

Tribunal on AG: The ball's at PM's feet
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COMMENT How would the world see Malaysia's rule of law when its Prime Minister steadfastly refuses to take action despite overwhelming evidence of alleged criminal collusion among the country's top three law enforcers, namely, the attorney-general, immediate past inspector-general of police and the Anti-Corruption Agency?

ramli yusuff asset declare case 120310 02 Since the former Commercial Crime Investigation Department (CCID) director Ramli Yusoff (right) launched the accusation of breach of law with comprehensive details against attorney-general Gani Patail and his cohorts former IGP Musa Hassan and the then-ACA (now known as the Malaysian Anti-Corruption Commission or MACC) in Ramli's birthday dinner speech on Feb 29, pressure has been relentlessly mounting with additional evidence and additional accusers for AG Gani to be submitted to a tribunal investigation.

(Under Malaysia's constitution, the AG can only be removed from office through a tribunal, just like a judge).

When Prime Minister Najib Razak was finally confronted with the issue of a tribunal to investigate AG Gani on March 24, he gave a curt "no" answer, saying that this is only a claim - an allegation which has to be substantiated. He said a tribunal could only be set up if there is sufficient evidence.

NONEMany were, of course, astounded by Najib's (left) claim of poor evidence, when incriminating facts had been pouring in and piling up, all pointing irresistibly to the multiple misconduct of the AG, as well as his collusion with the former IGP and ACA to illegally fix up Ramli Yusuff and his officers.

Collusion with underworld

Ramli's legal and judicial ordeal began in 2007 when he stepped on the toe of then IGP Musa Hassan.

On orders from then Deputy Minister of Internal Security Johari Baharum, then CCID chief Ramli and his officers investigated an underworld syndicate in Johor resulting in the arrest and banishment of vice kingpin Goh Cheng Poh, also known as Tengku Goh.

This arrest had angered IGP Musa, as he and Tengku Goh were pals, with Musa having helped Goh to build up his gambling empire while Musa was serving in Johor as the state's police chief - as indicated in the evidence uncovered during the probe by Ramli's officers.

Then, a rescue operation was put in place to extricate Goh from his banishment, with AG Gani and ACA playing key roles.

musa gani aca 110708 arrival Gani (right) and Musa are allies, their partnership going back to the late nineties when both played lead roles in the infamous trial dubbed Anwar sodomy I, where Gani was the lead prosecutor and Musa the police investigating officer.

Evidence given by Ramli and sworn statements obtained by news portal Malaysiakini indicate that Gani and ACA colluded to obtain "top secret" investigation files from Ramli, through which ACA hunted down the informers that led to Tengku Goh's arrest.

These informers were then "turned over" by ACA officers so as to reverse their previous statements. These new statements were then used to secure the release of Tengku Goh from restricted residence as well as to charge Ramli's six officers in court for allegedly "fabricating evidence" to incriminate Goh.

(These "turned over" informers subsequently made sworn statements describing how they were "turned over" by the ACA, and these documents came to the possession of Malaysiakini, which then published a series of reports in its website over the past three weeks.)

Ramli himself was charged with a series of alleged offences by ACA and the AG. And even Ramli's lawyer Rosli Dahlan was subjected to the same treatment.

Trumped up charges

That all these accusations were nothing but trumped up charges is evident from the fact that all of them were thrown out by the courts without the defence of any of the accused being called.

In the case of Ramli, the many charges against him took him through the sessions court, high court and court of appeal, where he was invariably acquitted by all the nine different judges.

musa gani aca 110708 arrive 1 Significantly during these Ramli trials, Musa Hassan (right) was declared an unreliable witness by a Session Court Judge in Sabah hearing the case of Ramli's alleged abuse of power; while the ACA was also reprimanded in the Kuala High Court, which upheld Ramli's acquittal, for having relied solely on the word of an underground figure to charge Ramli for failing to declare his assets.

As for Ramli's six officers who were charged and subsequently acquitted, all of them have been reinstated and promoted, for which Ramli openly thanked current IGP Ismail Omar (who graced Ramli's birthday dinner together with other senior police officers) "for recognizing that they have been victimised and for giving them back their dignity and honour".

These trials of frivolous charges, together with incriminating evidence that includes various affidavits, are damning facts that speak for themselves. They render credence to Ramli's accusation of Gani, Musa and ACA colluding to tamper with witnesses, fabricate evidence, circumvent police investigation and obstruct justice.

More dirt on AG

Piling the pressure on the prime minister to set up the tribunal is another former senior police officer, former head of Kuala Lumpur Criminal Investigation Department (CID) Mat Zain Ibrahim, who raised the issue of Anwar's "black eye" incident where he alleged that both Gani and Musa had fabricated evidence - during Anwar's previous ordeal in the late nineties.

Upping the ante, he even warned Prime Minister Najib Razak of his culpability to "criminal misconduct", if he should choose to ignore or hide the evidence of fabrication of evidence over the "black eye" incident that he had briefed and passed on to Najib on 19 Feb 2009.

Mat Zain should have intimate knowledge of the facts surrounding the "black eye" incident, as he was then the officer investigating the case that led to a royal commission of inquiry and the eventual conviction of then IGP Abdul Rahim Noor for grievously beating up Anwar Ibrahim.

Mat Zain brushed aside an earlier ACA investigation that exonerated Gani and Musa of the "fabricating" allegation as a "whitewash", explaining in detail why he thought so.

He said he would give "no-holds-barred" evidence in a tribunal that would conclusively nail Gani and Musa, who Mat Zain said "have no defence".

On the issue of the "black eye" incident, Ramli also said he is prepared to give evidence on this issue as well as on the alleged collusion between Gani and former MAS chairperson Tajudin Ramli if there is a tribunal on Gani, since Ramli was personally involved in both cases while he was in the police force.

Police force's pall of fear

Apart from Ramli and Mat Zain, several serving police officers have approached Malaysiakini, volunteering to give evidence of misconduct by Gani and Musa, and stressing that their testimonies will go beyond the duo's alleged collusion with the underworld kingpin. There is one proviso though, that is, a tribunal must be set up.

The rationale of their proviso is simple. They are fearful of vindictive reprisal from the all powerful attorney general who exclusively has discretionary power to charge or not to charge any individual.

These officers explain that despite a change of IGP, the pall of fear of a wayward AG still hangs over the police force, adversely affecting their conscientious discharge of duty.

There is no doubt that the continuance of service of such a scandal ridden AG who alone wields the power of prosecution in this country is an unacceptable scourge to the nation.

No prime minister should tolerate such a calamitous and shameful status quo, especially one who prides himself on being the "transformational" prime minister. And he alone can remedy the situation by ordering a tribunal.

The ball is now at the prime minister's feet.

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