

Who ordered the 'hit' on Altantuya?

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COMMENT Abdul Razak Baginda must think that we are all dumb. In an interview with The Malaysian Insider, he said that Altantuya Shaariibuu's death was just a straightforward murder case, committed by rogue cops acting on their own.

"The truth to this murder is simply extremely too boring," Razak said. "It was a straightforward murder, but there are still people convinced that (the) police cannot do this without instructions. How many people die in (police) remand?"

Many people in Malaysia are asking what motive Azilah Hadri and Sirul Azhar Umar had for murdering Altantuya. Why would two elite policemen, personal bodyguards to then Deputy Prime Minister Najib Razak, leave their official duty stations and go off to kill a woman that they had never met, using police-issued weapons that could be traced back to them?

According to Razak, no one ordered them. They just did it. Razak compared it to death in remand, even though Altantuya was not under police arrest.

Are we supposed to believe that members of the Royal Malaysian Police, and especially members of the elite unit that protects the prime minister and other high-ranking officials, are cut-throat murderers, out-of-control cops who take it upon themselves to kill people?

Why would they kill an allegedly pregnant woman who was not robbing a bank, who was not a terrorist, and who was posing no danger to them? Are harassment and blackmail of the DPM's friends punishable by summary execution?

What Sirul said

Let's look at what Sirul had to say over eight years ago. When he confessed to the murder on Nov 19, 2006, he said that Azilah told him there would be a reward of between RM50,000 and RM100,000 "if the case was settled."

Settling the case, according to Azilah's instructions, meant to "shoot to kill" Altantuya and her two companions in the Malaya Hotel.

Sirul did not say where the reward money was coming from. But if money is involved, it seems clear that this heinous crime is not about rogue cops.

In his court testimony, Sirul said Azilah told him that "there was work to be done." He testified that Musa Safri, Najib's chief of staff, had told Azilah about "a friend who had women problems."

In short, Sirul's account of the events goes like this. Musa told Azilah that "a friend" had a

problem. Azilah then told Sirul that "there was work to be done," and that the "work" was to "shoot to kill" Altantuya and her two companions. When the "case was settled," there would be a reward of between RM50,000 and 100,000.

After he was found guilty in 2009, Sirul asked the court not to sentence him to death. In tears, he said that he was being sacrificed to protect unnamed people who were never brought to court or even faced questioning.

"I appeal to the court ... not to sentence me (to death) so as to fulfill others' plans for me."

What did Azilah think?

Azilah's lawyer at the time, Zulkifli Noordin, said that Azilah "felt that he had been betrayed," and that as a member of the elite UTK security unit, "Azilah would not issue an order to his subordinate if he didn't receive orders from the higher-ups."

Zulkifli, who was then in the opposition, abruptly quit as defence attorney because he said there were attempts to interfere with the defence he had proposed. The reason for the interference and pressure, he said, was "to protect a third party."

Zulkifli also was quoted in a Wall Street Journal article. "My client is a senior-ranking officer in the special unit of the police, and he has always acted on instructions - including in this case."

Razak's 'selective memory'

Razak himself gave ammunition to what he calls the conspiracy theorists with his own statement to the police in 2006. He said that after he explained his predicament to Musa in October 2006, Musa then sent Azilah to see him, two days later.

In his affidavit, Razak said that Azilah said that he had "personally killed between six and 10 people," and that he could easily "finish off the girl."

(I always found it curious that the police never investigated and asked Azilah who the other six to 10 people were that he killed.)

Razak said that he was "shocked" at Azilah's statements about murdering other people and his readiness to "finish off" Altantuya. He says he replied that he merely needed police protection.

Yet notwithstanding Razak's admonition, Azilah and Sirul killed Altantuya the next day. Azilah then called Razak and said, "Tonight, sir, you can sleep well."

It is hard to believe that a woman lost her life simply because she was harassing a man, a private citizen, and that members of an elite police unit would take it upon themselves to kill her for that - on their own volition.

If all that Razak wanted was police protection, then why didn't Musa send an ordinary policeman, instead of taking two bodyguards away from the DPM's personal protective detail?

Or - why didn't he send an immigration officer to arrest and deport Altantuya?

And if Razak had expressed concern about killing Altantuya and said that all he wanted was police protection, why did Azilah ignore Razak's concerns and return the next day with Sirul, spirit Altantuya away, and then kill her and destroy her body?

Did she know too much?

But Altantuya was no ordinary woman, and her lover was no ordinary man. He was the agent for the purchase of the Scorpene submarines, a deal that is still under investigation by the French government for illegal payments. And she was with him throughout that time.

Part of the Scorpene money, €36 million (RM148 million) went to a phantom shell company in Hong Kong controlled by Razak. Altantuya traveled with her lover Razak to Paris as the negotiations were conducted. Razak's friend was the defence minister then, and he was responsible for the purchase - and the purchase price - of the subs. The murderers were the defence minister's personal bodyguards.

So, I'm sorry, Razak. This whole situation is neither boring nor straightforward. We would like to ask you:

-How much did Altantuya know?

-What did she learn about the Scorpene deal from her times together with you?

-You said in your Malaysian Insider interview that your problem with Altantuya was purely a very private matter between the two of you and had nothing to do with the Scorpene. But as the saying goes, "Hell hath no fury like a woman scorned."

Knowing Altantuya's state of mind, do you think she was prepared to tell what she knew about the Scorpene deal if she didn't get what she wanted from you? After all, she was blackmailing you.

Questions that Musa was never asked

Najib's aide Musa was never called to testify, but there are a number of questions that we would like to ask him, too:

-Razak told you about his problems with Altantuya on Oct 16, but it was two days later before you sent Azilah to see him. Did you talk to anyone about Razak's problem during

those two days? Who? What did you discuss?

-Was anyone concerned that Altantuya, who seemed to be desperate, in a rage, and out of control at that time, might reveal what she knew about the Scorpene deal?

-Why did you pick Azilah, who boasted of killing 6 to 10 people, to handle the problem? Why didn't you send an ordinary street police man, if all Razak wanted was police protection? Or why didn't you send an immigration officer to pick her up and deport her back to Mongolia?

-Why do you think that "killing the woman" was the solution that Azilah immediately proposed to Razak?

-Precisely what instructions did you give to Azilah?

-Why do you believe that Azilah and Sirul, two people under your direct command, committed this murder?

Questions for AG's Chambers

Given all this background, is it surprising that people still believe that the whole truth has yet to be revealed? The murderers have been convicted. But this case is not yet over. People want to know, who ordered the "hit" on Altantuya.

It is time for the police to visit Musa, and see what he has to say. But perhaps they already did, eight years ago, during their investigation of the murder.

In his remarks to Malaysiakini on Sunday, inspector-general of police (IGP) Khalid Abu Bakar added to the intrigue. He said that it is standard procedure in murder investigations to cover all angles, including establishing the reasons behind the action and securing the necessary evidence for a prosecution.

Khalid said that information is "recorded in the Investigation Papers which are submitted to the Attorney-General's Chambers for further action." He stressed that it was not the police's role to question the prosecutor or courts for not delving into the motive during the hearing process.

The question therefore is whether the police interrogated Musa and others in the DPM's office eight years ago, and if they did, what information they passed on to the AG's Chambers. After all, Khalid said that it is standard procedure in murder investigations to "cover all angles."

The prosecution, as we know, never called Musa as a witness, claiming that his testimony was not necessary. Yet the Court of Appeal unanimously concluded that Musa's testimony indeed was essential to the narrative upon which the prosecution's case was based.

The court ruled that "the failure of the prosecution to call or offer Musa for cross-examination... would have triggered adverse inference... against the prosecution."

In this case, adverse inference means that a reasonable person could infer that the prosecution would have produced Musa if his testimony would have been supportive of their position that these two acted alone. But because they did not call him, it could mean that his testimony would not have supported their case.

The prosecution, it could be inferred, did not want Musa to be subject to cross-examination by Azilah's and Sirul's attorneys because his testimony might have undercut and been adverse to the prosecution's case.

No matter what Razak says, this is not an open-and-shut case. There are too many unanswered questions.

JOHN R MALOTT is former US ambassador to Malaysia. The research for this article owes a debt to the detailed and extensive reporting on the Altantuya and Scorpene cases for over nine years by Asia Sentinel.

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