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Why MACC decided to go public

Latheefa: We wanted to end the undermining of independent bodies

PUTRAJAYA: Describing the content of nine audio recordings incriminating former top officials, including Datuk Seri Najib Razak, as a subversion of justice and institutions, the Malaysian Anti-Corruption Commission (MACC) says these were made public so that there would not be any more attempts to undermine independent bodies.

Its chief Latheefa Koya alleged that the audio conversations pointed to "serious power abuse, criminal conspiracy, obstruction of justice and compromising national security".

She said these were made public after MACC investigations confirmed the "absolute authenticity" of the recordings.

"There are serious issues that arose (from the conversations), including fabrication of false evidence through foreign aid and connivance," Latheefa said.

"We want to do this revelation for

the interest of the public. We do not want any more undermining of independent bodies like MACC and the Attorney General's Chambers," she said at a press conference yesterday.

Also present was MACC deputy chief commissioner (operations) Datuk Seri Azam Baki.

In the room packed with media personnel, MACC played the recorded conversations, which are said to have taken place between Jan 5, 2016 and July 29, 2016.

There was pin-drop silence as the media gave full focus to the conversations.

"The conversations took place in the midst of a serious investigation of a mega scandal and corruption that has taken the nation up for years. Here, we are listening to conversations completely undermining the institutions that it is supposed to take care of," said Latheefa.

She singled out former MACC

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Latheefa Koya

chief Tan Sri Abu Kassim Mohamed as a "brave individual".

"In this whole sordid episode of betrayal of public trust and criminality, we can be thankful there was one brave public servant who knew his duty - and that is Tan Sri Abu Kassim," she said.

Abu Kassim stepped down as MACC chief on Aug 1, 2016 and was replaced by Tan Sri Dzulkipli Ahmad, who prior to that was a prosecutor and the head of the national revenue recovery enforcement team at

the Attorney General's Chambers. He resigned on May 14, 2018.

Among the individuals MACC identified in the recordings were Dzulkipli, Najib's wife Datin Seri Rosmah Mansor, former Tabung Haji chairman Datuk Seri Abdul Azeez Abdul Rahim, Najib's former principal private secretary Tan Sri Shukry Mohd Salleh and Najib's former aide Datuk Amhari Efendi Nazaruddin.

Latheefa refused to say how MACC had obtained them soon after the new year began, explaining that it was "quite common" for the commission to receive information from anonymous individuals.

"We have received surat layang (poison pen letters), CDs and thumb drives - that's common. Our job is not to find out so much who gave us the information, but the content," she said.

Latheefa has also instructed her officers to hand over the recordings

to the police to investigate.

To a question, Latheefa said she did not see how this revelation would affect the former prime minister's ongoing trials.

"As far as we are concerned, this is of public interest and involves serious breach of national security," she said. "So, I don't see how this cannot be shared and I don't see how this can be prejudicial to the ongoing case."

Meanwhile, Inspector-General of Police Tan Sri Abdul Hamid Bador said the police had yet to receive the recordings from MACC.

"Once we do, my officers will evaluate and analyse them before deciding on the next course of action," he said.

Watch the video thestartv.com

Najib is shocked, Shafee cries contempt

KUALA LUMPUR: While Datuk Seri Najib Razak - who has been implicated in MACC's exposure of audio recordings - expressed shock, his lawyer is calling for the graft busters to be held for contempt.

Tan Sri Muhammad Shafee Abdullah alleged that the Malaysian Anti-Corruption Commission (MACC) had committed subjudice and contempt of court by releasing recordings that implicated high-ranking officials and the former prime minister to the public.

The lead defence counsel for Najib in the ex-premier's ongoing corruption trials relating to 1Malaysia Development Bhd (1MDB), said the defence was seriously contemplating a contempt action against MACC, particularly chief commissioner Latheefa Koya.

"Releasing the tape now and discussing in public in a media release is in fact subjudice," he said.

"It is in fact contempt. Was the MACC trying to influence and subjudice the ongoing trial?" he said.

Shafee said in normal circumstances, once a purported evidence had been discovered, a police report would be lodged. And this, he said, would lead to a confidential investigation. "It would not be released to the public. The investigation itself is confidential."

"In fact, Latheefa herself said



Najib: 'What is the motive ... does it have anything to do with the Kimanis by-election?'

these were official secrets that former MACC chief Tan Sri Dzulkipli Ahmad was apparently discussing (in the recording).

"She is guilty of the same thing because these matters are still to be investigated," Shafee added.

He said by holding yesterday's press conference, Latheefa had disclosed information and the police would now have to investigate something that was already in the public domain. "That itself is a very serious breach by herself," he said.

Soon after MACC's revelation, Najib said outside the High Court that he was shocked at the anti-graft

commission's action.

"I will look into what could be done legally. During that time, I was the head of government," he said.

"This is the first this has happened in history," he said.

Najib, who was on the stand earlier at the SRC International trial, said he would study the content of the recordings and had referred the matter to his lawyer.

However, he did not confirm nor deny whether the conversations took place, adding that he would be looking into possible legal action as the recordings appeared to have been derived from taps on his phone.

At a press conference later, Najib rubbished the notion that he was reprimanded by his wife Datin Seri Rosmah Mansor in the recordings.

"Conversations with my wife are private. It is every citizen's right to discuss anything (with their spouse) as long as it is not disclosed to public," he said.

Asked whether Rosmah had tried to advise him on government matters, Najib said anyone could offer their opinions but it was he who would make the final decision.

The former premier also questioned the timing of the recordings' release.

"What is the motive ... does it have anything to do with the Kimanis

by-election? I also wonder whether any party have the right to wire tap a PM, let alone his conversation with heads of states. This will impact diplomatic ties and Malaysian interests with other countries.

"These are the questions that must be answered promptly," he said.

Asked whether he knew which agency had the capabilities to conduct wire taps, Najib said he knew but could not disclose it.

"Whether these wire tapings followed procedures, that is what we want to find out - whether it is illegal or legal. If it is illegal, then they have to answer for it," Najib said.

Rosmah, who was also implicated in the recordings, is keeping mum on the matter. A woman purported to be her, was heard saying: "Darling, you are the prime minister. You should take charge, not anybody else ... and you got fools around you."

Outside the High Court, she said: "My lawyers will take care of it."

When asked whether she would be suing MACC, Rosmah said: "I have nothing to say."

She was at the court over a corruption case involving a solar hybrid project in Sarawak.

Watch the video thestartv.com

Expose may cost MACC its integrity, says Kadir

PETALING JAYA: The Malaysian Anti-Corruption Commission (MACC) is at risk of losing its integrity and might be accused of slander by revealing audio recordings which are said to be evidence of a "high-level conspiracy", says veteran journalist Datuk A. Kadir Jasin.

He said the audio recordings should instead be investigated and action taken on them.

In a Facebook posting yesterday he said MACC should not expose such things to sensationalise it or it would lose credibility.

"It must be investigated and action taken," he wrote.

MACC revealed nine audio recordings involving high-ranking officials, including former prime minister Datuk Seri Najib Razak and his wife Datin Rosmah Mansor, alleging a "criminal conspiracy at the highest level".

Among other individuals MACC identified in the audio recordings were former MACC chief Tan Sri Dzulkipli Ahmad, former Tabung Haji chairman Datuk Seri Abdul Azeez Abdul Rahim and Najib's former principal private secretary Tan Sri Shukry Mohd Salleh.

The recordings are said to have taken place between Jan 5, 2016 and July 29, 2016.

MACC said it received the recordings anonymously just after New Year's Day.

Regarding Rosmah's involvement, Kadir said he was not surprised.

"I repeatedly warned Najib regarding Rosmah's involvement since he was the deputy prime minister," said Kadir.

Lawyers: Audio recordings are admissible in court

PETALING JAYA: Lawyers say that audio recordings, even if taped secretly, are admissible in court.

However, they noted that there may be issues in proving a recording's authenticity, especially if the person who recorded it is unknown.

Criminal lawyer Kitson Foong said illegally-obtained evidence

remained admissible in Malaysia, but this was subject to provisions in Section 90A of the Evidence Act 1950.

This means that either the maker of the sound recordings has to testify or a certificate must be produced to confirm that the recordings were "generated by any device in its ordinary course of use".

"However, what is of greater importance is the weight that the court attaches to such evidence after it is adduced in court..

"Admissibility is one thing, credibility is another," he said.

Lawyer Muhammad Akram Abdul Aziz said sound recordings

could be admissible even if they were recorded in secret.

"However, there may be an issue when it comes to the recording being obtained without knowing the source," he said. "The burden lies on the party who wishes to use such evidence to convince the court that it is authentic."

Weather

	GEORGE TOWN	K. LUMPUR	JOHOR BARU	KOTA BARU	K. KINABALU	KUCHING
AM	No rain	No rain	Rain	No rain	No rain	No rain
PM	Windy	Thunderstorms	Thunderstorms	No rain	Isolated rain	Isolated thunderstorms

Prayer times

	ALOR SETAR	PENANG	K. LUMPUR	JOHOR BARU	KUANTAN	KOTA BARU
Subuh	6:10	Subuh 6:09	Subuh 6:01	Subuh 5:49	Subuh 5:55	Subuh 6:07
Zohor	1:28	Zohor 1:28	Zohor 1:23	Zohor 1:14	Zohor 1:17	Zohor 1:20
Asar	4:49	Asar 4:50	Asar 4:45	Asar 4:38	Asar 4:40	Asar 4:42
Maghrib	7:20	Maghrib 7:22	Maghrib 7:20	Maghrib 7:14	Maghrib 7:15	Maghrib 7:13
Isyak	8:34	Isyak 8:36	Isyak 8:34	Isyak 8:28	Isyak 8:29	Isyak 8:23