

JOINT MEDIA STATEMENT

Securities Commission's Statements On Azam Baki Appear To Contradict Government Rules

Kuala Lumpur, 23 January 2022 - We, the undersigned civil society organisations, regret the recent statement by Prime Minister Dato' Sri Ismail Sabri bin Yaakob on the allegations surrounding MACC Commissioner Tan Sri Azam Bin Baki. The Prime Minister seems to have dismissed the ongoing controversy.

- 1) The Securities Commission has stated that the shares trading account is managed by Tan Sri Azam Baki himself, contradicting Tan Sri Azam's earlier press statement mentioning the account was used by his brother to avoid a conflict of interest. However, the Securities Commission should clarify whether any shares in Tan Sri Azam Zaki's trading account were purchased and paid by his brother. If so, there should be a document executed by Tan Sri Azam Zaki authorising his brother to use his trading account.
- 2) If this is true, then Tan Sri Azam Baki, who at the material time in 2015 held the position of MACC investigation director, had purchased shares above MYR100,000 in amount, which contravenes government rules.
 - a) Section 23 of the Service Circular Number 3/2002 – Ownership and Declaration of Assets by Public Officials. This circular, alongside all government circulars, are binding on all civil servants employed under the Public Services Department to regulate their conduct.
 - b) Section 10 of the Public Officers Regulations Act (Conduct and Discipline) 1993 clearly stipulates the requirement for civil servants to declare any purchase of shares to their Head of Department.

Up to now, there has been no confirmation as to whether or not the mandatory asset declaration was carried out.

- 3) If Tan Sri Azam Baki had in fact breached a government circular, action must be taken. In the interest of public accountability, it is important that the government clarifies the appropriate agency that is responsible for apprehending civil servants who have acted in contravention of a government circular, whether it is the Public Services Commission or the Public Services Department.
- 4) If no consequences are forthcoming out of this case, we strongly call for proper procedures to be put in place in the future, so that there is greater clarity over which government body is responsible to monitor the adherence to such rules. What sort of disciplinary action is taken when there is found to be a breach of government rules?

- 5) We repeat the call for an independent inquiry into Tan Sri Azam Baki's purchase of shares, as this also raises serious questions with regards to any conflict of interest that occurred, in the purchase of shares by the highest-ranking member of the nation's anti-corruption body.
- 6) To uphold MACC's integrity and to restore public trust in the anti-corruption body, MACC Commissioner Tan Sri Azam Baki must step aside temporarily until an independent inquiry can conclusively prove, beyond any measure of reasonable doubt, that he did not breach any regulations as a bearer of public office.
- 7) The 2015 proposal recommendations to reform the MACC and make it more independent made by IDEAS, the Malaysian Bar, the Center to Combat Corruption and Cronyism (C4), and Transparency International, in addition to implementing the National Anti-Corruption Plan, must be placed front and centre to not only improve the MACC's capabilities but also to prevent such detrimental incidents like the ongoing Tan Sri Azam Baki case from occurring again in the future.

Jointly Released by:

1. Institut Demokrasi dan Hal Ehwal Ekonomi (IDEAS)
2. Transparency International Malaysia
3. C4
4. RasuahBusters
5. Gabungan Bertindak Malaysia
6. BERSIH
7. UNDI 18