

**Thomas: Probe into Zeti's role in 1MDB case not completed during my tenure**

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The investigation into former Bank Negara governor Zeti Akhtar Aziz's and her husband's role in the 1MDB scandal was not concluded during Pakatan Harapan rule, said Tommy Thomas.

According to the former attorney-general, the investigation into 1MDB by MACC at the time gave rise to seven or eight prosecutions against different parties.

"At that stage, the MACC's investigation paper had not been completed on Zeti and others. I never had the chance to look at those investigation papers.

"What I would say is, if the investigation papers were completed and if there was a strong and convincing case, the public prosecutor would do the necessary," he said in an interview with former diplomat Dennis Ignatius on YouTube yesterday.

"If a former prime minister or former deputy prime minister is not immune from prosecution, certainly a former central bank governor is not," he added.

Thomas (above) was asked to respond to the controversy surrounding Zeti after it was found that US\$15.4 million (RM65 million) of 1MDB-linked funds were held by a company belonging to her husband Tawfiq Ayman.

MACC said the money was recently recovered from Singapore and it involved the accounts of Cutting Edge Industries Ltd, a company owned by Tawfiq and Samuel Goh.

### **No selective prosecution**

Thomas dismissed the allegation that the Attorney-General's Chambers (AGC) practised selective prosecution, particularly against Umno leaders, under his watch between June 2018 and February 2020.

As a legal professional who had been practising law for four decades, Thomas said he only made the decision to prosecute after he was convinced that the prosecution could win in the trials.

"There were about 20 to 25 decisions I made over 20 months. I would decide

based on evidence, investigation papers and the law.

"As a trial lawyer, I would ask can we win the case? It is not fair to put somebody on the witness stand or in the dock if the prosecution cannot win. That's the only criterion I used.

"That was the same (criterion I had) applied to PKR president Anwar Ibrahim and Senior Minister of International Trade and Industry Azmin Ali," he added.

Thomas was also asked why certain graft cases, including one which involved an individual from Sarawak, were not prosecuted.

"Why we charge A, B and C and not X, Y and Z? The answer is very simple: the investigation was concluded and the investigation papers were given to us. But the example you mentioned, all those investigation papers never came to me during my tenure," he said.

Last month, former prime minister Najib Abdul Razak sued Thomas over the former's alleged wrongful prosecution for several criminal cases.

Najib contended that Thomas committed misfeasance in public office, malicious process and negligence.

## **Frustration over forced disappearance cases**

On another development, Thomas expressed his frustration over the enforced disappearances of Pastor Raymond Koh and social activist Amri Che Mat, as well as the death of Teoh Beng Hock, which failed to bear fruit.

"There was a list of missing persons and unexplained cases when we took office in May 2018. We needed to conduct fresh investigations into these cases but the fresh investigations never brought us anywhere.

"You cannot ask the police to investigate the police. (Who will) guard the guards? So you have to get other agencies to investigate. That was what was attempted (by the Harapan government).

"It is unfortunate that there has been no effective answer (given to us) and we are no wiser today, even several years after they went missing, apart from (what was revealed in) Suhakam's report," he said.

The former AG further apologised for not being able to do more on those cases.

"It was a sad day for Malaysia, I am very sorry that during our time we couldn't do anything about it because no one was investigating (these cases).

"It was a question of them not giving us the answer, the truth," he said, referring to law enforcement agencies.

In April 2019, a Suhakam public inquiry made a unanimous decision that the police's Special Branch was behind the disappearances of Amri and Koh, who vanished in 2016 and 2017 respectively.

A special task force was formed to reinvestigate the cases.

In the case of Teoh who died in July 2009 while in MACC's custody, a Royal Commission of Inquiry (RCI) concluded three years later that the MACC's aggressive interrogation tactics drove Teoh to commit suicide by jumping to his death.

Earlier this month, Home Minister Hamzah Zainudin said the police have reopened investigations into Teoh's death under Section 342 of the Penal Code (Wrongful Confinement).

### **Surprised by racial element**

Thomas said he was surprised to find some rejected his appointment as the attorney-general because he was not a Malay.

"I think the response, to some extent, surprised me.

"The legal profession is a profession and the country needs a legal advisor. So, does it matter what his race is? The question is can you do the job?" he said.

Citing his appointment as legal advisor to the PAS-led Kelantan state government, he said, ethnicity was never taken into consideration in the decision made by the Islamic party.

"So, to some extent, I thought that may be the same at the public level.

"The lesson has been learnt. I agree that the establishment, including the legal establishment, has taken the position that this is a Malay preserve from Merdeka. I accept that," he added.

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