

Committee should be set up to approve future DNAAs

By [lylia Marsya Iskandar](#) - September 20, 2023 @ 10:36am



Lawyer Datuk Geethan Ram Vincent. -NSTP FILE

KUALA LUMPUR: Legal experts believe a committee should be set up in the future to review decisions to discharge those accused of serious offences instead of putting the power solely with the Attorney-General.

Senior lawyer Datuk Joy Wilson Appukuttan said the committee, which could be chaired by around three to five people must be made up of independent persons who can review the process and provide their views before any action is to be taken to discharge the accused.

He said this following Prime Minister Datuk Seri Anwar Ibrahim's explanation in parliament that he did not interfere with the AG's decision to grant Deputy Prime Minister Datuk Seri Dr Ahmad Zahid Hamidi a discharge not amounting to an acquittal (DNAA) over his 47 Yayasan Akal Budi (YAB) corruption case.

He said former AG Tan Sri Idrus Harun had full authority in line with Article 145(3) of the Federal Constitution

Several parties have voiced their dissatisfaction and protests as the prosecution had already established a prima facie case.

"This is absolutely true from a constitutional point of view. The discretion lies with the AG as set out in Article 145 (3) FC.

"The way forward is to amend this article which will require a two thirds majority in parliament.

"So if all MPs (from both sides of the divide) are in agreement to amend the Article then the government should work on the amendments. We can see the dangers of vesting power in one person," Joy said when contacted.

Meanwhile, senior lawyer Datuk Geethan Ram Vincent commenting on the matter said Anwar's answer was sufficient and that there was nothing unusual in granting DNAA.

He said the AG was acting well within his powers, and there was no interference from Anwar or anyone else.

"The power is vested with the AG and only the AG. The AG acts independently and this has been confirmed by the Prime Minister himself. The DNAA order was by the Judge. Prosecution requested for DNAA and defense asked for DAA but the court decided to order DNAA.

"Is it uncommon for the Prosecution to apply for DNAA? No it's not. Has it been done before? Yes in various circumstances, depending on the circumstances," he added.

Earlier this month, Zahid was freed from 12 criminal breach of trust (CBT) charges, eight counts of bribery and 27 for money laundering, involving scores of millions of ringgit belonging to YAB.

He was accused of committing the offences between March 28, 2016, and April 11, 2018.

He was charged on Oct 19, 2018 and was later ordered to enter his defence. Zahid's lawyers have appealed for a total acquittal to the court of appeal.