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© High-Level Corruption, Cynthia Gabriel's Reception of Death Threats, the Enforced Disappearance & Gruesome Murder of Altantuya Sharibuu by TWO (2) Police Bodyguards to the then Deputy Prime Minister & Defence Minister, the present Prime Minister of Malaysia, NAJIB RAZAK : The Scorpene Submarines Corruption Scandal & the Altantuya Sharibuu Tragedy



Enforced disappearance takes place when a person is arrested, detained, abducted or otherwise deprived of their liberty by government officials or by organized groups or private individuals whose actions are condoned by the government in some way.

This is followed by a refusal to disclose the fate or whereabouts of the persons concerned, placing them outside the protection of the law. Enforced disappearance is a crime under international law, prohibited by the Rome Statute of the International Criminal Court and the International Convention for the Protection of All Persons from Enforced Disappearance, among other international standards.

Enforced disappearance is a dehumanizing practice which has long-lasting and damaging consequences for both the disappeared person and his or her families and loved ones. It is a particularly cruel human rights abuse because it is of a continuous nature,

particularly for families and loved ones of the victim who often wait for years to learn the truth about the victim's fate.

Every year Amnesty International also joins activists around the world to observe 30 August as the International Day of the Disappeared, to remember those who have disappeared and their relatives.

Murder of Shaariibuugiin Altantuyaa

Shaariibuugiin Altantuyaa (6 May 1978 – 18 October 2006), a Mongolian national, was a murder victim who was either murdered by C-4 explosives or was somehow killed first and her remains destroyed with C-4 on 18 October 2006 in a deserted area in Shah Alam, Malaysia near Kuala Lumpur.^[1] Her murder case is significant in contemporary Malaysian politics due to the alleged involvement of persons close to then Deputy Prime Minister and Defence Minister, the present Malaysian Premier, Najib Abdul Razak.

The Shah Alam High Court originally acquitted Abdul Razak Baginda and meted out the death sentence to two of the accused, Chief Inspector Azilah Hadri and Corporal Sirul Azhar Umar, on 9 April 2009, wrapping up the 159-day trial.^[2] On 23 August 2013, Sirul and Azilah were acquitted by the Court of Appeal, sparking

controversy.^[3] On 13 January 2015, The Federal Court overturned the acquittal of both individuals, finding them both guilty of murder and sentenced both of them to death.^[4] However, Sirul fled to Australia and efforts by the Malaysian authorities to extradite him were hampered by existing Australian legislation prohibiting the extradition of individuals to countries with the death penalty.^[5]

Early life

Altantuyaa was born in 1978. She and her sister were raised in Russia where Altantuyaa started first grade elementary school. She was reportedly fluent in Mongolian, Russian, Chinese, and English, and knew some French.^[6]

Altantuyaa moved back to Mongolia in 1990 and a few years later, married a Mongolian techno singer, Maadai. They had a child in 1996 but the marriage ended in divorce and the child went to live with Altantuyaa's parents. Despite training as a teacher, Altantuyaa

briefly moved to France where she attended modelling school before returning to Mongolia.

Altantuyaa remarried and had another child in 2003 but the second marriage also ended in divorce. The second child also lives with Altantuyaa's parents.^[7] Her mother said she has never been a model.^[8] According to Mr. Shaariibu Setev, the deceased was also known among family members and friends as "Amina", was unmarried but lived in Mongolia with her two children. She worked as a translator and often travelled out of Mongolia to countries like China, Singapore, and Malaysia. She went to Malaysia a number of times: the first in 1995 and the second in early 2006.^[9]

Relations to Abdul Razak Baginda

It was alleged that she was introduced by Malaysian Deputy Prime Minister, Najib Abdul Razak, to Abdul Razak Baginda, a defence analyst from the Malaysian Strategic Research Centre think-tank, at an international diamond convention in Hong Kong, and had a relationship with him while accompanying Abdul Razak to Paris to work as a translator during his negotiations to purchase Scorpène submarines from France for the Malaysian government.^{[10][11]} The Hong Kong website Asian Sentinel revealed in a series of photographs that Altantuya was in France during which time the two quickly became romantically involved.^{[12][13]} She reportedly became his mistress in Paris in 2005. However, it must be noted that Raja Petra Kamaruddin, the Malaysia Today editor, was the one who connected Najib Abdul Razak with the Altantuya murders.^[14] Raja Petra retracted his allegation of the involvement of Najib Abdul Razak and Rosmah Mansor after the case were

brought to court.^[16] Afraid of being prosecuted by the Malaysian courts for giving a false statement, Raja Petra fled to England, and left his wife and children behind.^[17]

According to reports by the French newspaper *Liberation*, Altantuya found out that one of the parties involved in negotiations, French company Armaris, paid out commissions of 114 million euros for the deal (reportedly one billion euros or RM4.7 billion for the purchase of three submarines). The commission was credited in the accounts of a company controlled by Abdul Razak, Perimekar. A letter written by Altantuya and found after her death admits that she had been blackmailing Mr. Baginda, seeking a \$US500,000 cut to remain silent about her knowledge of the deal.^[19] SUARAM's Executive Director of its secretariat, Cynthia Gabriel's commented that the Paris Courts have "extended its investigations with circumstances that led to Altantuya's death."^[20] However the French Courts are not investigating the murder of Altantuya as its focus is

on the alleged corruption conducted by DCNS with regards to the sale of the Scorpène submarines,^[21] but would deliberate on the murder in the course of the inquiry.^[22] On 25 June 2012, a French police investigation revealed that there were no immigration records of an “Altantuya Shaariibuu” entering France from 1999 to 2006.^{[23][24]} The same report noted instead the entry of a SHAARIYBUU Bayasgalan, who bore similarities to, but was not conclusively identified as Altantuyaa, as well as pointed out that Najib's entourage might have entered France through diplomatic channels as there was evidence of his presence but no corresponding immigration record.^[25] During the trial into Altantuya's death, Razak Baginda told investigators that he had travelled with her to France in 2005. Records seized by French investigators from DCN's former financial chief described Altantuya as Baginda's translator.^[26]

Murder

When it was realised she was missing on 19 October 2006, her cousin lodged a police report and sought help from the Mongolian embassy in Bangkok. The Malaysian police found fragments of bone, later verified as hers, in forested land near the Subang Dam in Puncak Alam, Shah Alam. Police investigation of her remains revealed that she was shot twice before C-4 explosives were used on her remains, although there has been later suggestion that the C-4 explosives may have killed her. When her remains were found their identity could only be confirmed with a DNA test. The provenance of the C-4 remains unclear.^[1]

Members of the police force were arrested during the murder investigation. The two murder suspects have been named as Chief Inspector Azilah Hadri, 30 and Corporal Sirul Azhar Umar, 35. They had been members of the elite Unit Tindakan Khas (the Malaysian Police Special Action Force) and were both assigned to

the office of the Deputy Prime Minister Najib Abdul Razak, albeit as bodyguards, who was also the Defence Minister at the time of the murder. Abdul Razak has been charged with abetting the murder.^[29]

Trial

According to court testimony by Altantuya's cousin Burmaa Oyunchimeg, Altantuya had shown Burmaa a photograph of 3 persons taking a meal together: Altantuyaa, Razak Baginda, and a government official. When questioned by the lawyer of the victim's family, Karpal Singh, Burmaa identified the official as then Deputy Prime Minister Najib Tun Razak.^{[30][31]}

On 22 July 2008 Karpal Singh, who also holds a watching brief for the victim's family, filed a notice of motion to call 4 new witnesses, including Datuk Seri Najib Tun Razak, to testify in the trial, as well as sought to recall the first prosecution witness in the trial, private

detective P. Balasubramaniam, for further examination.^[32] According to Karpal, Najib's testimony would be able to introduce fresh evidence to the case, and his requests were justifiable as per Section 425 of the Criminal Procedure Code (CPC) which allows a court to "summon or recall any person as a witness in a trial", as well as "summon or recall any such person if his evidence appears to the court to be essential to the just decision of the case."^[33] On 23 July 2008 the petition notice was rejected by the High Court. High Court judge Mohd Zaki stated that "only the parties involved, namely the prosecution and the defense" had a right to submit the petition.^{[34][35]}

Acquittal of Abdul Razak Baginda

On 31 October 2008, the High Court acquitted Abdul Razak Baginda of abetment in the murder of Altantuya, with the prosecution saying they would appeal the acquittal.^{[36][37]} To date, the appeal has yet to transpire.^[38]

Trial continues

Chief Inspector Azilah Hadri and Corporal Sirul Azhar Umar were ordered to enter their defence and testify under oath. On 10 November 2008 it was announced that the murder trial has been postponed to January 2009 to allow the defence more time to prepare and gather witnesses. The witnesses sought included Malaysia Today editor Raja Petra Kamarudin and private investigator P. Balasubramaniam, who was unlocatable at that time.^[39]

The request by the defence counsel for Sirul Azhar and Azilah to get statements from all prosecution witnesses was rejected with the reason given that "witness statements recorded under Section 112 of the Criminal Procedure Code is privileged". This would have included the witness statement of Deputy Prime Minister Datuk Seri Najib Razak's former aide-de-camp DSP Musa Safri, which would have been used to rebut Abdul Razak's affidavit.^[40]

On 3 February 2009, Sirul Azhar pleaded with the court to not pass the death sentence on him, as he was like "a black sheep that has to be sacrificed" to protect unnamed people who have never been brought to court or faced questioning. "I have no reason to cause hurt, what's more to take the life of the victim in such a cruel manner... I appeal to the court, which has the powers to determine if I live or die, not to sentence me so as to fulfil others' plans for me."^[41]

Verdict, appeal and final sentence

On 9 April 2009, High Court Judge Zaki Yasin ruled that Sirul Azhar's and Azilah's statements were "unbelievable" as both of the accused only blamed each other.^[2] Both policemen were sentenced to death for the murder of Altantuya. Wrapping up the 159-day trial, Zaki said both of them failed to raise any reasonable doubt in the prosecution's case.^[42] However, their lawyers planned to file an

appeal. Both policemen showed no emotion when they heard that they were sentenced to be hanged until dead. Their family members accept the court's decision and denied any political elements in the verdict.^[43] The two policemen appealed their sentence in late August.^[44] The Court of Appeal has fixed a date for their appellate hearing for 10 June 2013.^{[45][46][47]}

Shariibuu Setev's lawyers have applied for a review the Attorney-General's decision not to appeal Abdul Razak Baginda's acquittal in the murder of Shariibuu's daughter Altantuya.^[48] The application was set to be heard at a High Court on 8 July 2009.^[49] Dr. Shariibuu later withdrew the application but said he would still proceed with the claim against Abdul Razak, Azilah, Sirul Azhar and Government of Malaysia for damages over Altantuya's death.^[50]

Sirul and Azilah were acquitted on 23 August 2013 by the Court of Appeal.^[3] Several reasons were given for the acquittal such as the

failure of the prosecution to provide a strong motive for the two men to murder the victim and the failure to call for the cross-examination of Najib's aide Musa Safri and Najib Abdul Razak.^{[51][52][53]} The acquittals have drawn the derision from many Malaysian, including Altantuyaa's father.^{[54][55][56]}

The prosecution immediately made an appeal to the Federal Court over the acquittal of the Azhar and Sirul which was heard on 23 June 2014.^[57] The Federal Court on 13 January 2015 overturned the acquittal of both individuals, finding them both guilty of murder and sentenced both of them to death.^{[4][58]} It was later discovered that Sirul did not show up during the appeal hearing and was believed to be in Australia.^{[59][60][61]}

The Inspector-General of Police Khalid Abu Bakar has made an extradition request to Australia calling for Sirul, but faces difficulty due to Australia's policy of not extraditing individuals to countries

which have the death penalty.^{[5][62][63]} Sirul was detained by Australian immigration authorities in Brisbane, Queensland on 20 January 2015 after Interpol red notice was issued for his arrest.^{[64][65][66]}

CONTROVERSIES

Statutory declaration by Raja Petra

In a statutory declaration in his seditious trial in June 2008, Raja Petra said that he was "reliably informed" that Rosmah Mansor (the wife of Malaysia's Deputy Prime Minister and Defence Minister, in the Abdullah Ahmad Badawi Premiership, Najib Abdul Razak) was one of three individuals who were present at the crime scene when Altantuya Shaariibuu was murdered on 19 October 2006.^[67] He wrote that Najib's wife, Rosmah Mansor, and Acting Colonel Abdul Aziz Buyong and his wife, Norhayati, Rosmah's aide-de-camp, were present at the scene of the murder and that Abdul Aziz Buyong was the individual who placed C4 plastic explosive on

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