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Probe into Budget leaks

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KUALA LUMPUR, Sat. - Unidentified people, including civil servants, are believed to have breached the Official Secrets Act by making available information of Budget 2004, deemed classified, prior to it being tabled in Parliament yesterday.

City chief police officer Deputy Commissioner Datuk Dell Akbar Khan confirmed a report had been lodged and investigations were under way.

Dell Akbar warned the media against publishing speculative reports and articles attributed to "sources" over the case.

"Due to the nature of the probe and secrecy involved, all concerned, including the media, should take heed," he warned.

The report was lodged at Putrajaya police headquarters yesterday and checks revealed the manner it was lodged clearly showed the seriousness of the issue.

An employee from the Ministry of Finance turned up at the police station about 5pm and sought to meet a senior police officer, while Prime Minister Datuk Seri Dr Mahathir Mohamad was delivering his Budget speech at the Dewan Rakyat.

Believed to be a senior section head, the MOF employee handed over an envelope to the police chief informing him he wished to lodge a lapuran sulit (classified police report), and the contents of the report were in the sealed envelope.

(A classified police report is when a police report number is issued but its contents not made available pending investigations. Such reports are only lodged for kidnappings, breach of security and Anti-Corruption Agency cases.)

Dell Akbar declined to identify the individual who lodged the report.

In a related development, Attorney-General Tan Sri Abdul Gani Patail reminded the public on repercussions of violating the Official Secrets Act (OSA) 1972, by receiving, retaining or distributing official or classified information.

"If convicted one faces a mandatory jail sentence of one to seven years," his statement issued through Bernama stated.

The law, Abdul Gani added, provided that official government information is not to be received, retained or released without prior authorisation.

"Even a Member of Parliament who receives official secret information outside Parliament and supplies it to the media or Parliament is not immune from prosecution.

"MPs are protected against this law in respect of words or actions during parliamentary proceedings, but their privilege is not personal and only related to their function."

He further explained that courts had decided that the privilege of an MP to raise any matter in Parliament could only be invoked in respect of proceedings in Parliament and not outside the House and the MP's motives, no matter how laudable, were irrelevant.

Abdul Gani said upon receiving unauthorised information, no matter how innocently, one is duty-bound to report the matter to the police, divulge one's source of information and surrender the material.

"It is also an offence to communicate classified information without permission of the relevant authorities.

"It is immaterial whether the purpose of the communication is noble. It is also irrelevant that the communicator is an innocent recipient of what

he communicated.

"Official information remains confidential even if its confidentiality has been breached by others," he explained.

Abdul Gani said there is no authority for anyone to disclose confidential information which, due to the wrongdoings of others, has become known to unauthorised persons.