



MEDIA RELEASE

PP V TAN SRI MUSA AMAN

1. On 5 November 2018, Tan Sri Musa Aman was charged in the Sessions Court (8) of Kuala Lumpur with thirty five (35) charges under section 11(a) of the Anti-Corruption Act 1997, for corruptly obtaining gratification of USD 44, 111, 559.61 and SGD 507, 636.00 in relation to timber concession contracts in Sabah between the month of August 2004 and March 2008. Five (5) charges were later withdrawn on 18 October 2019.
2. On 5 March 2019, Tan Sri Musa Aman was charged with sixteen (16) charges under section 4(1)(a) of the Anti-Money Laundering and Anti-Terrorism Financing Act 2001, for laundering money of USD 40, 345, 492.35 between the month of June 2006 and May 2008. Thereafter, on 6 May 2019, the prosecution applied for both cases to be transferred to the High Court of Kuala Lumpur for trial. The High Court (4) of Kuala Lumpur fixed the trial dates on 14-18 September 2020, 24, 26 October 2020 and 10-27 November 2020.
3. On 13 February 2020, Tan Sri Musa Aman filed two Notices of Motion as follows:
 - i. to set aside and quash the charges as groundless; and
 - ii. to refer a constitutional question to the Federal Court (question regarding a Certificate by a Diplomatic Officer under section 82(2) AMLATFAPUA 2001).
4. The High Court fixed 9 June 2020 as the case management for both applications.

5. On 13 May 2020, Tan Sri Musa Aman sent a representation to the Attorney General's Chambers (AGC) seeking the case against him to be withdrawn and all charges to be quashed.
6. On 5 June 2020, AGC received an Affidavit which was filed in the High Court by Tan Sri Musa Aman. This Affidavit was affirmed by the former Attorney General, Tan Sri Datuk Seri Panglima Abdul Gani Patail supporting the application by Tan Sri Musa Aman to quash all the charges against him. The former Attorney General defended the decision taken in 2012 to take no further action against Tan Sri Musa Aman as investigation revealed the monies involved were political funding.
7. The former Attorney General also stated that the decision was made collectively, by high level individuals being Datuk Tun Abdul Majid Tun Hamzah (the former Head of Prosecution Division), Tan Sri Abu Kassim Mohamad (the former Chief Commissioner of MACC) and Datuk Seri Mustafar Ali (the former Director of Investigation Division MACC). After studying and perusing the Investigation Paper from a legal stand point, the former Attorney General in exercise of his discretion decided not to proceed with prosecution.
8. In light of the representation and the recent development in the form of the Affidavit by the former Attorney General, it is the responsibility of this Department to review the whole evidence for this case.
9. Having studied the whole available evidence and upon discussion being held with the prosecution and investigation team, I decided to withdraw all the charges against Tan Sri Musa Aman. In cases of this nature, documentary evidence is vital to prove a case. Documentary evidence from companies and banks which were expected could not be obtained through Mutual Legal Assistance in Criminal Matters from Hong Kong. The Department of Justice Hong Kong advised that companies and banks in Hong Kong are only required to keep records for seven (7) years and it is highly unlikely that neither the banks nor the companies would still have the records. Apart from

that, there are witnesses for the prosecution who have passed away, suffered serious medical ailments or are not in Malaysia anymore.

10. This recent development including the aforesaid Affidavit in Support that was filed has caused a situation wherein it is no longer tenable to continue with the prosecution of Tan Sri Musa Aman. This decision is strengthened by a letter dated 22 December 2011 from the Independent Commission Against Corruption Hong Kong stating that their investigation against Tan Sri Musa Aman is complete and on the basis of known facts no further investigative action will be pursued. My decision is taken in accordance with powers exercisable at my discretion under Article 145(3) of the Federal Constitution.

**ATTORNEY GENERAL
MALAYSIA
9 JUNE 2020**