

Dr M, two others list PM's powers to influence 1MDB, RM2.6b probes
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Dr Mahathir Mohamad and two others have listed Prime Minister Najib Abdul Razak's extensive powers to influence investigations against 1MDB and the RM2.6 billion donation issue.

Mahathir, together with former Umno members Khairuddin Abu Hassan and Anina Saadudin said this in their reply to Najib's defence against their [suit](#) for breach of fiduciary duty and misfeasance in public office.

For example, they pointed out how Najib as prime minister had the prerogative to advise the Yang di-Pertuan Agong on both the appointment and removal of any cabinet member which, in turn shall be implemented by the Yang di-Pertuan Agong.

Therefore, Najib as prime minister could control and misuse his position to unduly influence ministers to take action, which would, in turn, weaken various institutions involved in investigating 1MDB and the RM2.6 billion transferred to Najib's personal bank accounts.

In response to Najib who denied that he had influenced attorney-general Mohamed Apandi Ali, the trio, likewise, pointed out how Najib had the prerogative to advise and give suggestions to the Yang di-Pertuan Agong over the appointment of the attorney-general.

Najib, therefore, was in the position to control and use his position to unduly influence the attorney-general to take action against institutions involved in investigating the 1MDB scandal.

Apandi had, in January, concluded that the three investigation papers submitted by the Malaysian Anti-Corruption Commission (MACC) on its probe against Najib could not be brought to court for criminal proceedings.

As for the police, although Najib had stressed that he had no role in police investigations against the MACC, the trio said police were under the leadership of the inspector-general of police who, in turn, was responsible to the home minister.

Citing how Najib had the prerogative to advise the Yang di-Pertuan Agong when it comes to the appointment and removal of ministers, they argued that Najib again was in the position to unduly influence the inspector-general of police and police officers to take action.

And it is the same with regard to the MACC.

As outlined under the MACC Act, Najib, too, had the prerogative to advise the Yang di-Pertuan Agong over the appointment and removal of the MACC chief commissioner.

Najib denied interfering

In his defence, Najib had denied interfering, or continuously interfering, with the due process of the law by using his position as a public officer to ensure the authorities do not carry out investigations of impropriety or misconduct against him.

The trio, meanwhile, also responded to Najib who had denied that he abused his position as prime minister, finance minister, BN chairperson and Umno president to further alleged corrupt practices and that as BN chairperson and Umno president, he does not exercise duties of a public officer.

Mahathir and the other two however said Najib's position as prime minister overlapped with his positions as BN chairperson and Umno president.

They said Najib campaigned in his capacity as BN chairperson and Umno president in the last general election as well as previous by-elections and the Sarawak state election.

"But Najib promised to allocate money for buildings, roads and facilities – all in his capacity as prime minister although he campaigned as BN chairperson and Umno president.

"Therefore, the defendant (Najib) had misused his position as prime minister to unduly influence the decisions of the Umno supreme council to take disciplinary action against Umno members, to sack (former deputy premier) Muhyiddin (Yassin) from his post as Umno deputy president and to sack Anina from Umno to ensure that there is no criticism with regard to Najib's alleged abuse of power in the 1MDB scandal," they claimed.