

**CLARIFICATION ON MACC POLICE REPORT AND DOCUMENT TENDERED
IN ONGOING TRIAL OF TAN SRI MUHYIDDIN BIN MD. YASSIN**

KUALA LUMPUR, 15 SEPTEMBER 2026

We refer to the police report lodged on 14 September 2026 and the subsequent news reports concerning the use, in an ongoing criminal trial, of a witness statement recorded under section 53(3) of the Malaysian Anti-Corruption Commission Act 2009.

The statement concerns an individual who is a material figure in the ongoing trial involving Tan Sri Muhyiddin Yassin. Although the individual had been expected to be called as a prosecution witness, the Prosecution ultimately decided, at the last minute, not to call him.

In light of the allegations and impressions created by the police report and the ensuing media reports, we consider it necessary to clarify the true position.

First, the document was obtained through proper and lawful channels. It was not stolen, leaked, unlawfully procured or obtained through any clandestine means. The statement formed part of the documents disclosed pursuant to section 51A of the Criminal Procedure Code in separate criminal proceedings, and was among the documents which the Prosecution itself had released and disclosed.

The document subsequently came into our possession through the legal team involved in those proceedings, in the ordinary course of legal practice. Accordingly, the police report is **false** in the sense that it seeks to suggest that the document was improperly or unlawfully obtained. Significantly, the MACC has not even approached us to ascertain or verify the source from which the document was obtained. Instead, a police report appears to have been lodged on an assumption, without first making any inquiry of us as to the provenance of the document. In those circumstances, the MACC appears to have jumped to a conclusion before establishing the relevant facts.

More importantly, the statement contains material exculpatory facts which may be favourable to our client and which bear upon issues arising in the ongoing trial. Whether those facts are ultimately relevant, admissible, credible or what weight ought to be attached to them is for the Court to decide after hearing the parties. It is not for the MACC to dictate what evidence may or may not be placed before the Court merely because such evidence may be unfavourable to the Prosecution's case.

We are further concerned by any communication between a witness who is in the course of giving evidence and persons outside the courtroom concerning his or her evidence or matters arising during the proceedings. A witness who is presently under examination should not be discussing his or her evidence with outside parties while the trial remains ongoing.

Such conduct is capable of interfering with the proper administration of justice and, depending on the circumstances, may give rise to serious issues including contempt of court.

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Against that background, the timing and circumstances of the present police report are particularly troubling. The response of the investigating authority should not be to intimidate or place pressure upon those seeking to bring such material to the Court's attention.

We are therefore deeply concerned that the present course of action appears to be an intimidation tactic and risks creating the impression of an attempt to influence or interfere with an ongoing judicial process.

For completeness, this matter was raised before the Court this morning and the MACC officer concerned conceded the impropriety of the conduct and apologised for the same. He also undertook that the police report would be retracted. We wish to make clear that we have not accepted that apology, and we expressly reserve all our rights in respect of the matter.

The real issue has never been how the Defence came into possession of the document. The real issue is why, once it became apparent that the statement may contain facts favourable to our client, there now appears to be an effort to suppress, discourage or prevent those facts from being fully ventilated before the Court.

The MACC, as a law-enforcement agency, has a duty to act fairly, objectively and without fear or favour. That duty does not extend only to gathering evidence which supports the Prosecution. It equally requires material facts which may assist an accused person to be dealt with fairly and transparently.

We will continue to discharge our professional duty by placing before the Court all material which we consider relevant and admissible through the proper legal process.

Finally, we are concerned about the chilling effect that such action may have on the Defence, witnesses and others who may possess material relevant to the administration of justice. It would be a matter of grave concern if investigative action were to be taken simply because there is a possibility that a lawfully obtained document contains facts favourable to an accused person.

The criminal justice process must allow all material facts — whether favourable to the Prosecution or the Defence — to be placed before the Court without intimidation, suppression or fear of reprisal.

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For and on behalf of the Legal Team

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