

## JOINT PRESS STATEMENT BY CIVIL SOCIETY ORGANISATIONS: UPHOLD THE RULE OF LAW AND LET THE COURT DECIDE ON THE GUILT OR INNOCENCE OF NAJIB RAZAK AND ALL HIGH-PROFILE CASES WITHOUT APPLICATION FOR DISCHARGE BY THE ATTORNEY-GENERAL



The Coalition for Clean and Fair Elections (BERSIH) and the undersigned civil society and non-profit organisations (NGOs) call on Prime Minister Anwar Ibrahim and the Attorney-General (AG) Ahmad Terrirudin to allow the judiciary to process the cases of politicians charged with corruption without the AG exercising his discretionary power under Article 145(3) of the Federal

Constitution to discontinue any court proceedings.

The Discharge Not Amounting to Acquittal (DNAA) for Deputy Prime Minister Ahmad Zahid Hamidi for his Yayasan Akalbudi case on 4th of September is a shocking example of the discretionary power of the AG who doubles up as the Public Prosecutor (PP) under the current law. Apart from Zahid's case, there have been a slew of corruption cases in the past several years involving politicians or those closely connected with them that have been DNAA or totally acquitted. These usually happened after a change of government or allegiance, and as such, it sends the message that one's innocence is closely tied to one's power. This cannot go on. The AG should not double up as the PP and reforms to separate the role of the PP from the AG must happen so that the PP is an independent office that is free from political interference.

Given that the AG, as the PM's appointee, has such wide-ranging power to withdraw criminal cases as demonstrated in Zahid's DNAA, we and the Malaysian public are extremely concerned about Najib Razak's three remaining cases related to 1MDB and income tax, as well as his wife Rosmah Mansor's RM7.1 million case of money laundering and tax evasion. Will the former PM and his wife be similarly released from their corruption charges, and in the case of Najib, to pave the way for his pardon in the SRC case?

If Najib and Rosmah can walk free, as if they were victims of selective prosecution after their crime in the 1MDB scandal brought our country to the brink of financial collapse, Malaysia would reappear as a pariah economy without rule of law, driving global investors away. The seven mission-targets in the Madani Economy framework would be just pipe dreams.

Hundreds of thousands of Malaysians took to the street in peaceful protests during the Bersih 4 and 5 rallies in 2015 and 2016 respectively, demanding accountability and institutional reforms in the wake of the exposé of the 1MDB scandal. This directly contributed to the ouster of the Barisan Nasional (BN) government at GE14 in 2018, which undid the selective impunity enjoyed by Najib, Rosmah, Zahid and the likes.

Malaysians across the political spectrum continued to reject corruption in GE15 as the two main coalitions that campaigned on an anti-corruption platform, Pakatan Harapan (PH) and Perikatan Nasional (PN), won 68% of votes combined. Anwar Ibrahim and PH owe their power to the public wrath against corruption.

The Malaysian public expects a strong political will from Anwar to combat systemic corruption and uphold the rule of law, which must include allowing Najib, Zahid and others to undergo fair and uninterfered trials.

If the new AG Ahmad Terrirudin were to withdraw all charges against Najib and Rosmah in their ongoing trials, Anwar Ibrahim and the Madani Government will be held accountable for allowing the AG's colossal power to be abused to let off the kleptocrats under the PM's watch. This would be the red line that Anwar must not cross to cause political and economic catastrophes to Malaysia.

Therefore, we, the undersigned civil society organisations, hereby call on the Prime Minister and the Attorney-General to commit publicly to the following:

1. To impose a moratorium on any application by the AG for DNAA or total acquittal for all ongoing high profile cases involving politicians or those closely connected with them, in particular, but not limited to Najib and Rosmah's cases, until the Attorney General-Public

Prosecutor (AG-PP) separation has taken place. Non-interference in criminal justice requires such a moratorium to rule out selective impunity.

2. To expedite and declare the end of 2024 as the timeline for the AG-PP separation that has been announced by Law Minister Azalina Othman Said on 18 September 2023. This reform is crucial to protect the integrity of the legal institution from political influence and to uphold the rule of law.

3. To reopen or recharge DNAA cases of politicians charged with corruption, in particular but not limited to Zahid's Yayasan Akalbudi case. The Court must be allowed to determine the guilt or innocence of those charged based on evidence presented.

4. To not withdraw or undermine all ongoing appeals by letting appeal opportunities to lapse as in the case of Najib-Arul Kanda's 1MDB report tampering. The appeal against Zahid's Foreign Visa System (VLC) case which carried 40 charges of bribery must not be terminated or thrown out conveniently on some technical grounds by the AG.

Our request and the expectation of the Malaysian public is simple - we want the rule of law, as it is necessary for political stability that would enable the Unity Government of Anwar Ibrahim to go full-term. Most of all, we want a clean government that deals with systemic corruption in our country so that no political parties and politicians dare to amass wealth by abusing power. Political expediency and sophistry to grant selective impunity to Najib and Rosmah would have very dire political and economic consequences.

By causing irreparable damage to the rule of law, letting off Najib and Rosmah would likely bring an early end to the Madani Government and torpedo Malaysia's hope to achieve the status of an high-income nation. Millions of Malaysians who harbour hope for peaceful change, stability and prosperity will be plunged into despair.

Prime Minister, we would like your unequivocal assurance that the fire of reformasi is still alive after 25 years and it will triumph over political adventurism.

In view of the above, BERSIH is launching an online petition calling on Malaysians to urge the Prime Minister to act on the four demands to uphold the rule of law and political stability. We call on the public to help sign the petition and spread the word so that politicians charged with corruption cases must face fair and complete trials: <https://chng.it/ZdvrfkrQBx>

**Statement issued by:**

1. BERSIH (The Coalitions for Clean and Fair Elections)
2. ABIM (Angkatan Belia Islam Malaysia)
3. Agora (Agora Society Malaysia)
4. ALIRAN (Persatuan Aliran Kesedaran Negara)
5. AWAM (All Women's Action Society Malaysia)
6. Borneo Komrad
7. CAGED (Citizens Against Enforced Disappearances)
8. Cahaya Society
9. Demokrat UKM
10. Demokrat UM
11. EMPOWER (Persatuan Kesedaran Komuniti Selangor)
12. Engage
13. G25 (G25 Malaysia)
14. GBM (Gabungan Bertindak Malaysia)
15. GERAK (Pergerakan Tenaga Akademik Malaysia)
16. Global Bersih

17. Growing Emerging Leaders
18. HAKAM (The National Human Rights Society)
19. IDEAS (Institute for Democracy and Economic Affairs)
20. IKRAM (Pertubuhan IKRAM Malaysia)
21. Imagined Malaysia
22. KLSCAH (Kuala Lumpur Selangor Chinese Assembly Hall)
23. KMU (Komuniti Muslim Universal Malaysia)
24. Lawyer Kamek
25. LLG Cultural Development Centre
26. MAJU (Malaysian Action For Justice And Unity)
27. MoCS (Movement for Change, Sarawak)
28. PATRIOT (Persatuan Patriot Kebangsaan)
29. Pertubuhan Amal Kita Kinta Perak
30. Pertubuhan Suara Anak Sabah
31. POWER (Pergerakan Orang Wanita. Empowerment and Revolution)
32. PROHAM (Society for Promotion of Human Rights (Proham)
33. PSH
34. Pusat KOMAS
35. RasuahBusters
36. ROSE (Persatuan Pemangkin Daya Masyarakat)
37. Sabah Human Rights Centre
38. SABM (Saya Anak Bangsa Malaysia)
39. SERATA (Society for Equality, Respect And Trust for All Sabah)
40. SIS (Sister in Islam)
41. Suara Mahasiswa UMS
42. Suara Siswa Universiti Malaya
43. SUARAM (Suara Rakyat Malaysia)
44. Teoh Beng Hock Trust for Democracy
45. Tiada.Guru
46. Tindak Malaysia
47. UMANY (University of Malaya Association of New Youth)
48. Undi Sabah
49. UNDI18 (Persatuan Pengundi Muda)