

No legal need for Najib to step aside while probe going on, says former A-G

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By V. Anbalagan

Despite growing calls for Datuk Seri Najib Razak to step aside pending investigation that RM2.67 billion was credited into accounts under his name, a retired attorney-general said there is no legal requirement to compel the prime minister to do so.

"There is no legal requirement for the prime minister to vacate his position while the investigations are going on.

"Furthermore, there is also no evidence that the prime minister is interfering in the investigation by a high-powered task force," former A-G Tan Sri Abu Talib Othman told The Malaysian Insider.

He, however, said the task force consisting of the Attorney-General's Chambers, Malaysian Anti-Corruption Commission (MACC), police and Bank Negara Malaysia must complete its task as soon as possible as it involved a sitting prime minister.

"The task force has wide investigative powers and should wrap up its case as soon as possible. It should act professionally and come out and deny the allegation against the prime minister if he is not involved."

Talib, who is the longest-serving A-G between 1980 and 1993, said there was no evidence to claim Najib had interfered in the ongoing probe, including tampering with witnesses.

"This was a simple and straightforward investigation if witnesses and documents were confined within the country.

"There is no necessity for Najib to step down or go on leave since he is only under investigation."

Talib said the maxim that one was innocent until proven guilty must also be applied to Najib.

He said it was a totally different scenario if investigation revealed that there was more than sufficient evidence to implicate Najib in criminal offences.

"Anyway, that is for the A-G to decide, whether to frame charges," he added.

The task force yesterday revealed it had frozen six bank accounts in its probe so far and had also seized documents linked to 17 bank accounts at two banks for further investigation.

Although the statement issued by the task force did not name the banks involved, nor did it state if any of the accounts belong to the prime minister, sources told The Malaysian Insider that three out of six bank accounts frozen belonged to Najib.

Two of the accounts were from Ambank and Affin Bank.

Earlier yesterday, human rights activist Datuk Ambiga Sreenevasan, in a special meeting with parliamentarians, non-governmental groups and politicians, said Najib should go on leave while the investigations against him were being conducted.

"The prime minister has to go on leave. Opposition leaders should go and see him and ask him to do so.

"There are ongoing investigations and you will never get an impartial probe if he is still the prime minister," she had said, adding that there must also be a promise of fresh elections to be called within one year.

Pressure on Najib had also come from the International Islamic University Malaysia student council which on Monday urged Deputy Prime Minister Tan Sri Muhyiddin Yassin to tell Najib to take a leave of absence while the probe continued.

Council president Hanif Mahpa also suggested that a Royal Commission of Inquiry be set up to investigate the controversy surrounding 1Malaysia Development Berhad (1MDB).

Hanif said that if the government failed to act and stop the misappropriation of state funds, the student council would not hesitate to push for a large scale protest comprising university students from all over the country.

Electoral watchdog Bersih 2.0 had also demanded that Najib vacate all his government posts temporarily while authorities investigated the allegation by the Wall Street Journal and whistle-blower site Sarawak Report.

Bersih also threatened to organise a mammoth rally if no answers were forthcoming from Najib over the 1MDB fiasco.

Last Friday, the WSJ alleged that up to US\$700 million (RM2.67 billion) was transferred to Najib's personal bank accounts with AmPrivate Bank, just before the 13th general election.

Najib, however, responded that he had never taken any funds from 1MDB for personal gain and pinned the blame for the latest report on former prime minister Tun Dr Mahathir Mohamad, who has in recent months called for Najib's resignation.

Najib had threatened to sue WSJ but the financial daily responded yesterday by posting documents online that detailed the money trail.

These documents, which WSJ had said was sourced from a "Malaysian government investigation" include a remittance application form, a cash deposit authorisation letter and charts outlining the flow of money.

In those forms, details of payment were listed as fund transfers for "CSR programmes". – July 8, 2015.

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