

'Veracity of Tajudin's affidavits questionable'

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COMMENT There's no doubt that parties in any civil suits have the right to reach an out of court settlement on the terms and conditions agreed to by all those involved.

However, if the agreement in writing or by mutual understanding, includes the purpose of concealing any criminal or illegal acts, or an act which is not illegal but achieved through illegal means, then such an agreement is deemed a criminal conspiracy.

If it can be proven that the settlement agreement, reached between Tajudin Ramli (left) and several GLCs was also for the purpose of screening any parties from legal punishment, or to suppress evidence of criminal wrongdoings of any person, which in itself is a criminal act, then such agreement falls within the meaning of a criminal conspiracy.

It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object.

Over and above that, no person or party are allowed to introduce any false evidence or misleading facts or untrue information in any judicial proceeding, be it civil or criminal.

Based on the numerous information in the public domain, Tajuddin Ramli is believed to have affirmed at least two affidavits in the course of the proceedings.

Inner circle wheelings and dealings

In the first counter claim, Tajudin alleged that in 1994 he was directed by then prime minister Dr Mahathir Mohamad and Daim Zainuddin to buy a controlling stake in Malaysia Airlines to bail out the government.

Tajudin claimed that this purchase was a forced "national service", disguised as an arm's length commercial deal because the government wanted to appease the investment community and the public.

Mahathir (right) has denied Tajudin's allegations. Instead, Mahathir said he knew that Tajudin had bought into the company because the latter felt it was a good investment.

That Tajudin would not have invested RM1.8 billion unless he could get a good return. Mahathir's denial can be found in pages 710-711 of his memoirs, "A Doctor in The House" published March 2011.

Until and unless Tajudin is able to prove his averments, his affidavit can be taken to contain false affirmation.

In the second affidavit in February 2012, Tajudin has cited Minister in PM's Department, Mohamed Nazri Aziz's letter dated Aug 8, 2011, as a directive of a settlement by several government-linked corporations (GLCs) in a suit against him.

However, records show that in the middle of August 2011, Nazri had issued a public statement, firmly stating that his Aug 8 letter was only "advice" and not a "directive".

Danger of personal assumptions

To date, Nazri has not retracted his statement in regard to the said letter. Thus the status of the said letter remains as an "advice" and not a directive.

If Tajudin were to claim that the said letter was a directive, then it was made based on his own personal interpretation and assumption.

Benefit of the doubt should be given to Nazri, since not only is he a senior minister but more a writer of that said letter, he should be in a better position to explain the purpose of that letter.

Until and unless Tajudin is able to prove the said letter is a "directive", then this affidavit also can be taken to contain misleading affirmation.

I am of the view that until such time the veracity of Tajudin's affidavits are determined, one can presume that his bundles of documents in this matter are tainted with illegality and falsity.

I am also of the view that the attorney-general being the chief legal advisor to the government, should have stepped in to intervene in this matter and to put on hold any settlement agreement to safeguard public interest since there are clear indications that some criminal acts and misrepresentations are involved in securing the settlement.

It is also incumbent upon the police to commence an immediate investigation on the two affidavits.

Furthermore it is in the best interest of the police to conduct a thorough investigations, in view of the fact that the management of MAS themselves in their official report to MACC in May, 2009, had alleged collusion between the police and AG's Chambers in the investigations of their police reports against Tajudin, to the extent of investigations being compromised.

Police should investigate

For that matter MAS did not hesitate to name the senior police officer suspected to be involved.

Should the investigations find Tajuddin had affirmed false statements in the affidavit or in both the affidavits then, the appropriate action must be taken against him, irrespective of whether the settlement exercise is completed or aborted.

klia airport 141105 mas aircraft at the terminalIn the event Tajudin is cleared of any wrongdoings, criminal or otherwise, then the police should point their guns at the MAS management at that point in time for lodging several false police reports.

Now that the case between MAS and Tajudin have been postponed to May 10, 2012 gives police ample time to look into Tajudin's affidavits and to take the appropriate actions.

After all, they only need a couple of days to look into the veracity of both the documents.

This postponement also gives the MAS management ample time to relook and reconsider their position. They must realise that they were the ones that started the reports against Tajudin since 2002.