

Deputy minister offered to 'settle' Bala case

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A serving deputy minister offered to end private investigator P Balasubramaniam's exile in India if he was willing to be charged and plead guilty to fabricating his first statutory declaration (SD).

Balasubramaniam claimed that the deputy minister, who he secretly met twice last year - once in Singapore and later in Kuala Lumpur - promised to get him the minimum possible fine and agreed to spare him jail time if he cooperated.

"Maybe he feels the BN is not safe and at least he (should) put things in order... (and) close my case," Balasubramaniam told Malaysiakini in an interview early last month.

The offer was made a few months after a second attempt to bribe him to malign Opposition Leader Anwar Ibrahim ahead of last year's Sarawak state election.

Balasubramaniam, a key figure in the controversy surrounding the murder of Mongolian national Altantuya Shaariibuu, was forced to flee to India with his family soon after he made two contradictory sworn statements.

He later claimed that he was threatened and paid to sign the second statutory declaration saying that his first was made "under duress".

His first SD in 2008 made explosive claims linking then Deputy Prime Minister Najib Abdul Razak with Altantuya.

Najib had denied Balasubramaniam's claims that he had a relationship with the Mongolian beauty and was not called to testify when his confidant, Abdul Razak Baginda, was charged with abetting in Altantuya's murder.

Abdul Razak's charge was dismissed though two police commandos from the Special Action Unit who had served as Najib's bodyguards were convicted for her murder, despite the lack of an apparent motive.

The Mongolian beauty had been linked to the purchase of two Scorpene submarines from French shipbuilder DCNS to Malaysia when Najib was defence minister.

DCNS is currently under investigation by the French judiciary for making kickbacks in the deal.

'Plead guilty to the charge'

According to Balasubramaniam, the deputy minister's offer was probably to find a way out for the government to resolve the two contradicting SDs as public pressure was mounting over the Altantuya-Scorpene saga, both at home and abroad.

"It is not going to stop here, after this there is the Scorpene trial. My name is there as one of the witnesses. Maybe he (the deputy minister) wants to put all this to a stop."

Moreover, the inability of the police and Malaysian Anti-Corruption Commission (MACC) to bring charges against Balasubramaniam and his collaborators did not reflect well on the local enforcement agencies.

Two years ago, the government announced that it had decided to close its case against the private eye over the false sworn statement.

If Balasubramaniam were to plead guilty to the charge, he conceded, it would invalidate all his statements and testimonies which had thus far remained consistent with his earlier SD.

Balasubramaniam said a businessman friend, Siva, visited him in Chennai, India, prior to the Sarawak state elections in April last year and later hooked him up with the deputy minister.

"Siva is a businessman, he does not get (involved) in all this... When he came to India, I told him what had happened - first SD, second SD and all that, he got the full picture of what happened."

To this, Siva told him that if he really wanted to come back to Malaysia for good, the businessman was willing to talk to his "sources" on how to "put things back on the right track", to which Balasubramaniam agreed.

Upon his return to Malaysia, Siva called Balasubramaniam and arranged for him to fly to Singapore where the businessman and his nephew met him before taking him to meet a "datuk" and his wife at a shopping mall in Orchard Road.

The datuk's wife did not join their conversation, for she went off shopping.

"He (the datuk) was asking questions about the whole story. I told him everything," said Balasubramaniam, adding that the politician seemed impressed with what he had said and promised to contact him soon.

The meeting, Balasubramaniam said, was his first with a government minister and he did not recognise who the politician was at first, only finding out the deputy minister's identity later.

He returned to India, and two weeks later Siva called him again, this time asking him to return to Malaysian as the datuk wanted to see him.

Only a small fine, no jail time

Returning secretly via Bukit Kayu Hitam, Balasubramaniam related how he was "kept" for 10 days at a prestigious apartment complex where the datuk asked him to write "in my own words and my own handwriting" his entire involvement in the Altantuya-Scorpene saga.

After writing down his personal account - eight pages in all - Balasubramaniam met the datuk again on his last day in Malaysia.

He described how the datuk offered him and his family a way to return safely home if he agreed to be charged in court for fabricating his first SD.

If he were to be charged, Balasubramaniam would face a fine and jail term of up to 10 years as provided for under Section 199 of the Penal Code for breaching the Statutory Declarations Act 1960.

"They will fine me RM1,000, and at first they wanted to put me behind bars for one week."

When Balasubramaniam disagreed with the prison sentence, the datuk tried to cajole him: "You know lah what kind of prison it is."

But when Balasubramaniam remained adamant, the datuk called a prominent lawyer over to the apartment for advice, who later assured him that they can get him sentenced to a RM1,000 fine with no jail time.

"I said okay. (There was) no money offered. The offer is that I can come back safely."

The datuk then told him to go back to India and they would arrange for his return in September to face the charges.

Asked if he knew how his benefactors can be sure of getting the judge to deliver the promised sentence, Balasubramaniam became coy and declined comment.

"That one, I won't answer. It'll put me in trouble," he said, laughing off the query.

But September 2011 came and went and there was no word from the datuk.

Balasubramaniam speculated that the datuk may be afraid to proceed with the plan as it may lead to a full trial if he decided to double-cross them and to plead not guilty.

"It would have been a long trial, with every s**t coming out. Do you think they are going to charge me? I don't think so... That is why the September plan was put off... If I go to trial... bad s**t."

However, Balasubramaniam revealed that, like in the case of the second bribery attempt, he did not show all his cards to the deputy minister.

"I was very cautious. (What if) suddenly they send me (to prison for) one year? Suddenly maximum (sentence) for me, I am taking a risk here."

Which was why, he said, he kept detailed records of what happened and plans to negate the deal once charged in court, pleading not guilty instead and make sure more details of what happened to him would be exposed during the full trial.

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