

Ex-top cop urges Najib to set up tribunal to clear fabrication claims in 'black eye' incident

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Former Kuala Lumpur Criminal Investigation Department (CID) chief Datuk Mat Zain Ibrahim has made a second statutory declaration (SD) to pressure Datuk Seri Najib Razak set up a Royal Commission of Inquiry (RCI) to investigate allegations over the fabrication of evidence in the 1998 black eye incident involving Datuk Seri Anwar Ibrahim.

Anwar, the former deputy prime minister who was sacked and arrested in 1998 before appearing in court days later with a bruised eye, had lodged a police report in 2008 against Attorney General Tan Sri Abdul Gani Patail, former Inspector-General of Police Tan Sri Musa Hasan, Kuala Lumpur Hospital pathologist Dr Abdul Rahman Yusof and Mat Zain, who handled the probe into the fabrication of evidence in Anwar's 'black eye' case.

Gani was senior Deputy Public Prosecutor (DPP) in 1998 during Anwar's first sodomy trial, while Musa was then the investigating officer.

In his latest SD, Mat Zain said the RCI was important as Umno lawyer Tan Sri Muhammad Shafee Abdullah has stated in one of his affidavits that there was a cover-up in the black eye incident.

Shafee, appointed to lead Putrajaya's appeal to overturn the second sodomy acquittal of Anwar, had filed affidavits on December 10 and 18 last year, in response to Anwar's application to disqualify him on grounds of conflict of interest.

Gani appointed Shafee as ad-hoc DPP in July last year as the AG did not want his officers to handle the appeal to allay any allegation of bias.

Mat Zain said not only Shafee had lied in the December 10 affidavit but the contents raised important questions and more controversy over the issue. Among others, he said it overturned Putrajaya's decision in 2009 on the Malaysian Anti-Corruption Agency (MACC) findings following Anwar's report. He also said Shafee's affidavit stated that Gani risked being prosecuted for abuse of power.

The retired cop further said the affidavit revealed that it was Gani who had appointed the judges as DPPs to go through MACC's investigation papers following the report by Anwar, and not Solicitor General, Datuk Idrus Harun.

This, said Mat Zain, meant that Gani had appointed the judges and had placed them under his control and directive to clear Musa and his name from any criminal wrongdoings.

Mat Zain, however, said, pathologist Dr Abdul Rahman and his position were left hanging following Anwar's police report.

He questioned the legality of Gani (as public prosecutor) to appeal against Anwar's acquittal and the validity of a letter signed by Gani to appoint Shafee as the DPP to handle the sodomy case.

Mat Zain said the credibility of Idrus, who had said in 2009 that it was he who appointed the three judges, has also come into question.

He recalled a press statement in March 2009 by then MACC chief Datuk Seri Ahmad Said Hamdan that Gani, Musa, Dr Abdul Rahman and Mat Zain were cleared of wrongdoing on the allegation of fabricating evidence.

Following this, then de facto Law Minister Datuk Seri Mohamed Nazri Abdul Aziz had explained that Musa was unanimously cleared by the three judges while for Gani it was a majority (2-1) ruling.

On May 8 last year, current MACC chief Tan Sri Abu Kassim Mohamed said that Gani and Musa were cleared but on a majority decision.

"So there is three conflicting decisions on Gani and Musa. Moreover all three had said the judges were appointed as DPPs under the Criminal Procedure Code to go through the MACC investigations by the SG," Mat Zain added.

He said it was now left to the prime minister whether to initiate a second RCI or set up a tribunal as provided for under the Federal Constitution to judge Gani.

"Based on available evidence, the prime minister has no choice but to opt for one of the two options," he said.

He again urged for a RCI to probe into the loss of the Pulau Batu Puteh to Singapore, as ruled by the International Court of Justice in The Hague in 2008.

Mat Zain's first SD in October last year contained a litany of complaints against Gani, part of which was on a meeting attended by him, Tun Dr Mahathir Mohamad, Shafee, former Commercial Crimes Investigation Department director Datuk Ramli Yusoff and Dr Mahathir's former political secretary Matthias Chang at the former prime minister's residence in Seri Kembangan on August 10, 2013.

He claimed that they discussed Gani's alleged wrongdoings, including fabrication of evidence in the black eye incident, as well as his "misconduct" in the Pulau Batu Puteh case.

The black eye incident hit the limelight when Anwar attended court on September 29, 1998 with his eye bruised. Then police chief Tan Sri Abdul Rahim Noor later admitted assaulting a blindfolded Anwar hours after his arrest on September 20, 1998

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