

Najib, misappropriation is not the main issue

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By Kee Thuan Chye

COMMENT A few things related to The Wall Street Journal's (WSJ) expose of 1MDB funds having been deposited into Prime Minister Najib Abdul Razak's private AmBank accounts are becoming clearer.

Najib has not denied that he received the US\$700 million (RM2.66 billion). And that is very telling. Instead, he is constantly harping that he did not use the money for his personal interest.

He could be telling the truth there because the bulk of the money might have been used to finance Barisan Nasional's campaign during the 13th general election (GE13) in May 2013.

But even so, it is wrong for him to receive the public funds - if he did receive them. It constitutes a crime. That is the main issue of the case. But he has not addressed it.

That is the issue that the special task force set up to investigate the scandal should focus on. But Najib has announced that the scope of the investigation is only to determine whether he misappropriated the funds for his own use. And this is the same line he is taking with WSJ.

His lawyers have sent a letter to WSJ demanding to know if it stands by its accusation that Najib misappropriated public funds.

The demand is stupid. A reading of the WSJ articles exposing the transfers of monies to Najib's accounts clearly shows that WSJ makes no such accusations. And of course they would not do so because they were merely reporting, not editorialising.

It is not the job of news reports to editorialise and make accusations. Anyone who knows the basics of newspaper reporting could have told Najib's lawyers so - and spared them the embarrassment of making such an asinine demand.

I suspect what Najib wants to achieve in sending that letter to WSJ is to get an answer from the latter that it does not accuse him of misappropriating funds. Then he can say to the people of Malaysia, "See! WSJ has admitted I did not steal any money!"

This is the tack he appears to be taking. This is what he wants us to believe. That is why he has dictated the scope of the investigation of the special task force thus.

He probably thinks that if he can convince the rakyat that he did not steal the money, he would be forgiven, that he would regain our trust and confidence.

But that's wishful thinking. To regain public trust and clear his name of the scandal, he

should do the obvious thing. i.e. to sue WSJ outright on the grounds that its reporting was false and that the said monies were never deposited into his private bank accounts - and win the case. Right now, his lawyers' letter to WSJ is mere pussyfooting.

But would he dare sue? Well, if he is clean, he would. But if he isn't and the case goes to trial and WSJ does bring out the dirt, and proves beyond doubt that those money transfers were made as reported, he would be in deep shit.

I reiterate, whether he misused the monies allegedly deposited is not the main issue. Proving that he received the funds is enough. Regardless of whether he used the money for his personal interest, the crime is already implicit in the taking of the US\$700 million.

Still amounting to abuse of power

And let's also be clear on another point. Even if he used the money for purposes other than his own, like funding BN's GE13 campaign, that still amounts to abuse of power and misuse of public funds - simply because public money should not be used for the benefit of a political party, even if it is the ruling party.

Furthermore, if the money was used in that way, it would have been to ensure that the party won the elections and remained in power, which meant Najib would also remain as prime minister, so, technically, that can be said to be fulfilling his personal interest.

Speaking of the special task force, the attorney-general's (AG) urging to hunt down the mole who leaked the investigation documents to WSJ is another telling development.

It seems clear from this that the AG inadvertently acknowledges the WSJ report to be true, that it was based on documents from the 1MDB probe that was already being carried out by the Malaysian government before the news story broke.

The AG's promise to prosecute the mole is sidetracking us from the main scandal and an attempt to kill the messenger. That should not be so. If it had not been for the messenger, Malaysians would not have known of the greater scandal of the alleged money transfers to Najib. (On that score, the Home Ministry should also stop harassing The Edge.)

The AG should get his focus right. But the fact that he serves the prime minister and reports to him makes him vulnerable. So, in the interest of an independent and bias-free investigation into the Najib case, he should not be part of the special task force.

Neither should the other three members - Bank Negara's governor, the Malaysian Anti-Corruption Commission (MACC) chief and the inspector-general of police (IGP). They, too report to the prime minister.

Besides, Bank Negara's governor could also be implicated if she had been aware of the transfers in the first place. We don't know if she knew because she has said absolutely nothing about it.

All four should therefore be immediately replaced by neutral parties who are also not public servants.

As for Najib, he should not be involved in the investigation at all and, certainly, not dictating its scope. He is the one being investigated; how can he call the shots?

This scandal is the biggest to hit Malaysia, and, to all intents and purposes, Najib may not be guilty of the allegations, but until we know for sure, let us for goodness' sake carry out the investigation properly and honestly.

Malaysians deserve to know the truth because their money is at the centre of this scandal. So, too, the integrity of their prime minister. If Najib truly believes his slogan of 'people first', he should do the right thing and open the door to the truth.

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