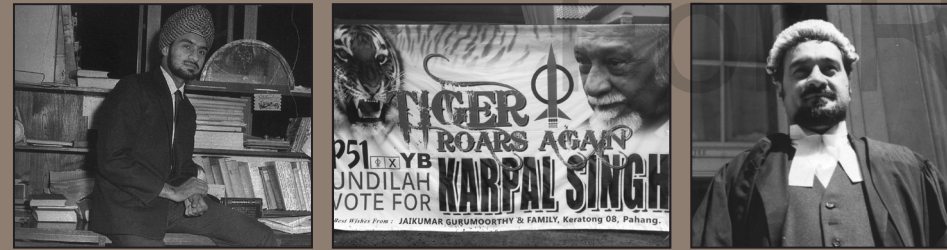




TIM DONOGHUE is a journalist based in New Zealand. He has been a frequent visitor to Malaysia since 1986, and on his last trip in April 2014 bade farewell to Karpal Singh at the Sikh Temple in Penang. There, in the company of thousands of Punjabi people from throughout Malaysia, he reflected on the life of an incorrigible legal and political warrior during three days of prayer.

Donoghue first met Karpal in early 1987 while based in Hong Kong as the New Zealand Press Association's Asia Correspondent. At that time he was covering the drug trafficking case of New Zealand mother and son Lorraine and Aaron Cohen. In 1988 he visited Karpal at the Kamunting Detention Camp outside Taiping, Malaysia, and the two men agreed in a handshake that this book would be written.

As life stories go, *Karpal Singh: Tiger of Jelutong* took him half his own lifetime to write. "This one's for journalism," he said, when the first edition of this book was launched in Kuala Lumpur by DAP stalwart Lim Kit Siang in September 2013. Since then, it has been reprinted and reissued with a new foreword.



KARPAL SINGH

TIGER OF JELUTONG

With a New Foreword by Gobind Singh Deo

The full biography of Malaysia's fearless criminal and constitutional lawyer and human rights advocate by veteran journalist Tim Donoghue

"Tim Donoghue's well-written biography of Karpal Singh ... records the life of a truly significant figure in Malaysian politics. It also records the personal side of the man. His account follows the incredible twists and turns of a larger than life character not only because of his involvement in politics, but also the law. Karpal's life reflected the modern history of Malaysia and the events that shaped it as a nation since Independence more than 50 years ago. Karpal Singh was very much an integral part of that history. It makes this biography relevant and important. It is not only the story of the man we knew as the 'Tiger of Jelutong' — but also of Malaysia itself."

Mark Trowell QC

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TIM DONOGHUE

KARPAL SINGH
TIGER OF JELUTONG

KARPAL SINGH

TIGER OF JELUTONG

THE FULL BIOGRAPHY



"To my father, everyone had a right to be heard."
GOBIND SINGH DEO

TIM DONOGHUE

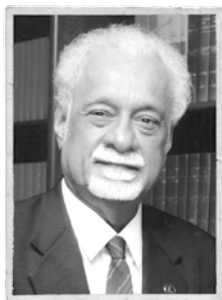
Karpal Singh, a tetraplegic following a road accident in Penang in 2005, literally 'died in the saddle' when his specially modified Toyota Alphard crashed into the back of a lorry on the North-South highway in the early hours of 17 April 2014. He was widely regarded as the best criminal and constitutional lawyer practising in Malaysia when he lost the game of chance everyone plays when they venture out onto a Malaysian road.

One of Karpal's biggest achievements was his steely defence of Malaysia's former Deputy Prime Minister Anwar Ibrahim on two charges of sodomy and one of corruption. Many in the international community, including members of the Inter-Parliamentary Union, believe the charges against Anwar were politically motivated and designed to prevent him from leading an opposition coalition to victory in the next two general elections. At the time of Karpal's death, Anwar had been sentenced to five years' imprisonment by the Court of Appeal in the Sodomy II case.

In February 2014, Karpal was convicted of sedition in the High Court which, subject to the outcome of appeals, would have seen him lose his parliamentary seat as the MP for Bukit Gelugor. Against this background, Karpal privately believed Anwar would once again be returned to jail by the end of 2014.

Karpal graduated from the University of Singapore in 1969, and was involved in state and federal politics since 1974. He was a fearless advocate for justice and a defender of human rights in Southeast Asia. He gained an international reputation for his defence of hundreds of people who faced the death penalty under Malaysia's Dangerous Drugs Act, among them Australian Kevin Barlow.

For Review only



JUNE 1940–APRIL 2014

“He was a courageous and dedicated human rights defender, and his death marks the loss of an important voice in the struggle for justice and human rights in Malaysia. Amnesty International joins national and international activists in mourning his loss and expresses its deepest condolences to his family.”

– *Amnesty International*

“He stood tall among the top leading lawyers in the world.”

– *Datuk Param Cumaraswamy, former United Nations special rapporteur and former Bar Council president*

“Karpal Singh used his keen mind, legal training, and passion for justice to doggedly promote respect for human rights in Malaysia. For decades, he was an unyielding force for the rights of all.”

– *James Ross, legal and policy director, Human Rights Watch*

“We’ve lost a colleague; an indefatigable fighter for justice; d legendary Karpal Singh! Our sincere condolences to d family. RIP. Anwar.”

– *Datuk Seri Anwar Ibrahim, Opposition leader, PKR, in a tweet*

“In politics, he was an implacable leader; in law, a committed advocate.”

– *Najib Razak, Malaysia Prime Minister*

For Review only

“Until the end, Karpal fought for his principles. When he gave his views, he was very candid and it didn’t worry if his comments could get him in trouble or offend people.”

– *former Solicitor-General II Datuk Yusof Zainal Abiden*

“[Karpal] was a very outstanding criminal lawyer, he was one of the most prominent Malaysians that the country has produced. Despite his indisputable legal prominence, he shared his life with the party and was willing to commit himself to opposition politics, which is a very difficult vocation, because he passionately believed in the party, and also basically the people, that the voiceless should be heard, the dispossessed and defenceless should be protected, and the poor should be uplifted. I think that was his passion.”

– *Lim Guan Eng, Penang Chief Minister*

“I feel the Malaysian Bar has lost a courageous member who stood to defend the Rule of Law at tremendous personal costs. Karpal has left this world but he will never leave our thoughts. His legacy will remain deeply entrenched in the legal and political arena.”

– *Datuk V Sithambaram, lawyer*

“Despite his towering and larger than life reputation and achievement, he was always respectful, unexpectedly funny, and had time, often late evening, to chat and discuss cases or legal issues with his junior lawyers.”

– *Eric Paulsen, executive director, Lawyers for Liberty*

“In his days at the Johore Bar, Karpal was most enduring, humble and approachable, as well as soft-spoken, polite and cheerful. It is not quite correct to say that he was aloof and ferocious as a tiger. Rather, he was mild-mannered, cool and calm. The ferocity in the man only erupted

like the Merapi if someone’s rights were trampled upon or if some poor soul was bullied by the powerful. He gave hope to the defenceless, voice to the voiceless, and succour to the meek and the oppressed. He forsook his fees from the impecunious and for whose human rights he fought for. He did so without detriment to himself or to the laws.”

– *S Balarajah, Johore Bar*

“The Malay proverb of “A tiger dies leaving its stripes, a man dies leaving his name” is apt for the late Karpal Singh. For one, metaphorically, the “Tiger of Jelutong” has left behind his stripes; secondly, in reality, he leaves behind a great name as a politician who is respected by both his allies and enemies alike. It is rare for one to be able to fill this proverb metaphorically and in reality, and it is as such this shows the greatness of the one who has departed us.”

– *Datuk Dr Mujahid Yusof Rawa, PAS (Pan-Malaysian Islamic Party) member and MP for Parit Buntar*

“There are few who would dare to fight from a position of nothing and yet Karpal Singh did it knowing that he had all the odds stacked against him. He stood firmly for justice and the truth. He was prepared to speak out for what he believed in against a greater authority in many instances of legal confrontations in his career.”

– *KK Wong, Malaysian Insider reader*

“He proved that realising aspirations is not about how far you can go, but how far you are willing to go. He makes a sheer mockery of what we call “struggles”, as however much sympathy we give to him for the pain he has to go through, he channelled the sympathy right away to the defendants he had to represent at the dock of a criminal court.”

– *James Chai*

For Review only

“He was a humble and very down-to-earth leader despite his position.”

– *Tan Bak Chooi, owner of Ju Huat coffee shop where Karpal used to hold his press conferences in Penang*

“I have deep scepticism to politics revolving around personality. But in times when our institutions can disappoint us, failing to check the powers that be and worsening the excesses of power, personalities like Karpal Singh can do a lot of good.”

– *Hafiz Nor Shams*

“Equality, social justice and the rule of law are just some of the many things he stood for, unflinching in his principles. Some might not have known the gentleman, but he had set a benchmark of which many would intend to follow.”

– *Jay Jay Dennis, law student*

“The battles he had fought and the sacrifices that he had made for the downtrodden Malaysians must be remembered. He spoke with reason and not emotions as some cheap politicians do.”

– *Ravinder Singh*

“Karpal Singh, who died in a car accident in the early hours of April 17th at the age of 73, was a rarity in the venomous world of Malaysian politics: a man respected by many of his opponents as well as those on his own side.”

– *Obituary by The Economist*

“Malaysia has lost a man of principle and a defender of justice.”

– *Harakah Daily*

KARPAL SINGH

TIGER OF JELUTONG

THE FULL BIOGRAPHY

TIM DONOGHUE

with forewords by

Gobind Singh Deo and Mark Trowell QC

For Review only

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*For
Michael*

For Review only

CONTENTS

Foreword to This Edition	xi	10 East vs West	182
Foreword	xv	11 On the run	207
Preface	xxiii	12 Execution	237
1 Poverty to oblivion	1	13 Legal victory	255
2 Singapore fling	14	14 Anwar	277
3 Justice for father	34	15 Let God be the judge	297
4 Schoolboy killers	39	16 The wheel turns	312
5 Stop the hanging	64	Epilogue	324
6 Remove the scum	82	Acknowledgements	334
7 Indian blues	113	Selected references	340
8 One law for all	125	Index	341
9 Payback	148		

For Review only

FOREWORD TO THIS EDITION

Karpal Singh is a Malaysian icon. He was my father. He was born in 1940 in Penang, Malaysia. Despite difficult times, my father worked his way to the University of Singapore where he read law. He subsequently set up a legal practice in Kedah and then Penang and Kuala Lumpur building what most of us in the legal fraternity will remember as a controversial, yet most inspiring legal career.

He had a penchant for championing the plight of the downtrodden and oppressed. He took on weak and what some would describe as “hopeless” cases. It didn’t matter so much if one could afford to pay him fees for legal representation. That was secondary. To my father, everyone had a right to be heard. Due process and proper application of law were essential aspects in a democratic system of administrative justice which he believed in.

Fundamental liberties guaranteed in the Federal Constitution which many saw as merely directory were most significant, almost sacred, to him. In fact, I recall his last day in Parliament on 10 April 2014. In an altercation he warned the Dewan Rakyat (House of Representatives) not to “play the fool” with the Federal Constitution, making it patently clear that in Malaysia, even Parliament was subservient to the Constitution. Indeed, the Federal Constitution is supreme and Karpal Singh worked tirelessly to remind everyone of the need to defend it as such at all times.

Politically, Karpal Singh played a pivotal role in building the Democratic Action Party (DAP). He was a State Assemblyman in Kedah and Penang and Member of Parliament, and the chairman of the DAP but resigned as chairman after he was convicted for an offence of sedition in 2014.

Known to be one who always spoke his mind, which drew severe consequences at times, even political detention and prosecution, he remained steadfast in what he believed to be right. His resilience and persistence resonated with the people and earned him the name “Tiger of Jelutong”.

Despite the challenges it faced, including possible deregistration at one point not too long ago, the DAP during the chairmanship of Karpal Singh and working with two other parties, Parti Keadilan Rakyat (PKR) and Parti Islam Se-Malaysia, managed to form the state government of Kedah, Penang, Selangor, Perak and Kelantan in 2008, and Penang and Selangor in 2013.

In 2018, the DAP working together with PKR, Parti Amanah Negara, Parti Pribumi Bersatu Malaysia and Parti Warisan Sabah managed to defeat Barisan Nasional, the party which ruled Malaysia for 61 years since its independence to form a new Federal government of Malaysia. An incredible achievement indeed, and one which became possible with the combined leadership, guidance and inspiration of dedicated people

like Karpal Singh. If my father were alive today, he would be gratified to see such a result come to pass in the country he chose to stay in and fought so hard for.

In 2005, my father was involved in a motor vehicle accident which caused him severe spinal injuries. Despite being wheelchair bound, he fought back. He was not one to be outdone by such a blow in life nor the disability it caused him. He returned to active legal practice. In 2008 and 2013, he again stood for elections for Parliament winning both times with comfortable majorities.

At 1am on 17th April 2014, I received news that he was involved in a fatal motor vehicle collision in Kampar, on his way home to Penang.

News of his passing shocked our family and the nation. Tens of thousands of people made their way to pay their last respects at our family home in Western Road, Penang, where his remains lay. He was accorded a State funeral by the Government of Penang. The massive scale of grief expressed by people from all walks of life underscored the huge impact he had on the people of Malaysia.

His story is one to remember and to learn from. This book provides an accurate account and tells it as it should be told. It traces extensively the different stages of his life, the difficult beginnings, the challenges he faced as a lawyer and politician, his perseverance and determination to overcome everything and anyone who stood in his way of success.

This is the story of Karpal Singh.

Indeed he is the Tiger of Jelutong. He is deeply missed, and he will never be forgotten.

GOBIND SINGH DEO

MINISTER OF COMMUNICATIONS AND MULTIMEDIA, MALAYSIA
AND DEPUTY CHAIRMAN, DEMOCRATIC ACTION PARTY

NOVEMBER 2018

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Karpal, pictured near the old Federal Court building in Kuala Lumpur, during his 2002 sedition case.
Photo courtesy of Mark Trowell QC.

FOREWORD

Karpal Singh was one of Malaysia's most prominent lawyers and a controversial figure both in the law and politics. He was an outspoken advocate of human rights in Malaysia for more than 40 years.

Often these distinct roles seemed to merge. That may be because politics and the law are inextricably linked in Malaysia. He is regarded as a true Malaysian 'patriot' who had a direct and progressive influence on his country's political and legal process.

Except for a short period out of office, Karpal Singh was a member of parliament for more than 30 years. Karpal was the National Chairman of the Democratic Action Party (DAP), one of the component parties of the opposition alliance known as Pakatan Rakyat.

He was deemed by Amnesty International to be a prisoner of conscience after having been jailed for two years in October 1987 under

For Review only

the draconian provisions of the now-repealed Internal Security Act.

Together with other opposition members he was swept up in what was known as ‘Operation Lalang’ for allegedly ‘inciting racial tension’. Many observers regarded the operation as an excuse by the government of Dr Mahathir Mohamad to strengthen the hand of the executive and extend control over newspapers that had provided news coverage favourable to the opposition. At that time (as is still the case now in Malaysia) public assembly without a police permit was declared illegal.

Karpal was affectionately known as the ‘Tiger of Jelutong’ from his time as MP for the parliamentary seat of Jelutong. The nickname fitted his fiery temperament and the tenacious way in which he defended his clients. It also characterised his style as a member of parliament. Echoing Elvis Presley, his favourite saying was: “If you are looking for trouble, you have come to the right place”.

He rarely, if ever, took a backward step and on several occasions was suspended from parliament on various issues of conscience. On one occasion he was even removed from the parliamentary chamber with a police escort.

Karpal was never known to do anything quietly and that not only reflected his approach to life, but also was the basis of his strength and resolute nature. He had a fiery temperament, but at times was gentle and humorous. I saw all of these qualities over the decade or so that I knew him.

Karpal was tragically injured in a traffic accident in 2005 as a result of which he suffered severe spinal injuries and was forced to use a wheelchair. Despite his disability, he still carried on a busy legal practice and remained a significant opposition member of parliament. It was a remarkable testament to his courage and determination.

Karpal Singh was twice charged with acts of sedition, first in 2002 and again in 2012. These charges span a turbulent decade in Malaysia’s

history. I was an observer at each of these trials and they provide some insight into the means by which the government has since 1948 used the legislation to stifle free speech and peaceful assembly. They also illustrate how Karpal Singh, both as a lawyer and politician, continued to challenge the government and assert his right to free speech.

The Sedition Act is a relic of British colonial rule. It was enacted in 1948 to deal with a perceived communist insurrection, but remained in force after Independence in 1957. Effectively, the Act has over the past 50 years been adapted and extended well beyond the intended scope of the original legislators.

It provides that a person can be convicted on the basis that what they said had a “seditious tendency” — which is an extremely vague phrase. It includes any words spoken which would “bring into hatred or contempt or to excite disaffection against” the government or engender “feelings of ill-will and hostility between different races”. It doesn’t matter if the words spoken are true or false. The defendant doesn’t need to intend that the words spoken had one of the results identified in the Act.

Legislation of this type hardly seems appropriate in a modern democratic nation, which Malaysia claims to be.

The first charge of sedition brought against Karpal arose from his representation of former Deputy Prime Minister Datuk Seri Anwar Ibrahim at his first trial on allegations of sodomy in 1998.

During the course of the trial, Karpal raised the prospect that Anwar was being poisoned while in custody. That revelation had come about after his lawyers obtained a report confirming that traces of arsenic had been found in Anwar’s body. During the hearing Karpal submitted that he suspected ‘people in high places’ to be responsible for the poisoning; the clear implication was that he meant Prime Minister Dr Mahathir. He was subsequently charged in 2000 with the offence of sedition.

The sedition charge stirred up the international legal community.

For Review only

Many organisations expressed outrage. It was the first time that a lawyer in any Commonwealth country had been charged with sedition for remarks made in court defending a client.

The prosecution eventually fizzled out when the newly appointed Attorney-General Tan Sri Abdul Gani Patail withdrew the charge on the morning of the trial, but not before Karpal had launched a broadside at the presiding judge Datuk Seri Augustine Paul — who had also presided at Anwar's first trial.

Karpal told Justice Paul that he had acted more as a prosecutor than a judge in Anwar's trial and that he should be 'observed' by the international observers who were at court, which included me and other foreign lawyers. Understandably, Karpal's remark enraged the judge who claimed that it was an attack on his integrity and impartiality. Karpal refused to back down and continued to provoke the judge, but despite threatening Karpal with contempt of court he refrained from doing so.

Karpal told me later that he wasn't going to miss the opportunity of taking the judge to task for what he believed was inappropriate behaviour in the Anwar trial and to 'keep him in check'. Augustine Paul died in January 2010. Both had been students at the University of Singapore. Some people criticised Karpal for speaking graciously of him after his death, but Karpal was not one to carry grudges.

The second charge of sedition brought against Karpal arose from comments he made at a press conference on 6 February 2009 about the late Sultan of Perak, Sultan Azlan Shah, who had intervened to remove the Perak Chief Minister after making personal inquiries whether the state government still enjoyed a majority in the parliament following declarations by three government members that they had resigned from the ruling party.

Karpal said during the press conference that the Sultan's removal of the chief minister and appointing a replacement was beyond his

constitutional powers and could be questioned in a court of law. The prosecution claimed these words had a 'seditious tendency' by bringing hatred or contempt or exciting disaffection against the Sultan.

Karpal claimed that he was doing no more than offering a legal opinion that the Sultan was subject to the Malaysian Constitution. Once again, he was in court asserting the rule of law and standing by the principle that every Malaysian was subject to it.

The case reflects the special status given to the rulers of Malaysia. Dr Mahathir in the 1980s had effectively removed the legal immunity of the rulers by legislative means and many harsh things had been said about the rulers at the time.

Karpal at his trial maintained that he was doing no more than the former PM had done 20 years before and that his prosecution was entirely selective. He was convicted and sentenced to a fine that effectively disqualified him from being a member of parliament. The appeal is still pending.

Since 1998 Karpal has continued to represent Anwar Ibrahim. He did so at the first series of trials when Anwar was convicted of sodomy and corruption. In 2004 the sodomy verdict was overturned on appeal resulting in Anwar's release from prison.

There was one moment at the appeal that was entirely characteristic of Karpal. He asked the three appeal court judges to give special status to the international observers saying we were there to 'see justice done'. Of course the implication was clear, but the judges did not take the bait saying it was unnecessary to give us special status because it was a court open to all members of the public. But the old fox had made his point.

In 2008 Anwar was again charged with an offence of sodomy. This time the alleged victim was one of his staff members who claimed to have been sexually assaulted by him.

For Review only

Anwar claimed that the charge was politically motivated and an attempt to again damage him politically upon his successful return to politics. Anwar was found not guilty on 9 January 2012, almost two years after the trial started.

Karpal successfully led the defence team during an often-gruelling process despite being wheelchair-bound and relying on his son to handle the legal papers. He was more than once threatened by the judge with contempt, but he casually shrugged off those threats.

Again I was an observer at that trial. I recall him, at one stage during the hearing, claiming that one of the judge's threats of contempt had 'intimidated' him. I thought at the time that this must surely be no more than a bit of theatre because I could never imagine Karpal Singh being intimidated by anyone — let alone a judge.

Ultimately, the trial judge Justice Zabidin Diah found that the DNA evidence submitted by the prosecution was unreliable, and acquitted Anwar. The prosecution filed an appeal against the acquittal, which was upheld by the Court of Appeal in March 2014. Anwar was sentenced to five years' imprisonment.

Karpal was to argue the final appeal before the Federal Court, but his death has meant that others — including his son Ramkarpal — will now argue the case.

Karpal Singh appeared as counsel in most of Malaysia's significant cases over the last 44 years or so. But it was not just the big cases that mattered to him. His reputation for defending the 'little man' was well deserved. His offices at 67, Jalan Pudu Lama, Bukit Bintang are housed in a modest narrow four-storey building on the high side of the road. On the inside walls are photos of Karpal at different stages of his career and testimonials from grateful clients.

In the dark panelled reception area there is a large wooden plaque recording the appreciation of the National Union of Cinema and

Amusement Workers of West Malaysia. There are also framed newspaper articles recording past court victories or political events along the walls of the stairs leading to Karpal's book-filled office on the first floor.

Before he died, Karpal said that if he was gone then "100 Karpals would take my place". If that were only true, but he really is irreplaceable. He will be sadly missed.

Tim Donoghue's well-written biography of Karpal Singh, now in its second edition, records the life of a truly significant figure in Malaysian politics. It also records the personal side of the man. His account follows the incredible twists and turns of a larger than life character not only because of his involvement in politics, but also the law. Karpal's life reflected the modern history of Malaysia and the events that have shaped it as a nation since Independence more than 50 years ago. Karpal was very much an integral part of that history. It makes this biography relevant and important. It is not only the story of the man we knew as the 'Tiger of Jelutong' — but also of Malaysia itself.

MARK TROWELL QC

PERTH, AUSTRALIA

MAY 2014

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Karpal and his legal team celebrate yet another hard won historic verdict at the Jalan Duta courthouse in Kuala Lumpur. It is 9 January 2012, and this time Anwar Ibrahim has been found not guilty of sodomy in the salacious Sodomy II High Court trial. Anwar is pictured here (obscured) behind lawyer-son Ramkarpal's right shoulder. Karpal, with a big grin on his face, is being pushed by lawyer-politician son Gobind. Wife Gurmit and Karpal's personal assistant Michael Cornelius are also enjoying the moment.

PREFACE

Lightning, in the form of motor vehicle accidents, struck three times in Karpal Singh's life. His own life came to a devastating halt in a motor vehicle crash on the North-South highway in the early morning hours of Thursday, 17 April 2014. Death for Karpal and his personal assistant Michael Cornelius was instant when the Toyota Alphard in which they were both passengers clipped the right rear of a northbound truck during a passing manoeuvre.

Karpal's death was reminiscent of his father Ram Singh's demise 40 years earlier. Ram, too, died instantly when the rickshaw in which he was the sole passenger was hit from behind by an out-of-control car in the 'Golden Temple' city of Amritsar in northern India in May 1974.

Three decades later, in the early hours of 29 January 2005, Karpal suffered the second major vehicle accident of his life. He became a tetraplegic when a car driven by Penang banker Lau Yee Fuat ploughed

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into the back of a taxi outside Karpal's Penang home. This accident consigned Karpal, who was the sole backseat passenger in the taxi and who was not wearing a seatbelt at the time, to nine years of pain and immobility.

During five decades practising law in Malaysia, Karpal became the country's most prominent lawyer-politician. He was an outspoken, fearless advocate for justice and human rights in Southeast Asia. He was best known internationally for his forthright defence of numerous international drug traffickers such as Australian Kevin Barlow, who went to the Pudu Prison gallows in July 1986. Until 1986, he regularly appeared before the Privy Council in London on a number of appeals, including the landmark Teh Cheng Poh case.

He juggled a prominent legal career with politics, particularly in Penang, where he became the outspoken MP for Jelutong in the Federal Parliament for 21 years and the MP for Bukit Gelugor for 10 years.

Known by the nickname the 'Tiger of Jelutong' for his uncompromising approach to politics and the law, the wounded tiger emerged from his 2005 accident in a wheelchair. The experience turned him into an even more powerful advocate for political and legal change. During the last nine years of his life the tetraplegic was a man who realised he had nothing to lose except life itself. He feared no one as he went about his work in Malaysia's courts and parliament.

His new condition required him to be patient and he came to slowly accept the fact he would be totally dependent on others for even the very basic fundamentals of life. Many people confronted by the situation Karpal found himself in in 2005 simply curl up and die. But this man had learned from his criminal law professional lifestyle that there was no need for anyone without a death wish to rush to the gallows. He relished the fact the ultimate judge had granted him a temporary reprieve on life.

After the accident he took on even more top-level anti-establishment cases, such as the defence of Anwar Ibrahim in the Sodomy II case. Karpal also saw bitter irony in the fact that prosecution lightning struck prominent opposition leader Anwar Ibrahim three times in terms of two separate sodomy cases as well as one of corruption over the past 15 years.

In latter years he also took on the Altantuya Shaariibuu case, involving a Mongolian woman who was blown to smithereens in a remote Selangor forest with military explosives on an October 2006 night. In taking on a watching brief for the dead woman's family in Mongolia, with the assistance of his three lawyer sons Jagdeep, Gobind and Ramkarpal and his lawyer daughter Sangeet Kaur, the family law firm stood very much alone in Malaysian legal circles. Karpal, with the total backing of his wife Gurmit Kaur throughout all his trials and tribulations, took on criminal and constitutional cases other lawyers feared and stayed well clear of.

Karpal conservatively admitted to having at least 50 clients die on Malaysian gallows. More importantly, he saved hundreds of others by repeatedly launching successful legal challenges.

He himself was charged twice with sedition. The first occasion, which saw the charge withdrawn, related to his spirited defence of Anwar, when he raised the possibility that the opposition leader had been poisoned while in custody.

The second sedition charge arose from comments made at a press conference in his Kuala Lumpur office on 6 February 2009, concerning the late Sultan of Perak. That charge was upheld when he was convicted by Malaysia's High Court on 21 February 2014 and sentenced two weeks later to a fine of RM4,000 on 11 March. At the time of his death, he had filed an appeal against the conviction.

Karpal's legacy as a catalyst for hard-won legal and political change in Malaysia is well positioned to live on via his adult children. At the Bukit

Gelugor by-election held on 25 May 2014, third lawyer son Ramkarpal Singh polled 41,242 votes. He won the seat that his father had held since 2004 by a majority of 37,659 votes.

Over the years I had a habit of turning up unannounced on the red carpet of his first floor office in Kuala Lumpur late at night.

On the last occasion I did this, in early September 2013, he looked up from behind his desk and said, “Ah, my friend, you are back.”

Karpal’s life story, primarily because of the incorrigibility of the man, was one I could never put behind me as a journalist. I realised early on back in 1987 that the tiger was always available for a chat late at night. He was a man of extraordinary patience and I tested that patience while coming to grips personally with the challenges involved in the writing of this book.

Following his conviction on 21 February I texted Karpal the same day and said, “Have just heard the news. I have no doubt you will prevail in the appeal stages. I can hear the tiger roaring from here.”

As always, when he found himself with his back to the political and legal wall, he was politeness personified and that sense of humour of his came through in his response.

“They have wounded the tiger,” he replied, “but will have to pay very dearly for it. Regards. Karpal Singh.”

And on 11 March, just before he was sentenced for sedition, I texted this message: “Karpal, bestest for today. Keeping a close eye as always on the situation. Tim.”

The last time I spoke with Karpal was on St Patrick’s Day, 17 March at 7:20 p.m. Michael picked up my call, as he always did, and said, “Ah Mr Tim! You hold on, eh.” He then put the phone to Karpal’s ear. In this conversation we spoke about the support he had received from the

New Zealand Law Society which issued a statement on 27 February, parts of which are reproduced here.

The New Zealand Law Society has joined LAWASIA and other legal organisations in expressing its concern at the recent conviction of Malaysian lawyer and politician Karpal Singh, on sedition charges....

LAWASIA says that while appreciating that the conviction is a matter for the courts, its concern arises where the Malaysian government had, in 2011, indicated its intention to repeal the Sedition Act, “which is widely regarded as draconian and a relic of colonial era laws”.

The New Zealand Law Society and LAWASIA support the view of the Malaysian Bar that “the decision to proceed with the prosecution of YB Karpal Singh under a law that the government has slated for repeal is inexplicable and raises the spectre of selective prosecution.”

LAWASIA says it notes that the United Nations Basic Principles on the Role of Lawyers indicate at Article 23 that lawyers “have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights...”.

In that same phone call Karpal also left me in no doubt that he planned to appeal his sedition case all the way through to the highest appeal court available to him.

I’m proud to say the last substantial hard news interview Karpal

For Review only

ever gave was with Aimee Gulliver, a colleague of mine from the Fairfax newsroom in Wellington, New Zealand. She was on a secondment job for the *Malaysiakini* wire service and arrived in Kuala Lumpur on 8 March 2014, the same day a Malaysian Airlines Boeing 777-200 went missing on a flight from Kuala Lumpur to Beijing.

On 20 March, I emailed Karpal: “Suffice to say, Karpal...any assistance you are able to accord Aimee during her time in Malaysia would be greatly appreciated by myself...with thanks and best wishes to Gurmit Kaur and the wider family. Tim.”

Karpal promptly replied: “I will communicate with Aimee Gulliver immediately.”

Gulliver subsequently interviewed Karpal.

On 11 April, six days before he died, Karpal thoughtfully emailed Gulliver thanking her for the “superbly written, hard hitting” interview, which appears in its entirety in the epilogue to this book.

This book is the brutally true life-and-death story surrounding a proud, modern-day Sikh warrior.

When Karpal died his legal sword was still out of its scabbard. This was hardly surprising for his Sikh parents had taught him well about Guru Gobind Singh, the man after whom Karpal’s second lawyer son is named. The Guru once famously said, “When all modes of redressing a wrong having failed, the raising of sword is pious and just.”

As the long-serving National Chairman of the opposition Democratic Action Party (DAP) political party, Karpal’s political activities over the years saw him imprisoned twice in the late 1980s under Malaysia’s now abolished draconian Internal Security Act legislation. Throughout his life Karpal successfully fought to overturn such legislation and to make Malaysia’s royal families accountable under law. He did it all while

operating in a might-is-right political and legal environment where the predominant rule of the game is smash or be smashed.

Politically, on 5 May 2013, Anwar Ibrahim’s opposition coalition mounted a credible challenge for political change in Malaysia’s 13th general election by winning the popular vote, but missing out on political power. Karpal retained his Bukit Gelugor seat by a 41,778 vote majority. After this result he made it clear he had no intention of retiring from politics or the law. “A good lawyer dies in the saddle. The same applies equally to a politician. They should work to the last. If you slow down, you die. In this life, you have to fight,” he told me on election night 2013.

At the time of his death on 17 April 2014, Karpal had Anwar’s Sodomy II appeal files in his vehicle.

Indeed Karpal was not a man to utter words in order to retract them later.

For sure, the smiling ‘Tiger of Jelutong’ fought to the very last.

Haere ra Karpal.

1 POVERTY TO OBLIVION

The Calcutta-based long-range B-29 bombers flew over the narrow channel between Butterworth and Penang Island in northern peninsular Malaya in January 1945.

For many in Penang, looking at the planes from a distance, the sight of the American Superfortresses with their glistening nose cones represented proof freedom from the rigours of Japanese wartime occupation was nigh. For others, who perceived themselves to be within the target zone of bombs about to be dropped, the planes represented yet more terror for a tired, cowed Asian community.

It was hardly surprising that the desperately poor family of the young Karpal Singh fitted into this latter category. From the gates of the workshop where he worked as a watchman during the Japanese occupation, Karpal's father Ram Singh Deo was among those who looked up and saw the bombers approaching. The sight of the planes

had him running as fast as he could along Light Street past the Esplanade towards the three-storey house on Green Hall where he and his young family rented two small ground-floor rooms.

By the time Ram arrived at the ramshackle apartment the Superfortresses were bombing the nearby St Xavier's Institution, which came in for special treatment as it had been commandeered and used as the headquarters for the Japanese detachment in Penang.

"Come quickly!" Ram instructed his wife Kartar Kaur and three young sons Baksis Singh, Santokh Singh and Karpal. Ram grabbed toddler Jernal Singh while Kartar jogged along with baby daughter Ajit Kaur on her hip.

Looking up into the blue sky, in one of his earliest childhood memories, four-year-old Karpal saw bombs raining down on the school his parents one day wanted to send him to.

As the rat-infested drains outside their home were already full of prostrate Sikh friends and neighbours seeking refuge from the flying debris, Ram and his family had little option but to move along. Between the earth-shaking explosions, Ram shouted at his wife and turbaned sons to follow him.

They were terrified. They ran past the entrance columns of the Supreme Court building, the stone monument to 19th-century colonial lawyer James Richardson Logan, across Farquhar Street and into the looted remains of the roofless St George's Church. Built in 1818 by the East India Company, the oldest Anglican church in Southeast Asia had itself been targeted by a Japanese bomber in December 1941.

Four years later, with the tide of war going out on the Japanese, Ram gambled that the Americans were unlikely to subject the remains of the Parthenon-like church shell to a second bombing. The fact the superstructure of the church remained essentially intact did not say much for the impact of Japanese bombs in 1941, but Ram had no doubts

about the destructive force of American bombers seeking out 'targets of opportunity' in early 1945.

He pushed his boys into the throng on the stones near the area where the refurbished Francis Light Memorial stood in front of the old church. Kartar, a proud, strong and forthright Sikh, huddled her five children around her.

On the wall of the small Francis Light Memorial building is a plaque, often covered in bird dropping. This plaque, honouring the empire-building Englishman, goes some way to explaining the colonial wartime problems Ram and his family found themselves caught up in.

In memory of Francis Light, the plaque reads. In his capacity as Governor the settlers and natives were greatly attached to him and by his death had to deplore the loss of one who watched over their interests and cares as a father.

In the 18th century Francis Light had been Penang's first governor under the British, and in early 1945 he was still apparently looking after the descendants of his subjects. Those who huddled into the church and churchyard near his memorial stone were unharmed when a misdirected American bomb exploded directly across the street from Karpal's childhood home.

Before the war the heavily bearded Ram and his wife considered sending their sons to St Xavier's Institution, run by the Christian de La Salle brothers in a Moorish conglomeration of architecturally incompatible-looking buildings. But by the time the Superfortresses headed back out over the Straits of Malacca, the school had been reduced to a pile of rubble. Destroyed were the three-storey building facing Farquhar Street, the ornate chapel above the school hall and three classroom blocks.

For Review only

Thoughts of his children's schooling were far from Ram's mind as he gingerly guided his young family back through the dust and devastation to the remains of their home at 23 Green Hall. Eight poor Sikh families had shared the home but no one would ever live there again. The house, while it had not incurred a direct hit, was rendered uninhabitable by damage to foundations from the vibrations as the Superfortresses rained their bombs down on the nearby makeshift Japanese barracks and a row of shop-houses across the street. Remarkably, all the Sikh residents of the apartment had escaped with their lives.

Covered in dust and surveying the tottering ruins of their small soon-to-be-demolished apartment, the young Karpal and his siblings were to find out what it meant to be Sikhs in post-Japanese-occupied Malaya. With nowhere else to go and possessing only the clothes on their backs, his parents could take some consolation from the knowledge they would at least be welcome at the Sikh temple in Brick Kiln Road.

The Sikh priest, in his white robes, blue turban and curling moustache, welcomed Ram and his family with open arms. Like most *gurdwaras* throughout Asia, there are to this day rooms set aside for accommodation. Hospitality for the homeless and travellers is an important part of the Sikh religion.

For the remainder of 1945, home for the family was a small room in the Penang *gurdwara*, its sole furniture an elevated wooden sleeping bench. In this poor but happy environment beneath the Sikh flag, Karpal and his siblings would sit on the red-tiled floor, their backs supported by large square white columns, studying introductory courses in Gurmukhi script.

The American bombing shattered the material aspects of Karpal's boyhood world and saw him embark on life's journey with no worldly goods whatsoever. His parents never did have a home to live in together



Kartar Kaur and Ram Singh Deo, in a photo taken shortly before Ram's ill-fated trip home to the Punjab in May 1974.



(above left) St George's Church, Penang, where Ram and his family took shelter during the American bombing; (right) the Francis Light Memorial which stands in front of the church.

they could call their own. But what they did give their third son and his brothers and sisters was an incorrigible and adventurous spirit.

It was a spirit honed out of total abject poverty in the Punjab, a spirit with an ability to transcend even the destructive capacity of B-29 bombers. While others in equally difficult situations crumbled around them, Ram and Kartar relied on a set of Sikh principles to guide them.

On the day they became homeless, Karpal's family and friends walked to the sanctuary of the *gurdwara*, past a derelict mansion once owned by business tycoon Cheong Fatt Tze.

From there they made their way along Penang Road where they had earlier seen decapitated heads of Chinese citizens, displayed by the Japanese occupation forces on the metal fence spikes surrounding the Penang Police Station.

They also passed through the grounds of the Supreme Court where somehow Justice Lim Cheng Ean, a respected member of the Straits Settlement Legislative Council before the war, continued to dispense justice in a humane manner during the Japanese occupation.

The grounds of Light Street Convent immediately behind their destroyed home had a more sinister significance for Karpal and his brothers. During the occupation, they had heard stories of Japanese soldiers administering water torture there to suspected sympathisers of the Malayan People's Anti-Japanese Army.

These stories involved Japanese soldiers forcing water down the noses and throats of their mainly Chinese victims until their bodies were bloated. With their victims tied to a board, their heads placed below their feet, the gang of rostered torturers would club the stomachs of their vomiting choking victims and repeat the process over and over until, sometimes, the gurgles ceased.

The Japanese routinely used such methods against American prisoners of war. Water-board torture was also a favoured means of

ridding themselves of local Chinese they viewed as expendable. The Malay and Indian communities in Malaya generally fared better during the occupation than the Chinese, whose homeland had been at war with the Japanese since the mid-1930s.

The Japanese in Malaya dealt with suspected pro-mainland Chinese sympathisers ruthlessly. Thousands of Malayan Chinese simply disappeared during the occupation years. The Japanese supported the Indian independence movement by assisting the head of the provisional government of Free India, Subhas Chandra Bose, to establish units of an Indian National Army (INA) in Malaya.

Chandra Bose, as well as furthering his own independence cause by advocating military force in association with the Japanese, also managed to save the lives of a great many Indian migrants in Malaya who were quick to associate themselves with the INA. Philosophically Ram, a religious man primarily intent on survival for his family, was very much a quiet supporter of the INA.

Against this background there were limited wartime prospects for this proud Sikh family man. Among them he could work as a watchman on the Esplanade at a Japanese mechanical workshop; join Chandra Bose's INA division based in Penang; or accept the realities associated with a forced posting to the death railway in Burma, where starvation and exhaustion were the norm. Thousands of Tamil rubber tappers from Malaya far less fortunate than Ram died while working on the death rail projects.

In the early days of the occupation Ram and his Sikh friends harboured a certain respect for the Japanese, particularly the manner, speed and efficiency many of them exhibited in cycling their way down the Malayan peninsula to Singapore. There they achieved a notable victory over Lieutenant-General Percival's allied forces.

The European civilian population in Malaya, with the exception of

a number of Christian brothers, a French priest who ran an orphanage for Tamil boys on Penang Road and a number of medical personnel, had won few friends among the Indian, Malay and Chinese communities of Penang when they boarded a whites-only train at Butterworth. En masse they fled down the peninsula on this train to the sanctuary of the so-called 'fortress Singapore'.

In the eyes of Ram and his Sikh, Indian, Chinese and Malay friends, when the British civilians boarded that train they also took with them any real hope of re-establishing a credible long-term, post-war colonial administration in Malaya.

The Japanese were quick to capitalise on this anti-British attitude and used the INA for propaganda purposes, while the Indian soldiers who enlisted in it saw it as a means, among other factors, of helping their extended families survive the hardships of occupation.

The Malayan Indian community was further motivated in its support for the INA when news filtered through of the British decision to imprison the entire Congress Party leadership in India.

In this environment Ram and his family were very much supporters of the INA, particularly members of the unit from Penang who fought alongside the Japanese in the quest for Indian liberation against fellow Indians, in the campaign in Burma in 1944.

As a way of showing this support Ram took his eldest son Baksis to a meeting addressed by Chandra Bose at the Indian Association field in Penang in 1943. There was standing room only during the speech on the club's grass field. Father and son came away impressed by what they saw, even though they found difficulty understanding, for language reasons, a lot of what the imposing character on the dais had to say.

A cousin of Ram, Tara Singh, died while fighting for the INA in the disastrous Burma campaign. Before Tara left for Rangoon and the Imphal front, under the leadership of Shah Nawaz Khan, a formal

For Review only

photograph was taken at a studio in Penang of Tara and Ram with the latter's sons Baksis, Santokh and Karpal. To this day the memory of the tall member of the Number One Guerilla Regiment in Burma, Tara, is much respected by Ram's descendants. Tara is remembered as a man who did what he had to do to achieve self-government for India.

Throughout the Japanese occupation, personal survival was the major preoccupation for the Malayan population. Thanks to Ram's and Kartar's efforts, all members of their family survived the hardships of life under Japan's Greater East Asia Co-prosperity Sphere in Malaya.

The early respect the local Asians had for their liberators from British colonialism soon gave way to distrust when they saw the daily atrocities and the food queues, which did little to prevent starvation. By the end of the war the population of Penang had endured enough of the Japanese.

While his sons Baksis and Santokh stood in endless food queues off Anson Road, Ram supplemented the family diet by obtaining rice rations from his Japanese employers and growing vegetables himself. The Jat caste farmer born in Samana, just a few miles from the Golden Temple in Amritsar, used the subsistence economy survival skills he had learned as a boy on the land in India.

Ram's family belonged to the Deo clan in northern India. He had no formal education, but realised as a young man he would have to leave his shack of a home in India if he was to break out of generations of poverty.

His own father Hakam Singh died a young man, which threw extra hardship and responsibility on Ram's shoulders to help his older brother Maghar with the endless work of growing wheat and rice on the family farm. As he lived his austere life, highlighted by regular daily readings of the holy book the *Adi Granth*, Ram heard the stories of Malaya being a land of milk and honey, with good prospects for enterprising young

Sikhs in the police force as bullock cart drivers or as security personnel in prosperous tin and iron mines.

Kehar Singh, a friend from the nearby village of Varpal, was one who spoke so enthusiastically of life in Malaya that Ram finally approached his older brother to obtain permission to emigrate. This bold request was granted on the clear understanding that money would be sent home to the family on a regular basis. Accompanied by his mentor Kehar, Ram set off for Malaya.

The first stage of the journey involved a train trip to Calcutta, where the enterprising young bachelors purchased bunk-class tickets on a steamer bound for Penang. After disembarking, Ram tried his luck at a mine outside Ipoh, working briefly as a guard for a Chinese concern, before returning to Penang where he was employed as a guard in the Penang Municipal Workshops.

He held this position for four years, returning to the Punjab in 1932 to complete formalities for his arranged marriage to Kartar. The simple ceremony took place at Kartar's home in the village of Khosay Randhirke, some 40 miles from Amritsar.

Soon after the marriage Ram resumed his job in Penang, leaving his wife behind in India. Their first son Baksis was born in 1933. He was almost two by the time Kartar decided to join her husband.

Life in Penang was a challenge for her at first; she found difficulty adapting from the single-race easygoing Sikh village lifestyle to the vibrant, communal, multi-racial Green Hall community.

She had understandably been reluctant to leave her village in the Punjab. She had grown up there, cooking food on cow dung-fuelled fires and blooming among the poorest of India's poor in a situation where two brothers — Ram and Maghar Singh — respectively married her and her sister Angrez Kaur. The brothers were given control of the land when they married the sisters, and for this reason, too, Kartar found it doubly

difficult to give up her birthright by immediately following her husband to Malaya.

A dedicated Sikh throughout her life, Kartar remained absorbed in her religion in Malaya, dividing her time and energies between her young family and the Brick Kiln Road *gurdwara*.

Karpal was born on the eve of extraordinary times in Asia when he arrived in this world at the Penang Maternity Hospital, Macalister Road on 28 June 1940.

As a boy during the Japanese occupation Karpal was very much protected by his parents from the fear and deprivation which constituted everyday life, but he and his elder brothers had to take many horrifying sights for granted. An early memory involves battered bodies being transported to a hospital morgue and mass graves following an American bombing in the Sungai Pinang area. The victims in this case had been squashed to death after they took shelter in deep drains from the bombs of the Superfortresses. A bomb landed in the middle of a street, forcing the concrete drains where these people were sheltering to implode violently.

When the war ended Karpal was five years old. Unlike his brother Baksis, who was 12 in 1945, Karpal had not attended a Japanese school where the pupils studied the Japanese language and began their school day by singing the national anthem of the occupation forces. On a number of occasions, when in the company of his older brothers Baksis and Santokh, Karpal was instructed to bow to the Japanese flag whenever he passed sentries on duty on the streets of Georgetown. When passing the sentry stationed permanently outside Light Street Convent he and his brothers learned to bow the deepest of bows; they knew from bitter experience that failure to do so would earn them repeat bowings, slaps, kicks and the occasional whack with a rifle butt.

The brothers also saw members of Chinese families being asked to sit

in the middle of Georgetown's streets by the Japanese occupiers. People would be picked out at random and forced onto lorries at bayonet point. Many were never seen or heard from again. The men selected by such means were sometimes beheaded. The fate of womenfolk left behind was often little more appealing as some of them were consigned to be 'comfort women' for the Japanese.

Karpal was just three when he found himself at the centre of a 'comfort woman' drama at his Green Hall home 18 months into the Japanese occupation. One afternoon a drunken Japanese soldier burst in on the household when the youngster was asleep in one of the ground-floor rooms. The soldier's intentions were obvious and all the womenfolk inside the house fled to avoid the none too subtle drunken overtures of this member of the Imperial Japanese Army. It was only when she was on the street outside her home that Kartar remembered her sleeping toddler still in the communal home.

Karpal's older brother Santokh remembers this crisis being quietly resolved by their father's cousin Tara, who went inside the house and discreetly shadowed the drunken young Japanese away from his prey. The tall and powerful Tara finally cajoled the man out of the house, where he eventually found his way back to his barracks. The intervention allowed the toddler to sleep soundly throughout the 30-minute drama. It was a much-relieved Kartar who rushed back into the house to find her son unharmed.

The incident highlighted the constant threat of violation experienced by Karpal's mother and her female friends. Like the Chinese, they lived with the prospect of being selected as 'comfort women' for the Japanese at a moment's notice.

The occupation was tough on Karpal's mother. Unlike her husband, she had no real opportunity to participate in the everyday activities of the short-lived regime. For her the occupation meant a denial

of such basic rights as sustenance, security and safety for herself and her family.

Karpal's parents took every opportunity to prevent their young sons from witnessing the gruesome sights but his parents soon discovered it was impossible to shield their boisterous and carefree youngsters all the time from the daily atrocities of life under the Japanese.

In September 1945 the official surrender saw the Japanese occupiers of Penang marching down Brick Kiln Road in front of the Sikh temple with their hands on their heads. Karpal and his brothers were among the crowds who threw stones, jeers and taunts at the former masters and perpetrators of misery.

The months after the Japanese surrender were difficult ones for Ram. Bandits of many political shades came out of their hideouts in the surrounding jungles and began targeting those they perceived to have been too closely allied with the Japanese during the occupation.

The reality of Ram's situation, and thousands like him, had been that he had had little choice other than to work for the Japanese. So when the British returned, expecting to continue their colonial administration where they left off in 1941, Ram was in no hurry to publicise the fact he had been forced to work as a watchman by the Japanese at a workshop next to the historic Fort Cornwallis on the north-eastern tip of Penang Island.

Karpal's tumultuous early childhood years proved a useful apprenticeship for the rigours associated with his subsequent criminal law and political career. When confronted by major health problems in his adult life, Karpal often thought of the lesson learned from his parents during the family's wartime trials. It was a lesson in how to survive against all odds.