

FULL TEXT OF PRIME MINISTER'S LETTER TO TAN SRI AHMAD NOORDIN

NST 18 JAN 1986

YB Tan Sri,

Thank you very much for your letter and memorandum.

I note that they are signed by only two members of the three-man former committee. As I am not a lawyer, I do not know what is the legal significance of this. But I feel that at least some explanation should have been given.

Status of the Committee of Inquiry.

You stated that your committee was not a Royal Commission and was, therefore, not in a position to subpoena witnesses.

This is absolutely true. You may also remember each of you seeing me before your appointments to the Inquiry Committee, and on those occasions I explained to you the nature of the committee and its status. You know then that it was not a Royal Commission but you did not protest nor did you reject the appointments. I took it that you understood the status of the committee and you accepted it with full knowledge of whatever limitations that the committee had.

Subsequently, you were given the terms of reference. Again you did not protest or reject. Again I must assume you fully understood the conditions under which you must work.

It is obvious from the reports and briefs you submitted that despite the limitations you were able to elicit considerable information which, as you pointed out, was useful in the arrest and prosecution of various people.

If you did not get some information it is more because you chose not to seek them. It is obvious that various people whose names appear in your final report would have willingly submitted to being interviewed by you. But you chose not to invite them.

Terms of Reference

As a result, you have created doubts and suspicion about them without their being able to clear themselves. It is elementary justice that people must be allowed to give their side of the story. Even if they can clear themselves later, much damage would have been done to their reputation. If your Press statement is to be believed, you don't care for what happens to others so long as you satisfy your righteousness.

I am of the view that you were entitled under the terms of reference to invite any person who would be able to assist the Committee in the Inquiry. I am also of the view that you are aware of it. But I cannot guess as to the reasons you chose not to invite them.

You have carefully analysed the terms of reference in your memorandum to me and you concluded that you are not the body that should make the final report public. I concur with your view.

But the terms of reference also did not say that you should seek publicity for your work, or that you should express publicly an opinion as to whether your report can be published or not.

As a Committee of Inquiry of BBMB your task was to investigate and report to BBMB. It is then the prerogative of BBMB to publish or not to publish. The Government, which directed BBMB to set up the Committee, obviously has the right to direct

BBMB to act on the report.

In getting the advice of the Queen's Counsel and subsequently making a public pronouncement that the report does not breach the Banking Act, you have again gone beyond your terms of reference.

You must know that the opinions of lawyers are always subject to dispute by other lawyers. The report in the form you submitted needs further investigations. This you must be fully aware of. To make public the report is to pronounce judgment before even concluding the investigations. This is manifestly unfair and unjust.

You now seek the right to publicise the report without conditions. This can only mean that you will not have to shoulder the consequences of your action.

Since you said that your report does not breach the Banking Act and is therefore publishable, I cannot see why you are not willing to face something which according to you could not happen. Also, since you have on many occasions acted beyond your authority, I cannot see why you should worry about breaching your terms of reference once again.

Neither BBMB nor the Government would absolve you from any consequence of your action. Indeed, if as a result of your publishing the report damage is done to the credibility or creditworthiness of BBMB, the bank will be fully justified in suing you for damages.

I note that you have informed the public that you have sent a memorandum to me. As you did not tell the public that your memorandum contains nothing that is not already known, the public is bound to assume that you have made proposals to "assist" the Government.

You are also reported to have said that you suggested to the Prime Minister ways in which the final report can be made public to serve the interest of both the Government and the public.

You know very well that beyond asking that you should be allowed to make public the report unconditionally you have not proposed anything that can be regarded as being of "assistance" to the Government. This request is not new. The public and the Government already know it.

In your latest Press comment you are reported to have said that the memorandum is an initiative to open up direct communication with the Prime Minister. I wonder when direct communication was closed. I am not aware that I have refused to receive communication from you.

The Government appreciates the good intentions which motivate you. But you will agree that no one has a monopoly of good intentions. Those who disagree do not necessarily have evil intentions.

The Government would like to thank all the three of you as former members of the Inquiry Committee for the work you have done. Your report will be studied very carefully as is the duty of a responsible Government. The Government will of course publish the report if, after studying all the legal implications pertaining to the publications, the Government is satisfied it's reasonably safe to do so. The Government will not seek popularity through irresponsible actions. The conscience of the Government is quite clear.

(Signed)

**Datuk Seri Dr Mahathir
bin Mohamad.**