

**Only Attorney-General can clear Najib, lawyers say**  
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**By V. Anbalagan**

Only the Attorney-General (A-G) can declare Datuk Seri Najib Razak clear of corruption over the RM2.6 billion found in his personal accounts, lawyers said.

The A-G as the public prosecutor has authority to do so and that too, only after having gone through investigation papers, they said of the prime minister's claim yesterday that the Malaysian Anti-Corruption Commission (MACC) had cleared him of graft involving the billion-ringgit donation to his accounts.

Lawyer Gobind Singh Deo said that Najib is still the subject of investigations, since the MACC had said it would be asking the prime minister to explain the donation, which comes from a Middle East contributor whose identity has been withheld.

As such it was improper for the prime minister to make such an announcement on behalf of MACC when he was still the subject of a probe, said Gobind who is the Puchong MP.

"In any event the MACC has no power to clear a person of a criminal wrong doing under its jurisdiction.

"I have never come across a person who is a subject of an investigation to make such an announcement. It does not reflect well on him as prime minister," the DAP lawmaker added.

"That is a matter for the Attorney-General and no one else to decide,"

Last Monday, MACC, in an unsigned statement, had said that the RM2.6 billion came from a donor and not from debt-ridden state investor 1MDB.

Najib, who is also Umno president, said yesterday when opening the Bandar Tun Razak Umno that MACC had cleared him of graft allegations.

Today, DAP's national publicity secretary Tony Pua also noted that the MACC's statement only stated that the funds was a donation and not from 1MDB, and was silent on whether it involved corruption or gratification.

Besides having to explain the donation, Najib also heads the Finance Ministry, which owns the company SRC International Sdn Bhd that is the subject of another probe by the MACC.

SRC International was a former 1MDB subsidiary which had taken a RM4 billion loan from government pension fund, Retirement Fund Inc.

Najib is chairman of 1MDB's advisory board.

Lawyers for Liberty executive director Eric Paulsen said Najib's own claim that the MACC had cleared him of corruption was unreliable more so because the agency appeared to be under duress following the arrests and questioning of some of its investigators, raids on its offices and transfers of senior personnel.

"Only a fool will believe that the MACC's independence and integrity had not been compromised by the action of the authorities," he told The Malaysian Insider.

Lawyer S.N. Nair said the MACC's role was to collect evidence and present it to the A-G.

"Only the A-G has the conclusive authority to charge or otherwise. The A-G could also order the MACC to collect further evidence," he said.

He said the transfer of two senior MACC officers at short notice to the prime minister's department also raised more questions than answers.

The moves against MACC are related to the police's probe into alleged leaks of official information on investigations into 1MDB. One of those questioned by police MACC director of special operations Datuk Bahri Mohamad Zin, has denied that the leaks came from within the agency.

Bahri was one of those suddenly transferred out of the agency yesterday after openly criticising the arrests of his officers and raids on the unit's office. The special operations division is the unit investigating SRC International.

Nair reminded Najib that it was the late A-G Tan Sri Mohtar Abdullah who announced to the public in 1994 that he was not pressing charges against former Malacca chief minister Tan Sri Rahim Thamby Chik for allegedly committing statutory rape on an underaged girl.

He said the A-G made the decision due to insufficient evidence and was also not prepared to exonerate Rahim for the said offence.

"Najib ought to know the law better as the A-G is the first legal officer of the government," he said.

Nair said in a criminal case, the investigation papers could be reopened if there was fresh evidence and there was no limitation period, unlike civil cases. – August 9, 2015.

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