

Our response to Dr M's memoirs
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COMMENT In Chapter 53, 'Anwar's Challenge', on page 695 of the book, 'A Doctor in the House, The Memoirs of Tun Dr Mahathir', Mahathir wrote, "Though some witnesses were hostile towards me, nobody came forward to say that I had forced him to tell lies to support me.

"One of these hostile witnesses was the former director-general of the Anti-Corruption Agency, Datuk Shafee Yahaya (right), who had earlier accused me of interfering with an ACA investigation into then DG of the EPU, Tan Sri Ali Abul Hassan.

"In 1998, I had received a complaint that the ACA had been offensive during his investigation and so, knowing how government officers could sometimes be overzealous in their duties, I asked Shafee to explain the situation. Our meeting did not go well and Shafee became angry, accusing me of interfering with his duties.

"Actually the affair with the ACA had nothing to do with Anwar's case. But Shafee had his day in court and seemed to be happy to vilify me."

After reading the above, I had two choices to make - just shrug it off and keep quiet or present our side of the story. Guided by what Allah SWT had said in Surah Al-Baqarah 2: 42, "And mix not truth with falsehood, nor conceal the truth while you know the truth," I have decided to respond to Mahathir's allegations for the sake of my children, grandchildren and future generations to come.

The incident referred to by Mahathir happened in June 1998, three months before the expiry of Shafee's contract as director-general of the Anti-Corruption Agency. An aggrieved party had made a complaint against the then director-general, Economic Planning Unit in mid-May 1998 over a privatisation project.

Mahathir 'kept quiet'

After taking the complainant's statement and studying the case, the ACA needed to take the relevant files pertaining to this project from the EPU office. As it involved a very senior officer, following past practices, Shafee informed the prime minister of the case at the end of May 1998, but the latter "kept quiet".

Although it seemed safe enough for Shafee to interpret Mahathir's silence to mean "no objection", Shafee decided to inform Anwar Ibrahim, then deputy prime minister and finance minister, of the ACA's intention to raid the EPU office.

Anwar asked him whether he had cleared it with the prime minister. Shafee mentioned that he had and that the prime minister had kept quiet. Anwar left it for Shafee to decide. Shafee also informed the then chief secretary to the government (Abdul Halim Ali).

The ACA subsequently raided the EPU office on June 16, 1998 to find the files concerning the privatisation project. In the course of searching for evidence, one of the ACA officers found a large sum of money in a drawer belonging to the then DG.

In his letter to me dated Oct 8, 2010, Mat Zain Ibrahim, former Kuala Lumpur Criminal Investigation Department chief, disclosed that the amount found was RM100,000. The EPU DG gave an explanation but the ACA wanted more evidence and verification.

The public was not aware of the raid on EPU at that time, as it was not reported in the newspapers. There had been rumours and whispers, but no confirmation that there had been an investigation of the former EPU DG. The public only knew what really happened in June 2000 after the court case.

Shafee had been subpoenaed to appear in court as a witness in Anwar's sodomy trial on June 12, 2000. Shafee had to take an oath to tell the truth and nothing but the truth. He was also guided by Surah Al Baqarah 2:283, in which Allah says, "...And conceal not the evidence for he, who hides it, surely his heart is sinful. And Allah is All-Knower of what you do."

What took place between Shafee and Mahathir in June 1998 was revealed in court during Anwar's sodomy trial, and the court transcripts dated June 12, 2000 is in Appendix 1 of my book on Shafee's biography.

Based on Shafee's sworn testimony in court, Shafee said that after the raid of the EPU's office, Mahathir called Shafee to his office. Shafee said he was told off by the premier.

"How dare you raid my senior's officer's office?"

Shafee replied that "it was based on an official complaint by an aggrieved party".

"I did what was officially required under the law."

'Called to see Mahathir twice'

Mahathir also accused Shafee of trying "to fix the EPU DG" and questioned whether Anwar Ibrahim had asked him to raid the EPU office. In the court testimony, Shafee replied, "That is totally wrong because it is wrong in law to fix anybody. As a Muslim, it is a big sin to fix anybody."

Shafee also said that Anwar did not ask him to raid the office. Shafee was called to see Mahathir twice after the first "scolding" over the EPU DG's case. This was not revealed in court because justice Arifin Jaka disallowed further testimony on the matter.

For Mahathir to write that Shafee was a "hostile witness", that he "became angry, accusing me of interfering with his duties" and that "Shafee had his day in court and seemed to be happy to vilify me" is most unfair.

One has to bear in mind that Shafee was subpoenaed to appear in court and he took an oath in court to tell the truth before answering the questions. If you were caught lying, you could be charged with perjury. We believe that if you start with one lie, you may end up telling more lies to cover that lie you started with.

Mahathir had every opportunity to refute Shafee's statement in court as it was reported in the media the next day. Mahathir had been subpoenaed to attend the court hearing but he fought tooth and nail to resist appearing in court.

In the July 6, 2000 issue of the Far Eastern Economic Review, it was written that "when

asked about Shafee's claims, Mahathir told reporters, in apparent reference to Anwar: "I don't know. What I do know is that there was one person who tried to prevent a case being tried in court, but as far as I tried to interfere... I don't know."

After denying it in 2008, several years later, in 2011, he could remember the incident based on his version. Mahathir had also forgotten that he had vilified Shafee openly in his letter that was published in The Sun dated April 8, 2008.

The next question to ask is why should Shafee lie? What could he gain by lying? I am sure he would gain a lot if he had chosen to just keep quiet. In fact, by being firm and maintaining the facts of the case as required under the law, he had incurred the wrath of the prime minister.

What has he personally to gain?

Under the circumstances, a person needs a great deal of courage to defend his or her conviction. It would have been easier to succumb, to not rock the boat, or displease the prime minister. As ACA DG, Shafee was legally bound to investigate any infringement of the laws on corruption, irrespective of the position of the person.

When the prime minister, who was responsible for his appointment as ACA DG by the Yang di Pertuan Agong, summoned Shafee to his office and be confronted with words, "How dare you investigate my senior officer!", would that not indicate a scolding by a superior of a subordinate?

And what did the words imply? Based on Shafee's testimony in court, the investigation on the EPU DG arose out of a formal complaint/report lodged by an aggrieved party, and not because Shafee wanted to fix the EPU DG. This can easily be verified from official records and the complainant identified.

One should also ask the question why would a civil servant whose contract was about to expire, would want to do anything that could offend the prime minister, unless he believed in the lawfulness of his actions and that the prime minister too would let the law take its course.

What had Shafee personally to gain from his actions? He was merely doing his job, upholding the law based on truth.

In Surah An-Nisa 4:135, Allah SWT says, "O you who believe! Stand out firmly for justice, as witnesses to Allah, even though it be against yourselves, or your parents, or your kin, be he rich or poor, Allah is a Better Protector to both (than you). So follow not the lusts (of your hearts), lest you avoid justice; and if you distort your witness or refuse to give it, verily, Allah is Ever Well-Acquainted with what you do."

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