

## Book Reviews

《越洋控诉——峇冬加里屠杀惨案》郭仁德、郭义民著，Kuala Lumpur: 追讨英军屠杀罪行工委 (Trans-Ocean Litigation: The Batang Kali Massacre, by Quee Jin Teck and Quee Ngee Meng, Kuala Lumpur: Action Committee to Impeach British Soldiers on Their Crime of Committing Massacre, 2013, 356 pages) (ISBN 978-983-40397-1-4).

This book in Chinese, literally translated as *Trans-Ocean Litigation: The Batang Kali Massacre* is an account of the attempt to seek justice for the massacre of 23 rubber plantation workers by British soldiers on 12 December 1948 and a boy shot the day before. While the killing has been made known in various forms and by various quarters in the past 60 years, a father-and-son team has been instrumental in bringing the case to Britain for the first time. The account of the brutal massacre reveals the efforts of the “Action Committee to Impeach British Soldiers on Their Crime of Committing Massacre” with the intention to put the record straight and to expose the attitude of the British Government. The publication goes beyond establishing the truth of the crime. This has been accomplished by Ian Ward and Norma Miraflor in *Slaughter and Deception at Batang Kali* in 2009 (Media Masters) and Christopher Hale in *Massacre in Malaysia: Exposing Britain's My Lai* (The History Press) in 2013.

In the hearing in London in 2012, Sir John Thomas, President of the Queen Bench Division, sitting with Justice Treacy and Justice Silbert of the British High Court, established the following ten key facts of the case (pp. 24-25):

1. In the hamlet where the Batang Kali plantation killings took place lived several families. The persons killed did not wear any uniform nor carry any weapon. (The court takes note that the plantation owner, Menzies, on 12 December 1948, had openly acknowledged that those killed had a good record of being faithful employees.)
2. The platoon had pursued two uniformed and armed rebels; having lost sight of them the platoon had entered the hamlet in Batang Kali plantation.
3. On the evening of 11 December 1948, a young man called Luo Hui was shot by the Scots Guards. Luo Hui was a student and he did not carry any weapon. He was shot in the stomach and collapsed, and was shot again at close range by the Scots Guards.
4. The settlers were divided into two groups, the males in one group and females and children in another. All were detained in the hamlet.
5. The British soldiers began to interrogate the settlers and subjected them to simulated executions to frighten them (Hale, 2003: 298).
6. The local police learned from a settler of the occasional visits of armed rebels to the hamlet to obtain food. This information was later passed on to the platoon.

7. A lorry entered the hamlet the next morning. The search party of British soldiers found a supply of food. The head worker was detained.
8. Women, children and a man traumatized by fear were loaded onto a lorry. The lorry moved a short distance away. Before they were taken to the town, a British soldier kept watch.
9. Shortly after 23 male settlers detained in a hut were released, all were shot by British soldiers.
10. The platoon set fire to the village and returned to their camp.

These incriminating facts have gradually surfaced from eye-witness accounts of the crime committed in cold blood by British soldiers on 12 December 1948. The authors are a father (since deceased) and son team who join forces with a group of concerned citizens to set up the “Action Committee to Impeach British Soldiers on Their Crime of Committing Massacre” in Kuala Lumpur in 2008. Although the Action Committee failed to convince the current British Government to admit their guilt, they have nevertheless aroused domestic and international attention.

What the authors wish to accomplish is to inform Malaysians the truth about the massacre and the legal wrangles with the British Government to hold them accountable and to seek justice on behalf of the innocent victims. Indeed, the campaign is a concerted effort of the Chinese community to restore the names of the victims and their families as well as their place in the community and society. It is not a case of righting a wrong but the acknowledgement by the perpetrators, the British Government, of their action. Not surprisingly, when a group of ordinary citizens of an ex-colonial territory pit themselves against a former colonial ruler, it is almost certain that they would fail to wrest any concession other than establishing the legal facts of the case.

The Batang Kali massacre has never made it to the nation’s history book. How is history to be written and how can the genuine face of the past be presented? History may come in different versions. For a former colonial state, there is a “colonial” history which is subsequently replaced by an “official” version to glorify the sovereign state. But the people’s or grass-root version is invariably marginalized and, with the passage of time, erased from the collective memory. Yet it is these grass-root efforts that are instrumental in filling the voids and gaps in the colonial history.

My grandma and later on my dad used to refer to the killing of innocent Chinese villagers in Batang Kali. Growing up in a village outside Kuala Lumpur, I had found the place distantly remote from reality as I failed to understand why grandma and dad could not banish the memory from their minds. Dad had mentioned that his father was lucky for having left the Batang Kali plantation the day before the fateful event to visit his grand-children and to procure some food. It was on reading *Trans-Ocean Litigation* that I found that Ng Yeng Kui @ Ng Kong, 55 years old, was among the 24 victims. For the first time, it dawned on me that this was my grandpa’s brother, my granduncle, with whom I share the same bloodline.

I now empathize with the victims. Ng Kong and grandpa had migrated from China and settled down in Batang Kali with his compatriots from Gaozhou, their ancestral village in Guangdong province. He had toiled with bare hands to open up land to eke out a living, hoping one day to return to his home village. But this was not to be. He and 23 others were ruthlessly cut down by gun shots fired by colonial soldiers from the other side of the globe.

In 1948, the British had declared a state of emergency in Malaya and on 12 December, 24 plantation workers were made the triumphant prize of a colonial government desperate to claim legitimacy as ruler of a rich colonial possession. The massacre adds a shameful example to British colonial history in which innocent Chinese settlers who had contributed their sweat and blood to the enrichment of colonial coffers were killed with total disregard for the truth. History books sing the praise of the great colonial rule but will readily suppress or distort “painful” historical truths.

The Quee father-and-son team has not only recorded the Batang Kali massacre in clear historical detail but also, more importantly, left no stones unturned to present this brutal act to the British Government and to seek justice on behalf of the victims. As chairman of the Action Committee, the late Senior Quee had borne immense sacrifices. He travelled to England to compile documentary evidence, hired distinguished British lawyers to initiate legal action, solicited the support of Malaysian Chinese community to petition the British government, conducted briefings to publicize the case, and strived to make known their cause to the attention of international community. Junior Quee is a lawyer and a key member of the Action Committee that brought their case to London to seek justice on an act of murder.

*Trans-Ocean Litigation* is the narrative of a rare international litigation in the legal history of Malaysia. It involves not only the judiciaries of Malaysia and Great Britain but also such considerations as diplomatic and official relations, and even touching on the dignity and cultures of two countries and peoples. Eventually, taking into account all considerations, how does history judge the victims and do justice to their surviving family members who have suffered emotional torments for more than 60 years? They continue to suffer the indignity of being dismissed and disregarded by the power behind the massacre. The appeals of the families for compensation and apology has been rejected repeatedly. The British Government of the past has objected to any form of hearings on the case and all forms of investigation, behaving in the classic pattern of casting judgement before the case is heard. Seeking legal redress is meaningful in many ways: to restore the names of the victims; to bring justice on a criminal act; to demand admission of the act by the British Government and to seek an apology for a crime on humanity; and to set the historical record straight.

In 2012, members of the Action Committee submitted a memorandum to British Prime Minister Cameron during his state visit to Malaysia. On 8-9 May in the same year, an official hearing opened in London in which three surviving eye-witnesses aged between 71 and 75 appeared before the court. This book describes in detail the entire process to prepare a legal battle with the British Government that began with the setting up of the Action Committee in

2008 and ended in 2012 with the rejection of the appeal against the decision not to set up a public enquiry on the case.

The book consists of 21 chapters grouped into six sections. Broadly, these sections are: continuing the fight against a framed-up case; out-of-court preparation and community solidarity; protracted and meticulous process of litigation; crossing the seas to sue the British Government; cross-century hearing; upholding dignity throughout. Section 1 outlines the setting up of the Action Committee and the determination to set the record straight and to expose the cover up by the British authorities. Section 2 deals with efforts to pool legal and community resources, visits to London for legal advice and consultation, and exposure of the Batang Kali slaughter by veteran journalists. Section 3 describes the persistent efforts for a public enquiry and challenging the legal position of the British Government in its rejection. The next section tells of efforts to seek British legal subsidy and the preparation for legal battle. Section 5 sets out the legal hearing in London and its outcome. The final section is the reaction to the rejection of a public enquiry and the attempt to appeal against this decision.

As expected, the British Government did not come out with a fair judgement based on the established facts of the case. To add insult to injury, the victims were framed: the standard and only official explanation of the British was that the victims were “terrorists” and were armed, and that these “Chinese suspects were shot because they tried to escape”. More ridiculously, the ruling of the British court was that, because of the state of Emergency then prevailing, the responsibility for the killing of the people by British soldiers lies with the Sultan and not the British Government.

The authors of *Trans-Ocean Litigation* wrote: “The truth is the biggest lesson for the British Government.” The Action Committee has demonstrated a strong show of support and concern for fair play for the victims. The current generation is trying to accomplish what the past generation had failed to do. Continued failures to secure justice for the victims will spur future generations to carry on. Our forefathers, having settled down and contributed their labour to the development process, had conducted themselves with dignity and, with other communities, have left behind a land where their descendants put down their roots as the permanent legacy of their sacrifices.

On reading the book, I have asked my father if grandfather had returned to the scene of the massacre to collect the body of his younger brother to give him a decent burial. He shook his head: “Who would dare to return then? Grandpa said the children were still young and he could not risk the suspicion of the soldiers.” To my granduncle and others, where they had settled down to make a living with their honest efforts, that was the land that they called home.

The victims have been sacrificed, but history will not forget them. For history is on the side of the truth.

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