

**MACC defends its independence**  
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Despite lingering questions over the independence and transparency of the Malaysian Anti-Corruption Commission's (MACC) investigations, the panel has defended its probe against attorney-general Abdul Gani Patail following allegations of abuse of power and alleged graft over the Ho Hup Construction Bhd affair.

NONEMACC deputy chief commissioner Mohd Shukri Abdull said the anti-graft body had once formed a three-member panel to probe the AG over Anwar Ibrahim's black eye-incident.

Shukri also said the commission's Operations Review Panel, which reviews all cases investigated by the graft body, is also stern in giving its views and its members are independent.

"The members are people who have their own expertise in auditing, forensics, business and others. There are cases which have been closed, where the panel has asked them to be reopened. This led to the prosecutors making a decision to prosecute the accused. Hence, there is an element of check and balance there," he told Malaysiakini.

Shukri however admitted that the final decision may lie with the attorney-general or any deputy public prosecutor as stated in the constitution.

The MACC deputy chief commissioner was asked to comment further on whether the Operations Review Panel has the powers or rights to adjudicate or decide on the conduct of a sitting AG as stated in Article 145 (6) and Article 125 of the federal constitution.

Under the constitution, a tribunal can be called against a sitting judge or the AG.

Yesterday Shukri said that no cases had been swept under the carpet.

It was reported that former Ho Hup managing director Low Tuck Choy had complained about the seeming lack of progress in MACC's investigations into Abdul Gani's alleged abuse of power and graft when he allegedly interfered in the company's boardroom tussle.

Gani said to favour Lye

Gani is said to have favoured the company's former executive deputy chairperson Vincent Lye, who hails from Sabah, and in return is alleged to have received RM18,000 for the renovation of a bungalow in Seremban.

While Low has been charged with four counts of failing to notify the changes in his interest in the company within seven days and his wife has also been investigated, no charges have been imposed on Lye.

It was also reported that the three-member panel chaired by Federal Court judge Abdul Kadir Sulaiman and comprising Court of Appeal judges Mohd Nor Abdullah and Mohd Nor Ahmad, had in 2009 in a majority decision cleared Gani and former inspector-general of police Musa Hassan of allegations of tampering with Anwar's blood sample.

Abdul Kadir, who is the senior most panel member, was the dissenting member of the panel who found there was a case to answer by the two (Gani and Musa).

Anwar had lodged a police report in 2008 accusing Musa and Gani, along with Dr Abdul Rahman Yusof and former Kuala Lumpur CID chief Mat Zain Ibrahim of tampering with evidence.

While Minister in the Prime Minister's Department Nazri Abdul Aziz had said Musa and Gani had been cleared, he had however kept mum on Dr Abdul Rahman and Mat Zain.

This resulted in Mat Zain going on a crusade to clear his name as he stated that it was Gani who may have landed former attorney-general Mohtar Abdullah in a sticky situation by appointing Dr Rahman, whereas the police had appointed its own doctors.

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