

*All in Good Faith? Proximity, Politicization and the Malaysian External Intelligence Organisation*

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‘The problem of politicization is as old as the intelligence business’

Robert M. Gates<sup>1</sup>

## Introduction<sup>2</sup>

On 9 May 2018 Malaysia provided one of the most compelling demonstrations of the power of the secret ballot ever seen. In the country’s 14<sup>th</sup> General Election, colloquially referred to a GE14, the incumbent and highly controversial Prime Minister Najib Razak<sup>3</sup>, his party the United Malay National Organisation (UMNO) and its associated, multi-ethnic coalition *Barisan Nasional* (BN, ‘National Front’) were soundly ousted from power. UMNO/BN had held power in one form or another since Malaysia received its independence on 31 August 1957. Mired in persistent allegations of corruption on an epic scale, BN were defeated by a fractious coalition of previously minor parties collectively termed *Pakatan Harapan* (‘Alliance of Hope’), whose success has largely been attributed to the last minute return to active politics of Najib’s<sup>4</sup> only slightly less controversial predecessor-but-one, Mahathir bin Mohamed.<sup>5</sup>

It was no surprise to any of those observing that the higher echelons of the Malaysian government underwent a scouring purge of speed and thoroughness rarely seen since the fall of the Soviet Union. But while an assortment of leading and not-so-leading political lights rose and fell, and Najib found himself under criminal investigation and his home searched and possessions seized, an equally unprecedented public furore emerged regarding the Malaysian intelligence community. That furore was focused on the Malaysian intelligence community’s its least well-known agency, the Malaysian External Intelligence Organisation (MEIO), also known as the Research Division of the Prime Minister’s Department (RD).<sup>6</sup>

One of the numerous revelations to follow from Najib’s fall from power was the fact that, five days before the election, the Director General of MEIO, Hasanah Abdul Hamid<sup>7</sup> had written to the then-acting Director of the United States Central Intelligence Agency (CIA) Gina Haspel.<sup>8</sup> In principle, correspondence at heads-of-agency level should be nothing out of the ordinary given the close cooperation of the Malaysian intelligence community with a wide range of other nations (including but not confined to the Anglo-American ‘5 Eyes’ agencies). What caused public dismay when the letter was leaked to the public via social media and thence to the Malaysian press shortly after the election was not just the intensely politically partisan tone of that letter. The real flashpoint for controversy was a concluding paragraph that appeared to be asking, even begging -- however obliquely -- for a CIA covert political action to intervene that election on the side of Najib and UMNO/BN.

The affair of the MEIO and Hasanah's letter to CIA has significance for the wider study of intelligence organizations in government. GE14 demonstrated compellingly that Malaysia is a functioning electoral democracy. Its intelligence agencies are highly professionalised and comparatively well-resourced for a country of its size, and its intelligence personnel as able and well-trained as any to be found in the more fulsomely resourced agencies of the developed world. But the story of Hasanah's letter to CIA is the story of a national intelligence agency slipping from a national security function to regime protection. That disastrous mission creep also exposes some serious limitations in our existing conceptual and theoretical understanding intelligence-policy proximity, politicization and the boundary conditions between politicization and regime protection. There are questions to ask about the applicability of current such theory beyond the Western liberal democracies to the so-called 'rest of the world', especially so-called 'new democracies', and particularly the increasingly prosperous and developed 'newly industrialised countries' (NICs) of the 'global South'.

### **Politicization, Proximity and Beyond**

The notion of 'politicization' is one of the most common terms in intelligence theory, usually employed as something of an epithet or accusation. It also appears in the study of civil-military affairs where use is comparatively naïve and simply refers to the military, as Mark Beeson and Alex Bellamy put it, 'becoming involved in politics'.<sup>9</sup> The relationship of intelligence institutions to policy formation and execution is, however, more nuanced and so also must any concept of intelligence politicization.

As a general rule, 'politicization' appears in the literature as a dysfunction that manifests as a bias in or alteration intelligence judgements arising from tacit or explicit pressure to suite those judgements to the preferences or prejudices of intelligence consumers. Often such bias or alteration is attributed to too close a relationship between the intelligence and policy communities. Stephen Marrin has framed this problem as that of 'proximity' or 'relative distance between intelligence analysis and national security decisionmaking'.<sup>10</sup> The appropriate degree of proximity is one of the most long-debated points of conceptual debate in the field, despite Walter Laqueur's over-optimistic 1985 suggestion that 'The debate about integration versus separation now seems to be over'.<sup>11</sup> The problem of proximity is, essentially, a dilemma. Former National Intelligence Council chair Mark Lowenthal has described the policy-intelligence relationship as a 'semi-permeable membrane'<sup>12</sup> while his erstwhile British Joint Intelligence Committee counterpart, Sir Percy Cradock, famously likened the relationship to one of 'separate but adjoining rooms, with communicating doors and thin

partition walls, as in cheap hotels.’<sup>13</sup> Without those barriers, however ephemeral, Cradock warns ‘Too close a link and policy begins to play back on estimates, producing the answers policy-makers would like ... analysts become courtiers, whereas their proper function is to report their findings ... without fear or favour’.<sup>14</sup> Too great a distance, however, too *little* proximity, and intelligence risks become detached or even irrelevant to the needs and an interests of intelligence users.

There are advocates of both greater and lesser proximity, a debate that can be traced at least as far back as 1949 and the public dialogue between Sherman Kent and Wilmoore Kendall on the publication of the former’s seminar *Strategic Intelligence for American World Policy*.<sup>15</sup> As later encapsulated by CIA’s Jack Davis, Kent’s ‘recommended fix’ was to ‘warrant scholarly objectivity, provide analysts with institutional independence [and] to warrant relevance, urge them to strive to obtain “guidance” from policymakers.’ By contrast, Kendall exhorted the intelligence profession to ‘directly help “politically responsible” leaders achieve their foreign policy goals’.<sup>16</sup> The debate has continued over the decades, with Arthur Hulnick labelling advocates of greater separation ‘traditionalists’ and of greater proximity ‘activists’.<sup>17</sup> The entire question has become still more vexed when it became apparent that different countries functioned entirely effectively with significant variations in the degree of proximity that their systems were willing and able to accommodate.<sup>18</sup>

Shortly before 9/11 and Iraq, Lowenthal pithily and effectively boiled the potential drivers of politicization down to ‘a variety of motives: a loss of objectivity over the issue at hand and a preference for specific options or outcomes; an effort to be more supportive; career interests; outright pandering.’<sup>19</sup> In the wake of those same traumas, Gregory Treverton provided a more detailed taxonomy. There may, for example be explicit ‘direct pressure’ from policy-makers on intelligence to toe a certain line. That line may be internalised and become an internal orthodoxy or ‘house line’ in ‘a particular analytic office’ that over-rides doubt and dissent. Senior officials (most likely on the policy ‘side’) may ‘cherry-pick’ selected items of reporting or evidence to support that line. Questions may be asked or framed in ways to steer a particular answer that appears to support the preferred line. And finally, policy and intelligence practitioners may develop a ‘shared mindset’ in which ‘intelligence and policy share strong presumptions’. This latter case Treverton notes ‘is more self-imposed than policymaker-imposed’.<sup>20</sup> In which case, the problem becomes one of a shared groupthink crossing the intelligence/policy frontier, which can arise all too readily under conditions of closer proximity and familiarity.

The kind of concern elicited by the notion of ‘politicization’ is, however, very largely an artefact of intelligence in developed, stable liberal democracies. As a conceptual discipline, intelligence theory

suffers from a long term *déformation professionnelle* of focusing narrowly albeit not *quite* exclusively on (mainly Western) democratic examples and criteria. The end of Cold War put paid to its attendant cottage industry of exposés of the machinations and excesses of Soviet Bloc security apparatus. The result was an acute loss of interest in scrutinizing the intelligence and security institutions of authoritarian states, and therefore a loss of conceptual interest in systems principally geared towards regime protection rather than non-partisan notions of national security.<sup>21</sup>

By the same token, regime protection is never really discussed as a potential extremum of proximity and politicization within nominally democratic systems. There appear to be two main reasons for this. The first arises from an implicit assumption across in the theoretical literature that the transition between policy support and regime protection represents a *step change* driven by fundamental differences in structure and ethos between democratic and authoritarian polities.<sup>22</sup> The second driver is, effectively, ethnocentrism. The lion's share of intelligence theory has come from states where the political culture and institutions of democracy in one form or another have prevailed for centuries. And yet, the lion's share of the 'rest of the world' consists of nations and cultures that inherit traditions where niceties of distinction between peace and war, diplomacy and subterfuge or state and regime are at best fuzzy boundaries, if there is any perceived difference at all.<sup>23</sup> Where, for example, security sector reform literature touches on intelligence it approaches the problem in one of two main ways. The first perspective employs path dependency theory and investigates the residual legacies of earlier, undemocratic forms of government<sup>24</sup>, while the sees domestic intelligence as inherently corruptible and prone to political compromise<sup>25</sup> (and typically pays comparatively little attention to foreign or defence intelligence). Neither approach is especially well suited to societies that are, in institutional terms, functioning democracies but where the differentiation between a state and its governing but elected partisan political movement is less clear-cut for specific concrete, historical and developmental reasons. Under such circumstances, there may still be some discontinuity between politicization and regime protection, but it would be a shallow one and preceded by a more slippery slope than in London, Washington, Stockholm or Canberra. For such cases, we need a much more nuanced conceptual understanding than currently prevails in the literature.

### **Background to GE 14**

To understand the political climate and climate of politicization in which Malaysia's agencies have evolved one must appreciate the degree to which Malaysia's politics and system of government

revolve around the country's ethnic and sectarian divisions. Despite sustained propaganda around 'multiculturalism' and the notion of 'one Malaysia' (in recent rhetoric '1Malaysia'), most political factions revolve around ethnic identity and, less often, religious (chiefly Islamic) identity. A chronic bone of contention is the protected status of the traditionally rural and less prosperous majority Malay community. That special status was a constitutional feature of the Malaysian polity even before Independence. From the earliest post-war years, it was a non-negotiable quid pro quo for the various, historically independent, Malay states to sign on to the Malaysian Federation. That preferential position has always sat uncomfortably with Malaysia's aspiration to be a polity founded on liberal notions of freedom and democracy.<sup>26</sup>

The result was a highly stable, almost rigid, political system where the largest ethnic parties in the form of the United Malay Organisation (UMNO), the Malaysian Chinese Association (MCA) and Malaysian Indian Congress (MIC) joined forces in a resilient ruling coalition. That coalition was originally entitled the Alliance Party from Independence in 1957 but was rebranded *Barisan Nasional* (lit. the 'National Front') in 1973. The opposition to UMNO/BN has been characterized by a disparate assortment of formally multi-ethnic parties. These included the Democratic Action Party (albeit dominated in a large part by ethnic Chinese), the People's Justice Party (and its various predecessors), the Islamic Party of Malaysia (*Parti Islam Se-Malaysia* or PAS, multi-ethnic in principle but dominated by Malays in practice) and a small Malaysian Socialist Party. An assortment of minor, often short-lived ethnic parties also came and went over the years. Supporting the big minority ethnic players in BN, however, provided voters with the most robust negotiating position to protect their respective communitarian and sectarian identities and interests.<sup>27</sup> Because of this, BN managed to survive successive crises and scandals with only diminutions in its majority grip on the Malaysian Parliament's elected Lower House, the *Dewan Rakyat* ('Hall of the People').<sup>28</sup>

For his part, Najib had held a lynchpin role in Malaysian politics for nearly a decade and a half. The son of Malaysia's second Prime Minister, Abdul Razak<sup>29</sup> and a scion of Malay aristocracy, he had held a succession of Cabinet portfolios before serving as Deputy Prime Minister from 2004-2009 and then as Prime Minister from 2009. His early years in office had actually been characterised by a great show of liberalising reform. In 2011 he had repealed a Proclamation of Emergency that had been in place since 1969 (about which more below)<sup>30</sup>, followed the following year by repeal of the notorious 1960 Internal Security Act which allowed, *inter alia*, detention without trial.<sup>31</sup> Such reforms ground to a halt, however, as allegations of corruption gained momentum with the 1MDB scandal breaking in 2015.

The fine details of 1MDB do not matter here, but the central allegations concerned the comprehensive misallocation and misuse of moneys intended to be used to invest in large-scale and long term strategic investment programmes managed by the state-owned investment firm 1Malaysia Development *Berhad*<sup>32</sup>. What is immediately relevant are the facts that the apparently purloined funds amount to some 4.5 billion Malaysian Ringgit (c.US \$1Bn), and the fact that the case proved so egregious that Najib found himself under federal investigation for corruption and his substantial US assets frozen by the US Department of Justice.<sup>33</sup> By this time UMNO/BN was already in political difficulty. In the 2008 general election that brought Najib to power, BN had lost a third of its seats to PH, but still retained power. Despite the reforms and amidst growing concerns about corruption, in the 2013 election BN lost a further 7 seven seats to PH, with the latter even securing a slim majority of the popular vote. Consequently, the appearance of the 1MDB allegations plunged the Najib leadership into crisis mode.

In the spring of 2015 UMNO/BN reverted to precedent as Najib suspended two newspapers that had published stories on 1MDB.<sup>34</sup> Later that year, new legislation that awarded potentially draconian powers to the Malaysian National Security Council (discussed further below) was pushed through parliament. In the meantime, increasingly frequent and vociferous public protests had been gathering momentum culminated in late 2017 with 150,000 protestors turning out for a *Bersih* ('Clean') protest march in Kuala Lumpur.<sup>35</sup> This momentum had continued to build despite years of threats and intimidation against visible figures in the *Bersih* movement and the NGO *Bersih* Global, including physical intimidation at events from local martial arts (*silat*) groups – personally endorsed, albeit obliquely, by Najib.<sup>36</sup> In April 2018, an additional Anti-Fake News Act was passed that was widely seen as an additional threat to political and press freedom.<sup>37</sup>

Amidst an increasingly vituperative exchange over social media and in the press between Najib and Mahathir, on 7 January 2018 PH had announced that Mahathir would lead them into the coming general election. By early March, early warning signs were becoming visible. A polling organization called Invoke Malaysia produced a pole that warned of a 'collapse' of BN.<sup>38</sup> The government responded quickly, with an UMNO Senator and Vice-Chief of UMNO Youth quickly trying to impugn the polls methodology in the pro-government broadsheet *The New Straits Times*.<sup>39</sup> In late April another pollster, the Merdeka Institute, forecast another but still more marginal win for BN.<sup>40</sup> A second poll by Invoke in early May still indicated a BN defeat but short of the collapse predicted earlier.<sup>41</sup> At much the same time, the Merdeka Institute was now projecting a steep drop in BN's popular vote to 37.3%. While they still predicted that BN would take 100 seats out the *Dewan Rakyat*'s 222 against to PH securing 83, 37 seats – more than enough to tip the scales – were judged

'too close to call'.<sup>42</sup> To certain degree, the methodology and reliability of the polls mattered less than their impact on an increasingly febrile political climate. As the polls came out government campaigning began to acquire a tone of ill-concealed panic while Mahathir and PH, sensing weakness, pressed the attack.<sup>43</sup> For Malaysia's ruling political and administrative elites, cloistered in a federal government satellite city of Kuala Lumpur called Putrajaya, the climate of barely suppressed panic was palpable.

### **Evolution of The Malaysian Intelligence Community**

The Malaysian intelligence community (IC), like so many outside the Anglosphere and its adversaries, is profoundly under-examined. What little scholarship there is on the Malaysian IC largely focuses chiefly on its earliest formation during the Malayan First Emergency (1948-1960).<sup>44</sup> This was the first of two sustained insurgencies by the Communist Party of Malaya (CPM) that dogged the country's formative early decades. The Second Emergency dragged on but at a much lower level of intensity from 1968-1989.<sup>45</sup> This was close enough on the heels of the First Emergency to reinforce the inclination of the IC to be police-led and preoccupied by domestic security concerns. To some degree, the 'Confrontation' (*Konfrontasi*) between Malaysia and President Sukarno's Indonesia provided an intelligence requirement that refocused attention outwards or, more often, on the nation's frontiers.<sup>46</sup> In 1969, however, internal security again dominated intelligence priorities as the country descended into a shattering interval of Malay-Chinese interethnic violence in the wake of that May's General Election. The so-called 'Incident of May 13 1969' brought down the previously heroic figure of Malaysia's founding Prime Minister, Tunku Abdul Rahman. It also resulted in a series of Proclamations of Emergency and the suspension of civilian government in favour of rule by an unelected National Operations Council (NOC). Although NOC rule was discontinued after 21 months and democratic processes restored, as noted the initial Emergency Proclamation remained in force until comparatively recently. Each of these events contributed to the formation of one or another Malaysian intelligence institution. Taken together they contributed to an often inward-looking national intelligence culture that would ultimately display very real vulnerabilities to politicization and partisan political compromise.

#### *Special Branch*

The Special Branch (SB) of the Royal Malaysian Police is the longest standing, arguably most influential and definitely the most controversial agency in the Malaysian IC. Career SB professionals



regard themselves in the first instance as intelligence officers<sup>47</sup> despite their agency retaining police executive powers. SB was established in 1950 after its predecessor, the Malayan Security Service, found itself rapidly overtaken by the twin challenges of the rapid escalation of the First Emergency and a turf war with MI5.<sup>48</sup> When Malaysia acquired independence with the First Emergency still raging, SB and what would become the federal Royal Malaysian Police (*Rasmi Polis Diraja Malaysia* or RPDM) were moved to a Cabinet portfolio for internal defence and security. Initially, Tunku Abdul Rahman held that portfolio in parallel with his premiership of the new government.<sup>49</sup> SB was formally re-branded in Malay as the *Cawangan Khas*<sup>50</sup> (lit. Special Branch), but continued to be known in all but official walks of Malaysian life by its English title. Responsibility for RPDM was subsequently devolved to the Minister for Home Affairs, then in 2004 the government returned to the Tunku's original formula with RPDM and SB falling under an Internal Security Minister with the Prime Minister again taking on that portfolio.<sup>51</sup> This arrangement resulted in SB's chief inspector 'openly reporting directly to the Prime Minister'<sup>52</sup> as well as to the internal leadership of RPDM and the Inspector General of Police.<sup>53</sup> Responsibility for police has since returned to Home Affairs.

Besides counter-terrorism, counter-insurgency and counter-subversion functions carried over from the First Emergency, SB was also responsible for counter-intelligence and counter-espionage. As a police organization with arrest powers, however, its functions and resources have reached well beyond those of a security intelligence service. Consequently, it has historically maintained specialist detection centres and employed overt powers of investigation, search, seizure and interrogation that have attracted persistent criticism from within and outside Malaysia. Even SB's trenchant critics in Amnesty International acknowledge, however, acknowledge the legacy of the First Emergency in the agency's ethos. 'The shape and character' of RPDM, they noted in 2004, 'was heavily influenced by its Special Branch' in which 'the methodology of the Special Branch, including "turning over" over communist insurgents through the use of intensive, disorientating interrogation during prolonged incommunicado detention, was developed during this period and continues to be reflected in current practice.'<sup>54</sup>

#### *Defence Staff Intelligence Division*

Far less well-known than SB but more visible than MEIO is the Defence Staff Intelligence Division (DSID, also *Bahagian Staf Perisikan Pertahanan* or BSPP).<sup>55</sup> Malaysia's Ministry of Defence, popularly MinDef in English (in Malay *Kementarian Pertahanan* or KEMENTAH), sprang from two sources. The first was the aftermath *Konfrontasi* which had brought the nation's dependence of Commonwealth

allies into stark relief.<sup>56</sup> The second was Britain's 1968 decision to run down its global presence 'East of Suez' shortly after *Konfrontasi* drew to a close, reinforcing the lesson that Malaysia needed to consider a 'more self-reliant posture'.<sup>57</sup> DSID's function is mainly to provide intelligence support to the Ministry of Defence, as well as counter-intelligence and protective security across MinDef and the armed forces. DSID performs the usual range of defence intelligence functions such as all-source strategic intelligence appreciations at defence staff and ministerial levels, production of joint service intelligence products for operational support, and tri-service security policy. It also holds a remit for protection from 'cyber hacktivism, cyber terrorism and cybercrime', and unlike for example, the UK's DI, has an explicit role counter-terrorism<sup>58</sup> as well as border surveillance.

DSID is headed by the Director General of Defence Intelligence (DGDI or *Ketua Pengarah Perisikan Pertahanan*, KPPP) at 3 Star (NATO OF8) grade. He answers to Chief of the Armed Forces in line management terms while also, as Malaysian defence commentator Dzirhhan Mahadzir has observed, 'directly reporting the Minister [of Defence] and the National Security Division [of the Prime Minister's Department]'.<sup>59</sup> Mahadzir takes the view that this renders DSID somehow 'semi-autonomous'<sup>60</sup>, but in fact such multiple, parallel channels of answerability are not uncommon amongst defence (rather than single service) intelligence agencies that have a mixed departmental and national remit.<sup>61</sup>

Almost immediately after its creation MINDEF found itself tasked with military mobilisation in support of civil authority after the May 13 Incident, followed the escalation of Second Emergency during the mid-1970s.<sup>62</sup> Consequently MinDef and therefore DSID have a greater domestic security role than one sees in, for example, the United States or Great Britain. Beeson and Bellamy have argued that this domestic security role of the military has, nonetheless, been far more effectively limited and subjected to civilian authority in Malaysia than in other Southeast Asian states.<sup>63</sup> However, Mahadzir has countered – mainly with reference to the Najib period – that

Because the MAF [Malaysian Armed Forces] has a duty to assist with internal security, DISD has also been drawn into domestic intelligence gathering, not only in the border regions but in regard to political demonstrations in Kuala Lumpur. Most circles argue that DISD has better intelligence on the borders than the police and that the recent internal infighting in the Royal Malaysian Police is likely to lead the government to consider DISD as a more reliable intelligence gathering agency...<sup>64</sup>

Mahadzir concludes cautiously that 'Opinion is mixed ... as some feel that DISD should focus only on military intelligence while others argue that the MAF needs to gather domestic intelligence because of its internal security role.'<sup>65</sup>

#### *Malaysian External Intelligence Organisation*

The third principal agency in the Malaysian intelligence community is the Malaysian External Intelligence Organisation.<sup>66</sup> Confusingly, MEIO appears under an assortment of different nomenclatures. Its official, public-facing designation is the Research Division of the Prime Minister's Department (*Bahagian Penyelidikan Jabatan Perdana Menteri*). Both the MEIO and Research Divisions designations appear have equal currency in official quarters, with MEIO officers as likely to refer to their agency by either name. Indeed, Hasanah's letter to CIA itself went out under a Research Division letterhead while she herself referred to her agency as MEIO throughout. MEIO's officials also indulge in the visual pun of referring to their agency as 'ME 10'.<sup>67</sup>

MEIO was established in the 1960s<sup>68</sup> chiefly to support allied efforts during *Konfrontasi*<sup>69</sup> although its product during that campaign appears to have been disseminated to operational commanders via Special Branch.<sup>70</sup> It was initially set up largely under the auspices and guidance of the UK's Secret Intelligence Service (SIS, aka MI6).<sup>71</sup> Its remit<sup>72</sup> covers intelligence collection and analysis as well as 'special operations' (*operasi khas*), in other words covert action, in support of 'national stability, security and sovereignty'.<sup>73</sup> Its principal consumers include the Prime Minister and Cabinet, the Malaysian National Security Council and National Intelligence Committee (see below), and other intelligence organisations including SB and DSID.<sup>74</sup> As of the summer of 2018 MEIO strength was described as 'well over 1000'<sup>75</sup> personnel at home and 'world-wide'<sup>76</sup> and it had moved on from targeting the MCP and Indonesia (with whom Malaysia had regularized relations in the 1970s) to a focus on the role of Daesh in recent Southeast Asian regional conflicts.<sup>77</sup>

#### *National Security Council*

Higher direction of the Malaysian intelligence community is via the Malaysian National Security Council, the *Majlis Keselamatan Malaysia* (MKN) and its administrative staff the *Bahagian Keselamatan Malaysia* (BKN), usually translated as 'National Security Division' but perhaps more usefully thought of as the National Security *Secretariat* or *Staff*.<sup>78</sup> MKN sits within the Prime Minister's Department<sup>79</sup> along with its Secretariat. Unlike the US NSC which was established with an

eye towards foreign threats, the MKN was established as a response to a domestic security crisis. That crisis, however, was neither the First nor Second Emergencies, but the 13 May Incident. Consequently, besides the sort of national security functions one would normally expect to see in such a body, the MKN has a remit for emergency or crisis management<sup>80</sup> and becomes the national coordinating hub in such circumstances. In 2016 the existing powers of the MKN were substantially (and controversially) extended by the Najib government. Its new authorities included the declaration of local states of emergency called Security Areas and, within those areas, powers such as warrantless arrest and warrantless search and seizure of property; the power to ban protests as a threat to public order, and immunity of officials acting under NSC authority from prosecution.<sup>81</sup>

MKN is chaired by the Prime Minister, and the supporting National Security Division is headed by the equivalent of a Permanent Undersecretary (*Setiausaha*) in British parlance, assisted by a Deputy Undersecretary (*Timbalan Setiausaha*). Beneath them are ten subordinate Divisions (*bahagian*, or, as noted, Secretariats). Amongst these is the National Intelligence Committee (*Jawatankuasa Perisikan Negara* or JPN)<sup>82</sup> and its supporting National Intelligence Division.<sup>83</sup> The JPN operates at heads-of-agency level and is primarily responsible for the operational coordination of Special Branch, MEIO and DSID. It provides national coordination of the intelligence assessments generated by these agencies.

## The Letter to CIA

### Context

Hasanah's letter to Haspel reads as the most recent item in a running correspondence between Langley and MEIO's headquarters in Putrajaya. In particular, it appears to be a series of responses to requests for information (RFIs) from Langley regarding the impending Malaysian election and its implications. The rest of any such dialogue has not been released, only the May 4 letter in isolation. As a result, those on the outside have only a limited sense of the detailed context out of which the letter arose. In the letter, Hasanah attacks the PH opposition's political credentials and strategic orientation and extolls both the virtues of Najib and his administrations, and their alignment with US strategy and foreign policy in the Asia-Pacific region. She then seeks to make the case that PH is a threat to legitimate democratic processes and likely to undermine the election and try to claim power through unconstitutional, extra-legal means. With this as background, the final leg of the letter appears to read as a request for US intervention almost as if Hasanah and her colleagues and

political masters were seeking a repeat of the notorious (albeit effective) US intervention to block the Communist Party in Italy's 1947-48 post-war elections.<sup>84</sup>

### *The Partisan Narrative*

Hasanah's portrayal of the principal adversaries in GE 14 was especially hostile to Mahathir – under whose premiership she had served much of her intelligence career – and little short of hagiographic regarding Najib. Mahathir, she reminds the CIA Director, 'has been anti-West, anti-semitic [sic], autocratic, silenced dissent through force, and totally disregarded human rights and the rule of law'. Under his successive administrations 'that the Internal Security Act (ISA) was heavily abused for his own political agenda and allowed him to rule Malaysia more than two decades'.<sup>85</sup> 'Ironically' she adds, 'the entire 20 years of "reformasi" [reform] movement ... was all about opposing and challenging Mahathir's tyranny'.<sup>86</sup> She further warns that, despite leading a nominally progressive coalition, Mahathir 'is essentially not a reformer' and that that he accepted PH's leadership 'for his own self-interest'.<sup>87</sup> As for PH itself, she points to a lack of viable foreign policy proposals and a failure to understand 'the geostrategic threats facing the world, much less work with the US to address these challenges'.<sup>88</sup>

By comparison, Najib's nine years as Prime Minister had been characterised by 'sound and progressive foreign policies' and 'actively promoting peace and stability in the region.' Indeed, 'Unlike Mahathir, Prime Minister Najib is known to be a strong US ally and would continue to support US presence in the region'.<sup>89</sup> Najib's Malaysia supported UN sanctions and US pressure on North Korea and 'welcomes the US presence in the region especially in the South China Sea to provide balance towards China's maritime assertiveness'.<sup>90</sup> She also warned that, without him, 'the US stands to lose a reliable partner in Southeast Asia' at a time when the other Southeast Asian states were variously too mired in internal difficulties, drifting into China's orbit or just 'too small to make an impact'. Under Najib, Malaysia was 'actively involved' in trying to resolve the long-running insurgencies in Thailand and the Philippines, and had 'assumed a leading role' in seeking a solution to the Rohingya refugee crisis.<sup>91</sup> And not least, given the wider ideological tensions of the post-Cold War world, since Najib had taken over 'Malaysia has been internationally recognised as a moderate and progressive Muslim country'.<sup>92</sup> In other words, Najib was exactly the just the right leader in just the right country that the US needed for a comprehensive suite of geostrategic and national security reasons.

Hasanah's portrayal of Najib's government is strikingly consistent with what we know about internal US government views<sup>93</sup>, at least prior to the 1MDB scandal and Najib's Federal indictment. By the same token, her comments about Mahathir no more than echo the kind of long-standing and widespread criticisms of the man and his administrations both at home and abroad.<sup>94</sup> As an attempt to influence American readers, therefore, the partisan narrative of the letter was quite astute. For an organisation that, in principle, would have to be able to serve a government regardless of political hue, however, those comments placed Hasanah and MEIO in an untenable position. But worse was yet to come.

#### *Covert Action Please?*

Having set the scene of a successful and pro-US government confronting an opposition of doubtful competence and questionable strategic alignment, Hasanah raised the stakes still further. Reminding Haspell that Malaysia has a UK-style 'first past the post' electoral system, she warned that the 'outcome of the election would be decided by the number of seats won in parliament and not based on popular votes as advocated by ... PH'. 'Similar to the outcome of the 2013 general election' she continued 'PH has already declared victory but also claims it will be stolen from them simply to undermine the democratic process...'.<sup>95</sup> As we have already seen, 2013 was the first year that the opposition secured a majority of the popular vote but not a majority of seats in the Rakyat. Such dilemmas are a well-established criticism of representation by population systems, with accusations of gerrymandering not unknown in many otherwise stable democracies. And so PH's complaints after GE 14 were hardly unique or without grounds or precedent.

Hasanah, however, represented the opposition's dissatisfaction with the 2013 election as the leading edge of more sinister 'efforts on the part of the opposition since 1999 to take over the government through undemocratic means'.<sup>96</sup> In this version of reality, exposés and allegations of corruption and political malfeasance by PH and a range of reputable independent media were transmuted from dissent and challenge to subversion by 'spreading negative narratives on the political and socio-economic policies' of Najib and UMNO.<sup>97</sup> Hasanah, seemingly unaware of or impervious to outside perceptions of Najib's attempts to suppress opposition and dissent, assured Haspell that the Anti-Fake News Law would 'mitigate further undermining of [Malaysia's] progress.' Non-governmental organisations such as *Bersih* Global were apparently intended to 'foment an Arab Spring like uprising in Malaysia' so support PH's 'hopes to wrest control of the government'.<sup>98</sup> Hasanah's Malaysia was supposedly teetering in the edge of a violent, pre-revolutionary situation.

All of the preceding warnings framed what reads as a thinly veiled plea for US intervention in the election. Apparently unclear on CIA's line management, MEIO's DG then implored Haspel's 'esteemed service' to 'report the Secretary of State, [sic] on the complexity of managing this election by Prime Minister Najib and *the need to have US support for the present government even if we are to win the election by a simple majority of just one seat.*'<sup>99</sup> The undertones of desperation are impossible to miss. She continues that 'any indication that the US government would continue to support ... Najib and his government would definitely strengthen our stability....'<sup>100</sup> A handful of days before an election is, of course, far too short a lead time for any effective overt or covert intervention to take place – if indeed that was what Hasanah was hinting at. But clearly Malaysia's governmental inner cliques saw the realistic likelihood of electoral disaster looming. A climate of barely restrained panic appears to have set in and the practicalities of 'US support' to 'win the election by ... one seat' do not appear to have been in the forefront of the minds of those close to Najib and his administration.

#### *Leak and Fall-Out*

At other times or in other governments denial and an official secrecy black-out on the CIA letter story might have been the order of the day, in 2018 Malaysia there was public furore instead. The story played directly into long-standing suspicions of the United States and CIA and there were accusations of treason made against Hasanah from several quarters.<sup>101</sup> Instead denying everything or adopting a low public profile, she equally publicly denied the treason accusation and avowed the letter in a public press statement delivered through her solicitor Shaharudin Ali.<sup>102</sup> Hasanah's response to the treason charges was a trenchant defence MEIO's relationship with CIA as part of MEIO's role in an international 'network of partnerships with CIA and other foreign intelligence agencies' that cooperated to 'protect regional and global security'. In so doing she entirely ignored the paragraph asking for US 'support' in the election that had actually prompted the accusations of disloyalty. She also further sought to dismiss the letter as 'routine, operational' correspondence'. Moreover, she argued, the letter had been based on contributions from across the agency and then reviewed and approved by no less than 10 senior MEIO officers.<sup>103</sup> Indeed, the entire matter had been conducted, in Shaharudin's words, 'in good faith'.<sup>104</sup> She also urged the police to undertake a criminal investigation of the leak as a violation of Malaysia's Official Secrets Act, and shortly thereafter lodged a police report to that effect.<sup>105</sup> Both Najib and Hasanah denied that the former PM had had any role in the letter<sup>106</sup>, which was met with widespread

disbelief. Indeed, Shaharudin confessed ignorance when asked whether Hasanah had received instructions from the PM to issue the letter.<sup>107</sup>

The months after the election amounted to little less than a thoroughgoing purge of Najib's coterie. Hasanah was dismissed from government service almost immediately after the election, followed shortly thereafter by the Director General of Defence Intelligence Lt. General Abdul Hadi Bin Haji Hussin.<sup>108</sup> Despite long-standing allegations of politicization, Special Branch appears to falling into the same trap as MEIO and DSID. The National Security Division also seems to have escaped unscathed.

On 28 August, Hasanah and six other senior MEIO officers were arrested by the Malaysian Anti-Corruption Commission regarding the alleged abuse of power and misappropriation of around RM1.6 million (c.US\$400,000) in election funds.<sup>109</sup> Released on bail on 3 September she subsequently filed suit against MACC for denying her right to counsel while held on remand.<sup>110</sup> Although the court announced it would make its decision in October, at the time of writing this case, like the police investigation into the letter's leak, remain ongoing.

### Security and Politicization in Malaysia

Alex Beeson and Mark Bellamy have argued of Malaysia's national security apparatus that:

while some of the formal elements of civil-military relations are in keeping with the constitutional model, in practice the operation of the security sector and its relationship with government is rather more complex, particularistic and idiosyncratic. What is of particular importance here is that elements of the security sector – most notably the police in general and Special Branch in particular – are deeply politicised [sic].<sup>111</sup>

The events of 2018 were, therefore, an extreme expression of a trend that has dogged the national security system since its inception. But the roots and extent of that politicization require deeper understanding. As already observed, the establishment and evolution of the Malaysian intelligence community was driven by four principal formative traumas. Of these, only the First Emergency and May 13 Incident could plausibly have been perceived as threats to national survival. *Konfrontasi* was a frontier dispute on the nation's flanks that constituted a localised threat to territorial integrity. And despite its duration, the Second Emergency dragged amounted chiefly to a persistent threat to public safety. The CPM's leadership was largely Chinese, however and so the Second Emergency played directly into anxieties raised by 13 May.



The level of collective trauma represented by May 1969 is difficult to overstate. Beeson and Bellamy have referred to it as ‘the defining event in Malaysia’s short history’.<sup>112</sup> What had outwardly appeared a peaceable general election had been followed by unprecedented levels of inter-ethnic violence, especially between the Malays and Chinese. Although what Harding terms ‘the administrative structure of emergency rule’ was dismantled comparatively quickly ‘the [Emergency] Proclamation and emergency powers still remained’<sup>113</sup> until the early 21<sup>st</sup> Century. Radical critics of Malaysian affairs argue that Malay elites invoke the spectre of May 1969 to suppress civil rights demands from the country’s visible minorities.<sup>114</sup> While this may be true of some policy entrepreneurs on the Malaysian political scene, it also risks underestimating the genuine and pervasive strategic shock that May 1969 represented. Harding’s more measured judgement is that ‘The return to normality was not a return to the pre-1969 Constitution but to a radically altered version of constitutionality: this was the price, in effect, of returning to any kind of constitutionality.’<sup>115</sup> There can be little doubt that, for the generation intelligence officers making up the current leadership of the Malaysian intelligence community, the ‘Incident of 13 May 1969’ was deeply formative to their professional development and ethos. Intelligence officers in Hasanah’s cohort would typically have been University students around the mid-1970s, and therefore have lived through the violence of 1969 during their vulnerable and impressionable teens.<sup>116</sup> Upon graduation and recruitment, they would then have been confronted immediately with the Second Emergency.

In such a political climate, BN’s racial amalgam and policy of ethnic power-sharing offered the only plausible, sustainable *modus vivendi*.<sup>117</sup> It is not hard to see how the political survival of UMNO/BN could all too easily be conflated with the stability and survival of the Malaysian state. This tendency can only have been intensified over the subsequent decades in which UMNO/BN presided over relative order and the growing prosperity that transformed Malaysia from struggling developing nation to a ‘newly industrialised country’ and one of the ‘Asian tiger’ economic development success stories.<sup>118</sup> In such circumstances, the distinction between a national security and regime protection becomes almost moot. To be sure, the original 1969 Proclamation had been repealed seven years previously and the original Incident and subsequent Second Emergency were long past.

Nonetheless, the prospect of the ruling coalition losing power peacefully and constitutionally had no practical precedent in Malaysian politics, and there was too much of a history of identifying dissent with subversion or seeing it as the precondition for the break-down of civil order. In summer of 2018 an entrenched and corrupt political leadership was in crisis, and the nation’s intelligence community too close to the ruling coalition to be properly prepared a change of political masters.

Perhaps the most alarming features of the entire saga is Hasanah's defence that the letter to CIA had been reviewed and signed off by 10 senior MEIO personnel. It indicates that some, if not all, of her agency's senior team also subscribed to the view that there was nothing objectionable or inappropriate in the substance or timing of the letter. Perhaps, of course, it was unobjectionable simply because they did not expect it to be exposed. Either way, such extensive senior review and sign-off can only contribute to the impression that the agency's entire management board had fallen prey a common political *folie à plusieurs* in which unquestioning partisan political bias was acceptable professional conduct for an intelligence agency, and the well-being of the ruling coalition identified too completely with the well-being of the nation. Whatever other political errors of judgement may have been at work on Hasanah's part and amongst the leadership of MEIO, it is depressingly plausible that a *faux pas* like the letter to CIA may well have been made in what appeared to them at the time as 'in good faith'.

### Conclusions and Consequences

Malaysia's General Election of 2018 can be seen as a reassuring demonstration of Alfred Stepan and Cindy Skach's findings regarding the ability of parliamentary democracies to resist a slide towards authoritarianism.<sup>119</sup> For the intelligence profession and its scholars, the conduct of Malaysia's intelligence community prior to that election is far more problematic. GE14 is clear evidence of how robust democratic institutions are in Malaysia. And yet, key elements of Malaysia's intelligence community were able to slip across the threshold between national security and regime protection *but without a comparable step change in Malaysia's basic political system*. This was possible because of the long-standing stability and proximity of Malaysia's intelligence and policy communities where the policy world was dominated by six decades of rule by the same partisan coalition. In such a context, the dynamics and risks of sustained and acute proximity between intelligence and policy can play out in ways very different from even the most acute politicization that might occur in more developed democratic states.

Well before the leak of Hasanah's letter to CIA, Mahathir's Cabinet had come out of their first meeting in May announcing their intent to abolish a range of government and quasi-governmental bodies that had 'played political roles' for UMNO/BN – including MEIO.<sup>120</sup> It is worth asking whether such a reaction is proportionate under the circumstances. Clearly MEIO's leadership had clearly placed themselves in an unsustainable position. Less clear is whether complete abolition of an agency that has served the Malaysian government for nearly six decades is the most practical

response to the events of 2018. A comprehensive, root-and-branch reform and reorganization is almost certainly required, and perhaps a thorough re-branding to provide as complete as possible a break with the past. It is also high time that Malaysia seriously considered establishing an oversight and accountability framework similar to those so generally now adopted in the wider democratic world. But even dismantling MEIO entirely would not address the real question raised by GE 14 and the CIA letter affair. That question is whether Malaysia and its intelligence community will identify and learn real lesson about the dangers of proximity and partisan compromise, or if one ruling coalition will simply displace another with the same proximity and the same risk of politicization in the future.

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<sup>1</sup> Robert M. Gates 'A Message to Analysts: Guarding Against Politicization' *Studies in Intelligence* Vol.36 No.5 (1992) p.5.

<sup>2</sup> I am indebted to Shah Ali and Dr. Seetha Khartini Abdul Wahab for assistance with matters of translation from Malay to English and to Dr. Neveen Abdalla for comments on an early version of this article.

<sup>3</sup> More properly styled Dato' Sri Haji Mohammad Najib bin Tun Haji Abdul Razak. As a constitutional monarchy with a substantial traditional aristocracy, leading Malaysian public figures are often festooned with titles and honorifics analogous to the British honours [sic] system but weakly understood elsewhere.

<sup>4</sup> Practice in Malaysia, as in Indonesia and much of the Islamic world, is to refer to individuals by their given names because their 'last' name, preceded by 'bin' or 'binti/binte', is not a family surname but a patronymic. Commonly, however, Malays omit the bin/binti. Both of these conventions are observed herein when referring to Malays in the following article when referring to ethnic Malays and certain Indian sub-ethnic groups, but family names will be retained for ethnic Chinese reflecting the prevailing norm in that community.

<sup>5</sup> *Tun* Dr. Mahathir bin Mohamed.

<sup>6</sup> For simplicity and because the title is more descriptive and used more often by the agency's own personnel than the official designation, MEIO will be used throughout this article.

<sup>7</sup> *Datuk* Hasanah Binti Abdul Hamid.

<sup>8</sup> Director General Research Division Hasanah binti Hamid to Director of Central Intelligence Agency (Designate) Gina Haspel, 4 May 2018, per scans released on social media by *The Star* via June See 'Malaysia's Former Spy Chief Arrested but not for Letter to CIA' *Unreserved Current Affairs* 1 August 2018 <https://www.unreservedmedia.com/leaked-cia-letter-hasanah-abd-hamid/> <accessed 13 February 2019>. Hereafter referred to 'Hasanah to Haspel'.

<sup>9</sup> As glossed by Beeson and Bellam *Securing Southeast Asia* Mark Beeson and Alex J. Bellamy *Securing Southeast Asia: the Politics of Security Sector Reform* (Oxford: Routledge, 2008) pp.41-42.

<sup>10</sup> Stephen Marrin 'At Arms Length or At the Elbow: Explaining the Distance between Analysts and Decisionmakers' *International Journal of Intelligence and CounterIntelligence* Vol.20 No.3 (Fall 2007) p.402

<sup>11</sup> Walter Laqueur *A World of Secrets: The Uses and Limits of Intelligence* (New York: Twentieth Century Fund, 1985) p.90.

<sup>12</sup> Mark M. Lowenthal *Intelligence: From Secrets to Policy* (Washington DC: CQPress, 2000) p.90.

<sup>13</sup> Percy Cradock *Know Your Enemy: How the Joint Intelligence Committee Saw the World* (London: John Murray (Publishers) Ltd. 2000) p.296.

<sup>14</sup> Cradock *Know Your Enemy* p.296 *supra*.

<sup>15</sup> Sherman Kent *Strategic Intelligence for American World Policy* (Princeton, Oxford: Princeton University Press, 1949).

<sup>16</sup> Jack Davis 'The Kent-Kendall Debate of 1949' *Studies in Intelligence* Vol. *Studies in Intelligence* 36, no. 5 (1992) p.91.

<sup>17</sup> Arthur Hulnick 'The Intelligence Producer-Policy Consumer Linkage: a Theoretical Approach' *Intelligence and National Security* Vol.1 No.2 (May 1986) pp.212-214.

<sup>18</sup> See, e.g. Micahel Herman *Intelligence Power in Peace and War* (Cambridge: Cambridge University Press, 1996) pp.261-278; Stephen Marrin 'At Arm's Length or At the Elbow?' *passim* or Stephen Marrin and Philip H.J. Davies 'National Assessment by the National Security Council Staff 1968-1980: An American Experiment in a British Style of Analysis?' *Intelligence and National Security* Vol.24 No.5 (October 2009) pp.644-673.

<sup>19</sup> Lowenthal *Intelligence: From Secrets to Policy* p.90 *infra*.

<sup>20</sup> Gregory F. Treverton 'Intelligence Analysis: Between "Politicization" and "Irrelevance"' in Roger Z. George and James B. Bruce ed. *Analyzing Intelligence: Origins, Obstacles and Limitations* (Washington, DC: Georgetown University Press, 2008) p.93.

<sup>21</sup> Amongst the few exceptions to this trend one might count the literature on Russia's 'siloviki' system e.g. Andrei Soldatov and Irina Borogan *The New Nobility: The Restoration of Russia's Security State and the Enduring Legacy of the KGB* (New York: PublicAffairs, 2010) and Joss I. Meakins (2018) 'Squabbling Siloviki: Factionalism Within Russia's Security Services' *International Journal of Intelligence and CounterIntelligence*, 31:2 (Summer 2018) pp.235-270; or Ibrahim al-Marashi notion of the 'mukhabarat state' 'Iraq's Security and Intelligence Network; A Guide and Analysis' *Middle East Review of International Affairs* Vol.6 No.3 (September 2002) pp.1-13.

<sup>22</sup> This is clearly the gist of, e.g, Dziak as referenced above or by Christopher Andrew 'Intelligence in the Cold War: Lessons and Learning I' in Harold Shukman ed. *Agents for Change: Intelligence in the 21<sup>st</sup> Century* (London: St. Ermin's Press, 2000) p.18; of Ba'athist Iraq by Makiya *Republic of Fear* pp.20-21, or as a matter of general principle by Peter Gill in his introduction to Stuart Farson, Peter Gill, Mark Phythian and Shlomo Shpiro eds. *PSI Handbook of Global Security and Intelligence: National Approaches. Volume 1: the Americas and Asia* (Westport CT: Praeger Security International, 2008) pp5-6.

<sup>23</sup> Philip H.J. Davies and Kristian C. Gustafson 'Legacies, Identities, Improvisation and Innovations in Intelligence' in in Davies and Gustafson eds. *Intelligence Elsewhere: Spies and Espionage Beyond the Anglosphere* (Washington, DC: Georgetown University Press, 2013) pp.291-293.

<sup>24</sup> See, e.g. Eduardo E. Estévez 'Intelligence Community Reforms: the Case of Argentina' in Philip H.J. Davies and Kristian C. Gustafson *Intelligence Elsewhere: Spies and Espionage Outside the Anglosphere* (Washington DC: Georgetown University Press, 2013) pp.219-238.

<sup>25</sup> This approach is typified by the essays collected in Hans Born and Marina Caparini eds. *Democratic Control of Intelligence Services: Containing Rogue Elephants* (London: Routledge, 2007).

<sup>26</sup> For a thorough analysis of this tension in the formation of the Malaysian Constitution, see Joseph M. Fernando 'Special Rights in the Malaysian Constitution and the Framers' Dilemma, 1956-57' *The Journal of Imperial and Commonwealth History* Vol.43 No.3 (2015) pp.535-556.

<sup>27</sup> Allan Collins 'The Ethnic Security Dilemma: Evidence from Malaysia' *Contemporary Southeast Asia* Vol.20 No.3 (December 1998) p.269.

<sup>28</sup> Like Canada, the Malaysian Parliament's Upper House is an appointed Senate but Malaysian Senators are limited to a 2 year term.

<sup>29</sup> Abdul Razak bin Dato' Hussein.

<sup>30</sup> Malaysian Parliament *Penyata Rasmi Parliament Dewan Negara* 20 December 2011 pp.22-23. It has been pointed out, however, that many of the powers in the ISA were relocated to an amended Prevention of Crime Act (PCA) 1959, Nigel Aw 'FAQ: The Prevention of Crime Act amendments' *Malaysia Kini* <https://www.malaysiakini.com/news/242115> <accessed 6 February 2019>.

<sup>31</sup> The 1960 ISA was repealed and replaced by the 2012 Security Offences (Special Measures) Act on 31 July 2012. *Dato' Seri Hishamuddin bin Tun Hussein Federal Government Gazette 31 July 2012* (Kuala Lumpur: Attorney General's Chambers 2012). Regarding the alleged use and abuse of ISA, for an overview see e.g. Beeson and Bellamy *Securing Southeast Asia* pp.90-92.

<sup>32</sup> 'Berhad' or 'Bhd' is the rough Malay equivalent of 'Limited'.

<sup>33</sup> See, e.g. Office of Public Affairs, United States Department of Justice (DoJ) 'U.S. Seeks to Recover Approximately \$540 Million Obtained From Corruption Involving Malaysian Sovereign Wealth Fund', 15 June 2017, <https://www.justice.gov/opa/pr/us-seeks-recover-approximately-540-million-obtained-corruption-involving-malaysian-sovereign> <accessed 1 October 2018>.

<sup>34</sup> Praveen Menon with John Chalmers and Rachel Armstrong 'Malaysia's Najib looks to ride out political crisis' *Reuters* on-line 11 August 2015, <https://www.reuters.com/article/malaysia-1mdb-najib-idUSL3N10L2P120150811#5Js2PtR7YiUo62fQ.97> <accessed 14 November 2018>.

<sup>35</sup> Shannon Teoh and Trinna Leong 'Bersih rally: Undeterred by arrests, thousands march against Malaysia PM Najib Razak in KL' *Straits Times* 21 November 2016. The numbers are RMP estimates. A parallel pro-government counter-protest only numbered around 2500.

<sup>36</sup> N.A. 'Malaysia braces for pro-democracy street protests in Kuala Lumpur' *The Guardian* (UK) 8 July 2011.

<sup>37</sup> N.A. 'Malaysia's anti-fake news legislation becomes law, is now enforceable' *New Straits Times* 11 April 2018 <https://www.straitstimes.com/asia/se-asia/malaysias-anti-fake-news-legislation-becomes-law-is-now-enforceable> <accessed 25 April 2019>

<sup>38</sup> Hariati Azizan 'All About the Polls' *The Star* 6 May 2018.

<sup>39</sup> Khairul Azwan Harun 'Invoke's Study on GE 14 Deeply Flawed' *New Straits Times* 18 March 2018.

<sup>40</sup> N.A. 'BN to prevail in Malaysia elections despite swing in Malay vote: Survey' *Straits Times* 27 April 2018.

<sup>41</sup> Azizan 'All About the Polls'

<sup>42</sup> Merdeka Institute *Malaysia General Elections XIV Outlook: Prospects and Outcome III* (Kuala Lumpur: Merdeka Institute, 2018).

<sup>43</sup> Hannah Ellis-Peterson 'Malaysia election: PM Najib Razak in fight for political survival' *The Guardian* (UK) 8 May 2018.

<sup>44</sup> Principally Leon Comber *Malaya's Secret Police: the Role of the Special Branch in the Malayan Emergency* (Victoria, Australia: Monash University Press 2008); Roger Arditti 'The View from Above: How the Royal Air Force Provided a Strategic Vision for Operational Intelligence during the Malayan Emergency' *Small Wars and Insurgencies* Vol.26 No.5 (2015) pp.764-789; Alexander Nicholas Shaw 'MI5 and the Cold War in South-East Asia: examining the performance of Security Intelligence Far East (SIFE), 1946-1963' *Intelligence and National*

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*Security*, Vol 32 No.6 (October 2017) pp.797-816; and Arditti *Counterinsurgency Intelligence and the Emergency in Malaya, c. 1945-1960* (London: Palgrave Macmillan, forthcoming).

<sup>45</sup> The notions of a First and Second Emergency are very much a construct of the Malaysian and Singaporean intelligence and security professions, mainstream scholarship tending to refer just to The Malayan Emergency (1948-1960). The phraseology has recently been gaining wider traction, see e.g. Ong Weichong and Kumar Ramakrishnan 'The Second Emergency (1968-1989): A Reassessment of CPM's Armed Revolution' *RSIS Commentaries* No.191/2013 (Singapore: RSIS 2013) and Ong Weichong *Malaysia's Defeat of Armed Communism: The Second Emergency, 1968-1989* (London: Routledge, 2014)

<sup>46</sup> Hafez Shahril Hussein 'The Roles and Contributions of the Malaysian Military Intelligence in Combating the Communist Insurgency in Malaysia, 1948-1990', Unpublished MA Thesis, Brunel University London, 2011.

<sup>47</sup> Private information.

<sup>48</sup> The exact details of MSS's fall and SB's rise remains subject to keen historiographic debate, see Comber *Malaya's Secret Police* pp.43-46; Arditti and Davies 'Rethinking the Rise and Fall of the Malayan Security Service' and Comber's response to Arditti and Davies in *Dalley and the Malayan Security Service 1945-1948* (Singapore: ISEAS Press, 2019).

<sup>49</sup> Comber *Malaya's Secret Police* p.271.

<sup>50</sup> In current Malay orthography (shared with Indonesian), 'c' is pronounced as 'tj' or the English 'ch'.

<sup>51</sup> Amnesty International *Malaysia: Towards Human Rights Policing* (London: Amnesty International, 2004) p.10-11 esp. n.10.

<sup>52</sup> Beeson and Bellamy *Securing Southeast Asia* p.89; see also e.g. Amnesty International *Report of an Amnesty International Mission to the Federation of Malaysia* (London: Amnesty International British Section, 1978), *Malaysia: Towards Human Rights Policing*, and *Malaysia: Submission to the UN Universal Periodic Review, Fourth Session of the UPR Working Group of the Human Rights Council* (London: Amnesty International 2009).

<sup>53</sup> For IGP, see Amnesty International *Malaysia: Towards Human Rights Policing* (London: Amnesty International, 2004) p.10-11.

<sup>54</sup> Amnesty International *Malaysia: Towards Human Rights Policing* (London: Amnesty International, 2004) p.12 n.11.

<sup>55</sup> Slightly confusingly, Defence Staff Intelligence Division (DISD) can also appear in discussions as the Malaysia's Defence Intelligence Staff Division (DISD) because of ambiguities in translating its Malay title. In its own internal official usage both versions of the English abbreviation are equally likely.

<sup>56</sup> See, for example, N.J. Ryan *The Making of Modern Malaysia: A History from the Earliest Times* (Kuala Lumpur: Oxford University Press, 1969) p.267; Bellamy and Beeson *Securing Southeast Asia* p.83.

<sup>57</sup> Bellamy and Beeson *Securing Southeast Asia* p.83.

<sup>58</sup> Speech by Lt. General Datuk Abdul Hadi Bin Haji Hussin, Director General of Defence Intelligence at National Security Asia conference, MITEC, Kuala Lumpur, 16-19 April 2018. Downloadable pdf at:

[www.natsecasia.com/data/editor/pdf/Director-General-of-Defence-Intelligence.pdf](http://www.natsecasia.com/data/editor/pdf/Director-General-of-Defence-Intelligence.pdf) <accessed 18 October 2018>.

<sup>59</sup> Dzirhan Mahadzir. 'Securing Southeast Asia: the Politics of Security Sector Reform. By Mark Beeson and Alex J. Bellamy. Oxford: Routledge, 2008. Hardcover: 218pp.' *Contemporary Southeast Asia* Vol.30 No.2 (2008) p.338.

<sup>60</sup> Mahadzir, Review of Beeson & Bellamy *Security Southeast Asia* p.338 *infra*.

<sup>61</sup> Much the same kind of plural lines of control apply to both the US Defense Intelligence Agency and UK's Defence Intelligence. Philip H.J. Davies *Intelligence and Government in Britain and the United States: Volume 1 Evolution of the US Intelligence Community* (Santa Barbara, CA: Praeger Security International, 2012) pp.237-238, and *Volume 2: Evolution of the UK Intelligence Community* pp.182-187.

<sup>62</sup> On the escalation of the Second Emergency from c.1976 see, for example, Chandria Appa Rao, Bruce Ross-Larson, Noordin Sopie and Tjoa Hock Guan *Issues in Contemporary Malaysia* (Kuala Lumpur: Heinemann Educational Books (Asia), 1997) pp.172-173.

<sup>63</sup> Mark Beeson and Alex J. Bellamy *Securing Southeast Asia* pp.80-81.

<sup>64</sup> Mahadzir, review of Beeson & Bellamy *Securing Southeast Asia* pp.338-339.

<sup>65</sup> Mahadzir, review of Beeson and Bellamy *Securing Southeast Asia* p.339.

<sup>66</sup> Except where indicated otherwise, details in this section are drawn from Hasanah's press statement of 31 July 2018 as delivered by her solicitor Shararudin Ali, 2018 available via *The Star TV* YouTube channel at <https://www.youtube.com/watch?v=5MICJXiTCdA> <accessed 13 February 2019>. Transcription and translation by the author with the generous assistance of Dr. Seetha Khartini Abdul Wahab. Hereafter 'Hasanah Press Statement'.

<sup>67</sup> This may be a play on the popular term for the British SIS i.e. 'MI6'. There is also some suggestion that 'Research Division' was adopted in the 1980s as a conscious play on India's 'Research and Analysis Wing', RAW. Private information. Somewhat idiosyncratically, Hasanah employed the 'ME 10' designation in preference to both MEIO and Research Division throughout her statement.

<sup>68</sup> Hasanah Press Statement.

<sup>69</sup> N.A. 'Lawyer: Malaysian Spy Agency Employs Over 1000 Personnel Worldwide' *The Star* 31 July 2018.

<sup>70</sup> MEIO makes no appearance in *Konfrontasi* campaign histories, while there is a common consensus amongst narratives that the intelligence lead was provided by the RPD and SB presence in Malaysian northern Borneo. See, e.g. Beeson and Bellamy *Securing Southeast Asia* p.83 and references to intelligence during *Konfrontasi* in Christopher Pugsley *From Emergency to Confrontation* (Melbourne: Oxford University Press, 2003).

<sup>71</sup> Private information.

<sup>72</sup> Hasanah's exact phrase is 'legitimate authority', '*kuasa yang sah*', although there is no indication of a specific statutory basis for that authority.

<sup>73</sup> Hasanah Press Statement.

<sup>74</sup> Hasanah Press Statement.

<sup>75</sup> Disclosed by Shahrudin during question and answer session after delivering Hasanah Press Statement 31 July 2018.

<sup>76</sup> Hasanah's phrasing is the evocative if slightly hyperbolic '*di seluruh dunia*' lit. 'to the ends of the Earth'.

<sup>77</sup> Shahrudin Ali comments on Hasanah Press Statement 31 July 2018; see also N.A. 'Spy Chief's Lawyer Confirms Letter to CIA is Genuine and Falls Under OSA' *The Star* 31 July 2018.



<sup>78</sup> 'Bahagian' is ambiguous and may be translated as 'division', 'section' or a number of other equivalents. Use of the term 'staff' in the American style is difficult because Malay employs 'staf' as a loan word from English, such as references to the Defence Staff or Staf Pertahanan. The British Cabinet Office parlance of National Security Secretariat here is used as the nearest English idiomatic equivalent.

<sup>79</sup> Beeson & Bellamy *Securing Southeast Asia* p.84.

<sup>80</sup> N.A. 'Sejarah' (History), <https://www.mkn.gov.my/page/sejarah> <accessed 13 February 2019>.

<sup>81</sup> N.A. 'Sejarah' (History); Act 776 National Security Act 2016 Part V; on the controversy see e.g. Al Jazeera 'Malaysia: Controversial National Security Act launched' 1 August 2016; <https://www.aljazeera.com/news/2016/08/malaysia-controversial-national-security-act-launched-160801062824956.html> <accessed 19 October 2018>.

<sup>82</sup> N.A. 'Sejarah' (History). In Bahasa Malaysia, 'risik' or 'risikan' is the standard term for 'intelligence' but, like 'razvedka' in Russian its literal translation is 'reconnaissance'.

<sup>83</sup> US Embassy Kuala Lumpur to US National Security Council 'Malaysia's National Security Council Described by New NSC Secretary' 26 July 2007 [https://wikileaks.org/plusd/cables/07KUALALUMPUR1205\\_a.html](https://wikileaks.org/plusd/cables/07KUALALUMPUR1205_a.html) <accessed 20 February 2019>.

<sup>84</sup> William J. Daugherty *Executive Secrets: Covert Action & the Presidency* (Lexington: The University Press of Kentucky, 2004) pp.117-120.

<sup>85</sup> Hasanah to Haspel p.1.

<sup>86</sup> Hasanah to Haspel pp.3-4.

<sup>87</sup> Hasanah to Haspel pp.12-13, pp.3-4.

<sup>88</sup> Hasanah to Haspel pp.1-2.

<sup>89</sup> Hasanah to Haspel p.2

<sup>90</sup> Hasanah to Haspel p.3.

<sup>91</sup> Hasanah to Haspel p.2.

<sup>92</sup> Hasanah to Haspel p.3

<sup>93</sup> See, for example, 'Scenesetter for Visit to Malaysia by Lieutenant General Mixon' 26 January 2010, [https://wikileaks.org/plusd/cables/10KUALALUMPUR57\\_a.html](https://wikileaks.org/plusd/cables/10KUALALUMPUR57_a.html) <accessed 27 January 2019>, or 'Scenesetter for Admiral Bird's Visit to Malaysia' June 17 2009 [https://wikileaks.org/plusd/cables/09KUALALUMPUR490\\_a.html](https://wikileaks.org/plusd/cables/09KUALALUMPUR490_a.html) <accessed 27 January 2019>.

<sup>94</sup> Beeson and Bellamy, for example, uncompromisingly refer to 'the authoritarian regime of Mahathir', *Securing Southeast Asia* p.89 while constitutional scholar Andrew Harding describes Mahathir's style as PM as 'confrontational', *Law, Government and the Constitution in Malaysia* (London: Kluwer Law International, 1996) p.118.

<sup>95</sup> Hasanah to Haspel para.11 p.2.

<sup>96</sup> Hasanah to Haspel para. 12 p.2.

<sup>97</sup> Hasanah to Haspel para. 12 pp.2-3.

<sup>98</sup> Hasanah to Haspel para.12 p.3.

<sup>99</sup> Hasanah to Haspel para.14 p.3, emphasis added.

<sup>100</sup> Hasanah to Haspel para.14 p.3.

<sup>101</sup> Prominent but far from unique was retired Brigadier General *Datuk* Mohamed Arshad Raji, president of the National Patriots Association, Fazrik Kamarudin 'Patriot: Letter to CIA is Treason' *New Straits Times* 24 July 2018.

<sup>102</sup> *Datuk* Shahrudin Ali.

<sup>103</sup> Hasanah Press Statement.

<sup>104</sup> Shahrudin Ali taking questions from the press after delivering Hasanah's Press Statement.

<sup>105</sup> N.A. 'Treason?'

<sup>106</sup> N.A. 'Treason?'

<sup>107</sup> Shahrudin Ali taking questions from the press after delivering Hasanah's Press Statement.

<sup>108</sup> N.A. 'BSPP Terima KPPP Baharu' 30 November 2018 (trans. 'DSID Receives New Director General of Defence Intelligence' (*Ketua Pengarah Perisikan Pertahanan*)) <http://army.mod.gov.my/index.php/ms/110/214/646-30091803> <accessed 13 February 2019>. The content of the page is unavailable because army.gov.my is an internal portal, but the publicly searchable headline is self-explanatory.

<sup>109</sup> Mazwan Nik Anis 'Hasanah Arrested over Missing Election Funds' *The Star* 29 August 2018;

<sup>110</sup> Rahmat Khairulrijal 'High Court to decide on former MEIO DG's constitutional challenge' *New Straits Times* 24 September 2018.

<sup>111</sup> Beeson and Bellamy *Securing Southeast Asia* p.81, drawing *inter alia* on AI reports such as those cited above. Similar concerns are raised by e.g. Human Rights Watch "'No Answers No Apology" Police Abuses and Accountability in Malaysia' April 1, 2014 <https://www.hrw.org/report/2014/04/01/no-answers-no-apology/police-abuses-and-accountability-malaysia#> <accessed 12 February 2019>.

<sup>112</sup> Beeson and Bellamy *Securing Southeast Asia* p.83.

<sup>113</sup> Harding *Law, Government and the Constitution in Malaysia* p.45.

<sup>114</sup> E.g. Kua 'Racial Conflict in Malaysia: Against the Official History' p.34.

<sup>115</sup> Harding *Law, Government and the Constitution in Malaysia* p.45.

<sup>116</sup> Hasanah's profile in LinkedIn is typical of her contemporaries in the Malaysian IC, with a degree from the University of Malaya (or, in many cases, abroad) in the mid-to-late 1970s and a career chronology spanning the later Cold War, Second Emergency and the more recent 'war on terrorism'; <https://www.linkedin.com/in/hasanah-abd-hamid-27681a17/> <accessed 6 February 2019>.

<sup>117</sup> Collins 'The Ethnic Security Dilemma' p.269.

<sup>118</sup> Bellamy and Beeson *Securing Southeast Asia* pp.83-86.

<sup>119</sup> Stepan and Skach 'Constitutional Frameworks and Democratic Consolidation: Parliamentarianism versus Presidentialism', *World Politics*, vol. 46, no. 1, (1993) pp.1-22

<sup>120</sup> Hazlin Hassan 'New Malaysian Cabinet to Slash Costs' *The Straits Times* 24 May 2018 <https://www.straitstimes.com/asia/se-asia/new-malaysian-cabinet-to-slash-costs> <accessed 21 February 2019>