

A Very Lame Excuse – Why AG Not Acting Against MACC Officers For Teoh's Death Following RCI Report

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The de facto Law Minister, Nazri Aziz has given a very lame excuse why the Attorney-General is not pursuing legal action against Malaysian Anti-Corruption Commission (MACC) officers on Teoh Beng Hock's death following the James Foong Royal Commission of Inquiry (RCI) Report – telling Parliament on Monday that no police report has been lodged over the matter.

Why didn't the Attorney-General Gani Patail direct that a police report be lodged on Teoh Beng Hock's death based on the findings and new leads in the James Foong Royal Commission of Inquiry Report?

The finding of the James Foong RCI into the death of Teoh Beng Hock (TBH) that "TBH was driven to commit suicide by the aggressive, relentless, oppressive and unscrupulous interrogation by certain officers of the MACC"(Para 119) is not acceptable as it is mere speculation and not backed up by evidence.

There are however sufficient reasons from the RCI report why a high-level special investigation squad should be formed to break the conspiracy of "blue wall of silence" (RCI Report) of MACC officers to pinpoint and to bring to book Beng Hock's killers as well for prosecution for crimes committed in the process, viz:

1. The TBH RCI was most scathing in its indictment of the character and testimony of the MACC officers especially from Selangor at the RCI. Apart from two brave and truthful souls from Selangor MACC, i.e. Azeem Hafeez Jamaluddin and Azlan (Para 176), the TBH RCI virtually dismissed the rest as a pack of liars led by Hishammuddin Hashim (HH), the "mastermind" of the massive and unjustified operation which resulted in TBH's death.

This is what the TBH RCI has to say about Hishammuddin, the "mastermind":

In Para 337, the TBH RCI said: "That HH and others under his command lied in this inquiry is borne home by the testimonies of Azeem and Azlan, the two MACC officers who were courageous enough to testify that attempts were made to get them to say that HH was not directly involved in the operation and that it was Hairul Ilham who was in charge".

In fact, the TBH RCI report is fertile source for the formulation of multiple perjury charges against Hishammuddin and other MACC officers in giving false testimony at the RCI – a judicial proceeding under the definition of Penal Code Section 193 which provides for the maximum sentence of seven years jail and fine on conviction.

With all MACC Selangor officers led by Hishammuddin dismissed as "a pack of liars" (apart from Azeem and Azlan), this would mean that they had lied all the way from the initial police investigations

into TBH's death, the TBH inquest and the TBH RCI about what happened to TBH in MACC on the fateful days of July 15/16, 2009.

As the police had been lied to in police criminal investigations into TBH's death, this means that all the police statements given by Hishammuddin and the MACC Selangor officers (except for Azeem and Azian) about what happened to TBH in his three interrogations in MACC from 6 pm on 15th July to 3.30 am on 16th July were untrue, worthless and must be rejected – justifying a re-opening of police investigations into TBH's death.

2. The TBH RCI reported that apart from the three interrogations from 6pm on 15th to 3.30 am on 16th July, there was a hitherto unknown "Fourth Interrogation" of TBH between 3.30 am and 7 am on the 16th "that broke the camel's back, so to speak, that propelled TBH to commit suicide" (Para 166).

Para 229 said: "By the time, the fourth or final stage of the interrogation was over, TBH would have been almost a mental and physical wreck."

Police investigations into TBH's death never knew about this "Fourth Interrogation" between 3.30 am to 7 am on 16th July – a second lead from the TBH RCI report on why police should re-open investigations

3. Hishammuddin was the "mastermind" in the host of criminalities and breaches of the law in the massive operation resulting in TBH's death. Though deputy director of MACC Selangor at the time in charge of investigations and intelligence-gathering, Hishammuddin "appeared to have absolute authority to investigate anyone whom he suspected to be involved in any corrupt practice in the state without even informing or obtaining the consent of his superiors in the in the MACC headquarters in Putrajaya (HQ) or his superior on the ground, the director of Selangor of MACC." (Para 23).

Hishammuddin blatantly abused his powers when he launched the massive 33-officer operation which resulted in TBH's death "solely on a mere belief and without supporting facts" (Para 184) based on a "mere" telephone call (Para 188).

These are revelations which would justify police re-opening investigations into TBH's death to find out who gave Hishammuddin the sense of immunity and impunity for breaking laws and committing crimes, going over the head of his superior in Selangor and in national headquarters resulting in TBH's death?

4. As pointed out by Marcus van Geyzel in his article "A sham that deceived Malaysia" in loyarburok.com:

"The MACC official line is that Teoh's body was only found at about 1.35 pm on July 16. But the evidence presented at the RCI TBH showed that MACC officers namely, Azhar, Amin, Fauzi Shadollah had already been speaking about Teoh's death before or about 1.00 pm! How could MACC Klang officers at the MACC Klang office be talking about a death in another office miles away even before Teoh's body was found?"

"The answer lies here. Amin in particular said that at about 12.45 pm, he overheard a group of officers at the MACC Klang office talking about Teoh's death. He said that the information about Teoh's death came from a MACC Klang officer who was at the MACC Selangor office on the morning of July 16 and returned to the MACC Klang office that morning. Zulkefly is as described. By 7 am, he already

knew that Teoh fell from the window and died.

"Why did the MACC hide the fact they knew of Teoh's death by 7 am? The Commission failed to appreciate and deal with this crucial area that nails the MACC coffin of its suicide story."

5. A few days after TBH's tragic death on 16th July 2009, a "black blog" appeared which accused DAP of TBH's murder to distract public attention from the real cause of TBH's death – raising the suspicion that the "black blog" was the work of people responsible for killing him.

Furthermore, the "black blog" had the finger prints of MACC or MACC officers as it contained documents related to TBH investigations which were only in the possession of MACC.

One is reminded of the recent complaint by the family of the second MACC death victim, Ahmad Sarbaini Mohamad, complained that a piece of evidence seized by MACC from Sarbaini's handphone during MACC investigations, had been misused in a pro-MACC blog to smear Sarbaini's name and character.

6. The RCI ignored the bulk of TBH's suicide risk assessment in the psychiatric report submitted by Australian Paul Edward Mullen – the emeritus professor of forensic psychiatry from the Monash University engaged by the Bar Council. Mullen found more factors pointing to TBH not having committed suicide than otherwise.

The above six reasons primarily from the James Foong RCI report are strong enough for the Attorney-General to direct that a police report against MACC officers should be lodged and vigorous prosecution pursued and that there should be no cover-up in ensuring that Teoh Beng Hock and his family secure justice in the case.

However, if the Attorney-General refuses to lodge any police report against MACC officers based on the RCI report, then a police report would be lodged so that the Attorney-General would have no excuse for inaction in acting against MACC officers responsible for Teoh Beng Hock's death.

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