



Nobody is Above the Law

Allegations of corruption against Deputy Internal Security Minister Datuk Mohd Johari Baharum and Anti-Corruption Agency Director-General Datuk Seri Zulkipli Mat Noor doesn't augur well for the administration. Getting to the bottom of things is of utmost importance now, especially since it involves bodies that are considered the mainstay of law and order.

THE PRIME MINISTER, DATUK SERI ABDULLAH AHMAD BADAWI, WAS stating the obvious when, on March 5, he said those who were being investigated for corruption did not have to worry if they were innocent.

'What is being sought is justice,' he said in direct reference to corruption allegations against Deputy Internal Security Minister Datuk Mohd Johari Baharum and Anti-Corruption Agency (ACA) Director-General Datuk Seri Zulkipli Mat Noor.

The controversy surrounding these two well-known personalities came about following reports in an Internet news portal.

The reports alleged that Johari had accepted RM5 million in bribes to secure the release of several people detained under the Emergency Ordinance and that Zulkipli was involved in 'immoral and criminal activities' and had interfered with the agency's investigations by threatening witnesses.

The allegation against the ACA chief was attributed to the former Sabah ACA Director Mohamed Ramli Manan.

The Star newspaper reported that Abdullah had ordered the Police, which has formed a task force, to investigate the allegations against Zulkipli.

Johari, according to the daily, acknowledged that he was the person referred to by the website but denied any wrongdoing. He said the authorities were free to investigate him.

Abdullah said everyone should learn from these developments and make sure that they are sincere and free of corrupt practices when carrying out their duties.

Saying that 85% of allegations or complaints of corruption are unfounded, he stressed that action should not be based on perception but on information gathered.

Abdullah, who made the war against corruption his battle cry, said only those with a good track record are appointed to senior government positions and the Government has adopted a vetting process.

Zulkipli, a former policeman, was made the ACA Director-General on April 2001 and Johari was promoted to the all-important post of Deputy Internal Security Minister in February 2006.

A very powerful post indeed

It is almost a convention since the early days that the Deputy Internal Security Minister is, in effect, the de facto Internal Security Minister.

He not only deputises for the minister in the day-to-day running of the ministry but also in the signing of detention orders on behalf of the minister.

In recent times, Johari has emerged as a close confidante of the Prime Minister – hence his elevation to the powerful job.

Not surprisingly, he has also emerged as a key Abdullah defender against the attack by former Prime Minister Tun Dr Mahathir Mohamad.

Johari was among the people who played a key role in frustrating Dr Mahathir's attempt to win a seat as an ordinary Kubang Pasu Umno Division delegate to last year's party general assembly.

Johari is the Kubang Pasu divisional chief and was Dr Mahathir's political secretary when he was Prime Minister. Thus, having him as a loyal supporter is a feather in Abdullah's cap.

With the Internal Security Minister being busy with more pressing duties as Prime Minister and Minister of Finance, it is reasonable to expect Johari to be influential in the day-to-day running of the ministry.

During the Mahathir era, the Internal Security Ministry post was, for most part, held by the Deputy Prime Minister or a senior Umno Minister. Abdullah and Tun Musa Hitam were Internal Security Ministers when they were Deputy Prime Ministers.

As for Abdullah's assertion that 'we get reports from relevant agencies on an individual's background and conduct and appoint the individual only after getting the clearance', it's up to the public

to understand and conclude accordingly.

It is, however, a well-known fact that several key players in Umno and the government today had once been the subject of corruption investigations or had been sacked from the party for money politics and other disciplinary offences.

During the Mahathir era, when the fight against corruption was not treated as a mantra, several top politicians were 'compelled' to resign from their government and party posts when they were being investigated for alleged wrongdoings. They include Tan Sri Abdul Rahim Tamby Chik when he was Melaka Chief Minister and Umno Youth Chief, and Tan Sri Mohd Muhammad Taib when he was Selangor Menteri Besar.

Both men were later found not guilty and are now senior members of the Umno Supreme Council.

Political storm brewing

TWO things, in my mind, mark the allegations against Johari.

First, the allegation was made via a website, and second, it involves detention under the Emergency Ordinance.

After months of battling and maligning Internet news sites and blogs, the government was forced to act on their allegations.

The mainstream media was forced to play second fiddle by attributing the allegations to the websites.

Given Johari's powerful position as the de facto Internal Security Minister and his close association with the Prime Minister, the mainstream media on its own was unlikely to go all out to publicise the allegations.

Detention under the ordinance has long been a point of contention between the Police, who have found its application useful in combating gangsterism, prostitution, illegal gambling and money lending by the *Ah Long*, and the legal fraternity, which has found the legislation objectionable, as it gives the Police vast powers to arrest and detain suspects.

Lawyers and human rights activists feel that the law causes 'laziness' among police investigators, who prefer to use the ordinance to detain suspects without trial instead of charging them under the Penal Code.

The Royal Commission to Enhance the Operations and Management of the Royal Malaysian Police, which submitted its report to the King and the Prime Minister in 2005, took a close look at the ordinance and the manner in which it is being applied by the Police.

One of the points examined by the commission was the power of the minister to authorise the detention of a suspect based on

the recommendation of the Police and the limited avenue available to the detainees to appeal against his or her detention.

The commission repeatedly summoned senior Police and Internal Security Ministry officers responsible for enforcing the ordinance to clarify points raised by those opposing it and by the people who were once detained under its provisions.

Members of the commission also visited the Simpang Renggam Detention Centre, where most of the detainees were being held. Many of the detainees were teenagers and young adults who were suspected of being gang members.

The irony of the situation is hard to miss. While the Police, which is under Johari's supervision, is investigating allegations against the ACA chief, the ACA, on the other hand, is investigating charges against Johari.

With the two sensational cases kicking up a huge political storm, it is unlikely that the Abdullah Government will be able to sweep them under the carpet. And I don't think that is the Prime Minister's intention in the first place.

When the ACA DG himself is allegedly corrupt

AS for the ACA Director-General, what can be more serious than allegations of immoral and criminal activities?

This is not a wild allegation on the Internet or a poison-pen letter. This is an allegation made by a former senior staff of the agency itself.

There has been whistle-blowing before, but the complainants generally chose to remain anonymous.

But Ramli decided to come out in the open and in a legal manner. He made a police report.

According to a Bernama report, Ramli described Zulkipli in a July 2006 Police report as 'a very corrupt senior police officer who had amassed substantial property and assets through corrupt practices.'

He alleged that Zulkipli has vast business interests, owned a lot of property including six houses, and has misused government vehicles.

Ramli also accused him of interfering with the agency's investigations and with threatening witnesses.

Being a former senior ACA officer and experienced investigator, Ramli knows the price of making a false police report. He could end up in jail. So, he must be pretty sure of his facts.

In a move that could further strengthen his allegations against the ACA Director-General, Ramli, on March 7, filed a suit against Zulkipli, the pension director of the Public Services Department,

THE IRONY OF THE SITUATION IS HARD TO MISS. WHILE THE POLICE, WHICH IS UNDER JOHARI'S SUPERVISION, IS INVESTIGATING ALLEGATIONS AGAINST THE ACA CHIEF, THE ACA, ON THE OTHER HAND, IS INVESTIGATING CHARGES AGAINST JOHARI.

the secretary and chairman of the Public Services Commission (PSC), the Government and Star Publications (M) Bhd, the publisher of *The Star*.

He is seeking damages for defamation allegedly contained in a letter, dated Nov 27 last year, which was sent by the pension director to him as well as in three transfer orders dated Sept 7, 2000; Dec 27, 2001; and Feb 18, 2004 and in an article published by *The Star* on March 2.

He is also seeking damages for loss of promotion and income, retirement benefits as well as forfeited salaries and bonuses, claiming that the failure to pay his retirement benefits, the irregularity in the transfer order and 'a series of oppressive acts' amounted to victimisation and persecution by the ACA Director-General.

Unlike other whistle-blowers, Ramli is seeking neither protection nor anonymity. And since the Government is moving towards giving legal protection to such people, logically, Ramli's police report against Zulkipli should receive the highest attention.

The *New Straits Times* on June 26 last year quoted the Deputy Prime Minister, Datuk Seri Mohd Najib Abdul Razak, as saying that whistle-blowers might receive protection soon.

Whether it was a coincidence or because he believed Najib's statement, Ramli filed his police report against Zulkipli the following month.

Ironically, the proposal that whistle-blowers be given protection came from the ACA itself. The agency, according to Najib, had proposed to the government that a witness protection programme be set up to ensure total secrecy and safety of such persons.

Najib said: 'What is important is for the ACA to get detailed and correct information on abuse of power and bribery.'

And what can be more important than getting detailed and correct information on alleged abuse of power and immoral activities against the ACA's head honcho himself? **mb**

E-mail: akadirjasin@beritapub.com.my
Besides *Malaysian Business*, Kadir also contributes to local Bahasa Malaysia and English publications. He can also be read at www.akadirjasin.com