

MACC transfer amounts to obstruction, says ex-AG
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Chief Secretary to the Government Ali Hamsa and Public Service Department head Mohamad Zabidi could have flouted the law by transferring two MACC officers last week.

Former attorney-general Abu Talib Othman told Star Online that Ali and Mohamad Zabidi could have breached Section 186 of the Penal Code for obstructing public servants from discharging their duties.

"From news reports, it would appear that the two MACC officers were directly involved in the investigation of 1MDB and that they were transferred without the opportunity of being heard first.

"The officers were exercising their public duty. Prima facie, therefore, the action of the chief secretary and PSD director-general appear to have interfered with the exercise of a public duty by a public servant.

"In my view, prima facie, they have committed an offence," said Abu Talib, who served as attorney-general from 1980 to 1993.

Section 186 of the Penal Code carries a penalty of two years jail, a maximum fine of RM10,000 or both.

Last Friday, MACC special operations division director Bahri Mohamad Zin and MACC strategic communication director Rohaizad Yaakob were transferred to the Prime Minister's Department.

New AG should lay charges

Bahri is a key investigator on allegations that RM2.6 billion were deposited into Najib's personal bank accounts while Rohaizad had received an opposition delegation when they visited the MACC headquarters to show support.

The transfer orders were subsequently aborted after a public uproar.

The duo had also met with Ali and Mohamad before the transfer orders were cancelled.

However, Abu Talib said the offence stands even if the transfers orders have been rescinded.

The attorney-general should instruct the police to investigate the transfer.

"If it is true (the transfer) was because they were performing their public duty, the attorney-general should not hesitate to prefer a charge under Section 186 of the Penal

Code," he was quoted as saying.

Abu Talib added that the MACC should press on with its investigation without interference.

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