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By Debra Chong

KUALA LUMPUR, Dec 2 – Twenty years ago today, Malaysia made a pact to put an end to an armed conflict that was costing incalculable damage to lives and the country's economy.

The two-document deal, inked in a small hotel in Hatyai, bore the names of Malaysia's highest-level government officials, their Thai counterparts and the leaders of the Communist Party of Malaya (CPM).

The first document, termed the "Agreement Between The Government Of Malaysia And The

Communist Party Of Malaya To Terminate Hostilities” was signed by the then home affairs ministry’s secretary-general Datuk Wan Sidek Wan Abdul Rahman, chief of defence forces General Tan Sri Hashim Mohd Ali and police inspector-general (IGP) Tan Sri Haniff Omar

A second document, detailing the terms and conditions of the peace treaty, was signed by then deputy IGP Datuk Rahim Noor(pic above) and the director of Special Branch (SB) Datuk Zulkifli Abdul Rahman on behalf of Malaysia and Chin Peng , the CPM secretary-general, and central committee comrade, Rashid Maidin, on the same day and in front of the Thai government.

The three-way treaty, also known as the Hatyai Peace Accord, was met with international support then.

In a nutshell, the two countries agreed to stop hunting down CPM members, who had been waging a jungle war against the governments for over 40 years.

The guerrillas were allowed to settle down and live peacefully in a country of their choice and their slates wiped cleaned.

In return, they must dispose off their weapons and swear to be loyal to King and country and

follow the rule of law.

But today, the Federal government has gone back on its word in its repeated refusal to allow Sitiawan-born Chin Peng to return home and, in the process, may have caused irrevocable damage to Malaysia's reputation as a democratic country.

Article 3 on the one-page first document states: "Members of the Communist Party of Malaya and members of its disbanded armed units, who are of Malaysian origin and who wish to settle down in MALAYSIA, shall be allowed to do so in accordance with the laws of Malaysia."

In the second document, the terms are laid out more clearly for those who want to live in Malaysia.

Ex-CPM members have a one-year grace period to decide where they want to live: in Malaysia, Thailand or elsewhere and arrangements shall be made to fulfil their wishes.

The Malaysian government is to supply the necessary identity cards to those who want to return; and shall replace the documents for those who lost theirs, after verification.

Chin Peng, who has since reclaimed his given birth name of Ong Boon Hua, had applied to return to Malaysia, which the IGP Haniff acknowledged in an NST report dated April 28, 1991.

“Chin Peng submitted his application quite late ... towards the end of the period,” the English daily quoted him saying then.

On Sept 9 that same year, NST reported then Special Branch director Datuk Zulkifli Abdul Rahman as saying Chin Peng’s application “was being processed” and would be given the same treatment as the rest, after announcing that the first batch of 13 ex-CPM members had returned home.

The next day, IGP Haniff was reported saying Chin Peng’s application was being “studied.”

In the end, the cops denied the communist leader had ever put in his application to return.

Chin Peng mooted a suit in 2005 that also failed when the Federal Court upheld two lower court judgments requiring him to produce his birth certificate to prove his citizenship claim, despite his argument that he had lost them during World War II when he left home to fight the Japanese army.

The Malaysian Insider recently received a bundle of documents from Chin Peng's lawyers, including copies of declassified information, which showed the government flipping and flopping over his status in the years that followed the signing of the deal.

Among them were documents to support his claims to having been born here, such as his parents' Malaysian citizenship papers, his mother's Malaysian passport and his only son's Malaysian birth certificate.

Testimonies from key players behind the peace treaties also revealed that it was the Malaysian government that made the overt gesture to extend the olive branch to the communists even though it knew it would face strong objections from the people, especially staffers from the security forces.

The story began in 1986, when Rahim Noor was appointed to head the Special Branch (SB), the covert operations branch of the police force.

It was he who came up with the idea to put an end to the protracted fight with the CPM through a peace treaty, even though he knew very well the sentiments of the people, the police and the army, who were the ones at the frontline and had been victims of the communists.

The CPM guerrilla movement was still strong then. Their jungle warfare tactics effectively prevented the government from developing the more rural areas, which Zainuddin Maidin noted in his book "Unsung Heroes" published by Utusan Publications & Distributors Sdn Bhd.

Zainuddin was at the time of the peace negotiations the Group Editor of Utusan Melayu, and one of several media bosses who was enlisted by Rahim to help soften opposition towards the government's initiative for peace talks with the communist party.

The others were V.K. Chin from The Star, A. Kadir Jasin from NST and Bernama's Abdul Rahman Sulaiman.

In his book, Zainuddin wrote: "According to the Special Branch's estimates, it needed no less than one million ringgit to kill one communist terrorist, an amount which covered the cost of espionage and hunting down."

Zainuddin said Rahim knew the risks he was taking but pushed for the talks because he felt the pros outweighed the cons.

Dr Mahathir Mohamad's administration at that time was being challenged from within by Tengku Razaleigh Hamzah, which threatened the political stability of the Federal government.

Rahim was convinced that if the CPM could be persuaded to come to the table and agree to lay down their arms, the country would be "forever free" from communist militancy.

He proposed it to the PM and received Dr Mahathir's full support to pursue the project, which was proven in an official letter addressed to him much later.

In a letter dated August 21, 1989, Dr Mahathir commended the cop who by then held the rank of deputy IGP for the “substantial progress made in the on-going negotiation with the CPM.”

Rahim could not have done it alone, of course. A couple of years earlier, he roped in the SB's expert interrogator, Yau Kong Yew, who had successfully rehabilitated many CPM members and was on the verge of retiring from the force, to help bring Chin Peng to the table and talk peace.

The Thai government was also enlisted because they, too, were facing civil unrest in the southern states bordering Malaysia caused by rebels who were working with CPM's 10th regiment to create a self-ruling Muslim state.

The three-way negotiations proper started in February 1989 and lasted all the way to November that year.

Minutes of the truce talks recorded in senior Thai army General Datuk Kitti Ratanachaya's book, “The Communist Party of Malaya, Malaysia and Thailand: Truce Talks Ending The Armed Struggle of the Communist Party of Malaya”, revealed the Malaysian government's reasons for pushing the talks despite strong opposition from their countrymen.

Rahim, who played a key role as Malaysia's chief negotiator, proposed that the signatories be civil servants and not politicians in order to "avoid undue adverse political repercussions".

The present administration led by Prime Minister Datuk Seri Najib Razak appears to have been swayed by sentiment to keep the former Public Enemy No. 1 from stepping foot on Malaysian soil.

His deputy, Tan Sri Muhyiddin Yassin, has repeatedly echoed the misconceived view that "forgiveness" is a prerequisite to allowing the 85-year-old communist leader back. It is not.

It is also not known if the present leaders have read the two documents for themselves.

The government must keep in mind that it is bound by a contract, even if it was signed ages ago.

If it does not keep its part of the deal, it can only lead to one conclusion, which will have very far-reaching consequences on all future agreements.