

**SUHAKAM PUBLIC INQUIRY OF
PASTOR JOSHUA HILMY
RUTH SITEPU**

DATE : 16.07.2021

VIDEO TITLE: Sesi Pagi

NOTES OF INQUIRY

Coram

Chairman Panel Member 1 Panel Member 2	Dato' Seri Hishamuddin Yunus Dr Madeline Berma Jerald Joseph	CHM PM1 PM2
PDRM Observer	SAC Ahmad Dzaffir Bin Mohd Youssof DSP Muhammad Sabri bin Mohd Raziff	ADY MSR
Family Observer	Philip Koh Cyrus Tiu Foo Woel Audrey Pillai	PK TFW AP
Bar Council Observer	Andrew Khoo Lim Heng Sen Roger Chan SP Chanra	AK LHS RC SPC
SUHAKAM Panel	Simon a/l Karunagaram Muhammad Faiz Bin Abd Rahman Puveethra Raja Segaran Aida Suraya Haron Ahmad Zaidi bin Baharuddin	SK MFR PRS ASH AZB
Indonesian Embassy	Tuan Junjungan Sigalingging Tuan Henry Dian Dwiharto	SJ HDD

KontraS	Syahr Banu	SB
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3 **Witness**

1	Peter Pormannan a/l Annamalai	PETER
2	Grace Thangamalar a/p Peter Pormannan	GRACE
3	Josiahndan Emmanuel a/l Peter	JOSIAH
4	Ramanathan a/l Manickavasagan	RAMA
5	Selvakumar Peace John Harris	SELVA
6	Ram Ram Elisabeth	RAM
7	Iman Setiawan Sitepu	IMAN
8	[REDACTED]	
9	[REDACTED]	
10	Susandi Bin Basari	SUSANDI
11	ASP Shafiee Bin Marsidi	SHAFIEE
12	Insp Nurul Huda Bin Bustami	NURUL
13	ASP Hairol Azhar	HAIROL
14	Insp Zulfadhly Bin Yaacob	ZUL
15	DSP Supari Bin Muhammad	SUPARI

16	Iqbal Mirza Bin Mohd Jalaludin	MIRZA
17	DCP (B) Dato' Awaluddin Bin Jadid	AWAL
18	Fadzlina Binti Amran	FADZLINA
19	DSP (B) Omar bin Hassan	OMAR
20	Ahmad Sibee bin Nordin	SIBEE
21	Junainh Binti Dalugamin	JUNAINH
22	Zulkarnain Mohd Yasin	ZUL

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1 **START**

2

3 **SK** Morning, Dato' Seri. Morning, panel members. We are all ready to begin
4 the hearing today. So, Dato' Seri, panel members, good morning, the
5 observers representing the family, PDRM, and counsel from Bar
6 Council and colleague from SUHAKAM, also observers from KontraS.
7 Before I invite the parties to introduce themselves, let me just brief the
8 flow of the hearing today. Today is the 17th day of the public hearing,
9 public inquiry. And we will be calling a witness, No.22. Just for the
10 information of members or observers, there were some changes in the
11 flow of the hearing today. First, we have received feedback from Maxis
12 Telecommunications after the hearing, last hearing, we have written to
13 them on some questions raised by the observers especially by Mr
14 Andrew Khoo. So, we have written to Maxis Telecommunications, and
15 we received that. So, we will be presenting the outcome or feedback
16 sent by, received from Maxis in a closed session, then the session with
17 the witness will be an open session. So, there is some change in the
18 arrangement of the public hearing this morning. And we have kindly
19 informed the members of media to be on standby, they can join when
20 we call the witness to appear before the panel. So, we'll begin with the
21 sharing of the information with Maxis in a closed session, then open
22 session with the witness from MCMC. So, that is the flow of the hearing
23 this morning. So, with that, I would like to invite all the parties to
24 introduce themselves. Let me begin. I'm Simon Karunagaram assisting
25 officer from SUHAKAM, together with me this morning is Mr Muhammad
26 Faiz Abd Rahman. May I invite the legal counsel from the family to
27 introduce yourself?

28

29 **PK** Good morning. My name is Philip Koh. I'm representing Ms Ruth
30 Sitepu's family. Together with me will be Ms Audrey Pillai and Mr Cyrus
31 Tiu. Good morning, members of the panel and SUHAKAM's team and
32 fellow observers.

33

34 **TFW** Good morning, members of the panel and SUHAKAM.

35

36 **AP** Good morning. Wishing everybody a good session ahead.

37

1 **SK** Thank you. May I invite the representative from the PDRM.
2

3 **MSR** Assalamu'alaikum warahmatullahi wabarakatuh dan selamat pagi.
4 Saya minta izin (00:03:28) Dato' Seri. Dato', tuan-tuan dan puan-puan,
5 saya DSP Muhammad Sabri sebagai pegawai pemerhati PDRM.
6

7 **SK** Terima kasih (00:03:37 inaudible). May I now invite the observers from
8 Bar Council.
9

10 **AK** Good morning honourable commissioners. My name is Andrew Khoo,
11 appearing on behalf of the Bar Council as observers, and together with
12 me is my learned friend Ms Chanra Ponnudurai.
13

14 **SK** Thank you Andrew.
15

16 **SPC** Good morning honourable members, panel members. Good morning to
17 rest of you all.
18

19 **SK** Ok. And may invite the observer from KontraS.
20

21 **SB** Hello. Good morning. My name is Banu. I'm from KontraS the
22 Commission of Disappeared and Victims of Violence, Jakarta, and I'm
23 along with Preti (00:04:22), one of our lawyers from KontraS. And we
24 are representing the family of the victim Ruth Sitepu in Indonesia. Thank
25 you.
26

27 **SK** Thank you Ibu Banu. Before, thank you everyone. Before we begin, the
28 panel member, Dato' Seri, would like to say anything?
29

30 **CHM** No, not at all. I would like to welcome everyone, and representatives of
31 the observers. Yes, we may proceed, yes.
32

33 **SK** Thank you, Dato' Seri. May I invite my colleague En Muhammad Faiz.
34

35 **MFR** Assalamu'alaikum, selamat pagi. With permission, Dato' Seri, panel
36 members. Hari ini saya akan bentangkan dua perkara. Yang pertama,
37 kita telah seperti yang dimaklumkan oleh En Simon, kita telah

1 menerima maklum balas daripada Maxis berkenaan dengan beberapa
2 perkara isu yang ditimbulkan, soalan yang dinyatakan oleh En Andrew
3 Khoo dan beberapa soalan daripada panel members. Izinkan saya
4 untuk bantangkan dokumen yang pertama. En Zaidi. Ok, baik. Surat
5 yang diterima daripada Maxis bertarikh 15.07.2021. So, ini surat cover
6 letter berkenaan dengan maklum balas, izinkan saya Dato' Seri kita
7 tanda dokumen ini sebagai 115A.

8

9 **CHM** En Faiz.

10

11 **MFR** Ya, Dato' Seri?

12

13 **CHM** I think kita mula dengan kita punya request letter kan. So, at least we
14 have some idea those present here this morning, observers, will have
15 some idea what are our questions to Maxis. Lepas itu baru –

16

17 **MFR** Actually, Dato' Seri, dalam maklum balas Maxis terdapat soalan juga.
18 Dia menjawab kepada soalan yang kita telah kemukakan. Or you want
19 to display the letter daripada –

20

21 **CHM** Yes. Our letter first, briefly, lepas itu kita mark kita punya surat. Lepas
22 itu kita terus ke surat Maxis lah. Sebab Maxis as you said
23 membayangkan soalan-soalan kita kan, ya.

24

25 **MFR** Betul, Dato' Seri.

26

27 **CHM** Tapi kita akan mula surat kita dulu. Kita akan mark surat kita dulu. Our
28 request letter. As a formality, yes.

29

30 **MFR** Baik, Dato' Seri. Surat yang dikemukakan kepada pihak Maxis bertarikh
31 11.07.2021 di mana kita telah bertanyakan beberapa soalan kepada
32 pihak Maxis. Antara soalan ditanya yang dinyatakan oleh Andrew Khoo
33 adalah seperti berikut. Question No.1 is, 'What is Maxis' policy in terms
34 of discontinuing the service of a prepaid mobile telephone number?'.
35 The second question, 'What are Maxis' standard operating procedure
36 (SOP) to be followed in discontinuing the service of a prepaid mobile
37 telephone number?'. No.3, 'Is it true that a Maxis prepaid mobile

1 telephone number is discontinued if there is no activity (use, credit top-
2 up) on that account after a period of three months? If the answer to
3 Question 3 above is 'yes', are there any exceptions?'. Question No.5,
4 'Can a prepaid Maxis mobile telephone number be discontinued after a
5 non-activity period of more than three months? Under what
6 circumstances would Maxis allow a period longer than three months to
7 pass before discontinuing the service of a prepaid mobile telephone
8 number?'. No.6, this question raised by panel, 'What type of information
9 that is stored in the system for the period while the number it is active?
10 Is ping location activity of phone recorded in other systems like the
11 tower logs, fibre cable logs? (if any)'. So, we have asked the Maxis to
12 provide the feedback for today and we received the feedback on 15th
13 July, just yesterday. Can we move to the feedback from Maxis, Dato'
14 Seri?

15
16 **CHM** Sebentar. Something crossed my mind. It all began because there was
17 a request, a question request from Mr Andrew Khoo, isn't it? Yes, yes.
18 En Faiz?

19
20 **MFR** Ya, Dato' Seri?

21
22 **CHM** Yes, it's started when En Andrew Khoo write in to make a request kan?

23
24 **MFR** Betul, Dato' Seri.

25
26 **CHM** Certain questions should be forwarded to Maxis –

27
28 **MFR** For the clarification.

29
30 **CHM** Shall we show, just cepat-cepat that letter from Mr Andrew Khoo for
31 purpose of the record and we also mark Mr Andrew Khoo's letter.

32
33 **MFR** May I get response from Mr Simon?

34
35 **SK** Ok, panel members, actually, it was an email sent by Mr Andrew Khoo
36 dated 7th July, sent to my email. I did not download it from the email.

1 And we can, can I share it in a while, Dato' Seri? I have to access my
2 email.
3
4 **CHM** Yes.
5
6 **SK** Dato' Seri, I will share screen. It was typed out in the email and not as
7 attachment. So, I will share my screen. Can everyone see the screen,
8 the email from Andrew Khoo?
9
10 **CHM** Yes. Thank you. Thank you, Mr Simon. So, we have incorporated these
11 questions in our request letter to Maxis kan? Yes.
12
13 **MFR** Betul, Dato' Seri.
14
15 **CHM** So, ok. So, tapi kita akan mark juga lah. We'll also mark Mr Andrew's
16 email ini kan as part of the exhibits.
17
18 **MFR** Can we mark as 115A, Dato' Seri?
19
20 **CHM** Sure, sure.
21
22 **MFR** Alright.
23
24 **CHM** Ok, now, we can move on straightaway to Maxis' response.
25
26 **MFR** For SUHAKAM letter to Maxis, can we mark as 115B, Dato' Seri?
27
28 **CHM** Yes, keja.
29
30 **MFR** Alright. So, sekarang kita, Zaidi, boleh buka untuk maklum balas Maxis?
31 So, Dato' Seri, panel members and observers, as I mentioned earlier,
32 ini adalah covering letter from Maxis, surat bertarikh 15.07.2021. So,
33 can we mark this as 115C? Alright. Zaidi, thank you. We move to the
34 feedback itself. Alright. Boleh besarkan tak, Zaidi? Dato' Seri, saya,
35 izinkan saya untuk tandakan maklum balas ini sebagai 115D.
36
37 **CHM** 115D?

1
2 **MFR** Ya.
3
4 **CHM** 115C tadi apa dia? 115C.
5
6 **MFR** Covering letter, Dato' Seri, from Maxis.
7
8 **CHM** Oh I see. Ok, ok. S
9
10 **MFR** Alright. So, berdasarkan maklum balas yang diperolehi daripada Maxis,
11 Zaidi, boleh *clearkan* tak sikit? Besar sikit saja. For Question No.1,
12 Maxis have replied that, 'Discontinuing of service of prepaid mobile
13 numbers is based on the terms and conditions of the prepaid plans
14 which is, with the customer has subscribed to. If there is no top-up from
15 customer to keep service and account active leading to lapse of validity
16 expiry, it is deemed that the customer wishes to discontinue the service.
17 The number of active days for each prepaid number is determined
18 based on the top-up amount. Once the number of active days lapse and
19 there is no top-up from the customer to keep the account active, the
20 customer's top-up credit balance will be suspended from usage and the
21 customer must top-up before the end of grace period, after which the
22 prepaid number will be terminated. The grace period varies based on
23 the prepaid plan subscribed to. Services are not manually deactivated
24 or terminated.' So, any question for this? Any further clarification? Can
25 we move, Dato' Seri, for second question?
26
27 [00:15:00]
28
29 **CHM** Yes.
30
31 **MFR** Ok, for question, for answer Question No.2, Maxis has replied, it is the
32 same like above for the first response. For Question No.3, 'As above. If
33 there is no top-up from the customer to keep the account active, the
34 service will be terminated after the grace period has lapsed in
35 accordance with (1) above'. Still the answer is like the first answer. For
36 Question No.4. 'If the answer to Question 3 above is 'yes', are there any
37 exceptions?', the answer is 'No'. For Question No.5, 'Can a prepaid

1 Maxis mobile telephone number be discontinued after a non-activity
2 period of more than three months? Under what circumstances would
3 Maxis allow a period of longer than three months to pass before
4 discontinuing the service of prepaid mobile telephone number?. Maxis
5 replied, 'It is possible to adjust the number of active days which may
6 extend a line's lifecycle, (e.g., base management campaigns offering
7 the customer extended active days), but the grace period and
8 termination are not interfered'. We move to Question No.6. 'What type
9 of information is stored in the system for the period while the number is
10 active?'. Information that is stored is, 'MSISDN Number, Subscriber
11 Details, IMSI, and IMEI Numbers.' For the last question, 'Is ping location
12 activity of phone records in other systems like tower logs? Fibre cable
13 logs?'. The answer from Maxis, 'Call detail records (CDR) are logged
14 when the mobile number is active and performing voice or data related
15 activities. No data for CDR is stored after expiry or termination.' So,
16 Dato' Seri, ini maklum balas yang kami terima daripada Maxis. So, kita
17 akan juga kemukakan ekshibit ini kepada pihak observers selepas sesi
18 ini.

19
20 **CHM** Oh, we are in closed session ke sekarang?

21
22 **MFR** Betul, Dato' Seri.

23
24 **CHM** Oh I see.

25
26 **MFR** So, any further comments or remarks from observers? Mr Philip, you
27 are mute.

28
29 **PK** Dato' Seri Chairman, thank you, thank you for the information. This
30 probably would go towards submission and recommendations. It does
31 appear that through a window that we have on this, the prepaid record
32 cards, obviously there must be a practical duration of keeping records.
33 But it appears that very soon, very soon after the lapsing of topping-up,
34 everything disappears from the record, right. It seems to me, and this is
35 perhaps not so much for SUHAKAM, but it is a recommendation that
36 there will be, if there are people involved in enforced disappearances,
37 the use of prepaid cards will be one way of avoiding any detection after

1 a while, alright. We're just focusing on enforced disappearances. This
2 is our remit. Perhaps it's something for the security agencies like PDRM
3 to take note. Obviously, there must be some practicality about keeping
4 records. But it does seem to me that it seemed extremely vulnerable
5 that the country (00:19:39) be exposed to use of prepaid cards and not
6 from the victim's viewpoint in this our case, but from the perpetrators of
7 potential criminal activities. That it will just disappear completely. Right?
8 Without a trace. That's all I would like to say. Thank you, yes.
9

10 **CHM** Thank you, Mr Philip Koh. Any other comments from other observers?
11

12 **AK** Mr Chairman, this is Andrew Khoo. Just to record my thanks to the
13 Commission for forwarding my questions. Obviously, in an ideal
14 situation, if there was a live witness, there might be one or two follow-
15 up questions. But I do appreciate that that might be very impractical at
16 this point in time. So, I will just leave the answers as they are. Thank
17 you.
18

19 **CHM** Thank you, Mr Andrew Khoo, from the Bar Council. Any other
20 comments?
21

22 **SB** Hello, from KontraS. When the operator decided to delete the recording
23 from the customer after the non-active tenure or non-active customer.
24 Can you hear me?
25

26 **CHM** Yes, we can hear you, yes.
27

28 **SB** Ok. You get what my question is?
29

30 **CHM** Can you please repeat your question?
31

32 **SB** Ok. When the company, when the operator company decided to delete
33 the recording conversation or delete the customer messages after long
34 gone, the customer no longer active as the number is not active again
35 (00:22:02 inaudible) Joshua Hilmy cases. Thank you.
36

1 **CHM** En Faiz, are you able? We are a bit handicapped here, yes, because
2 the Maxis person is not here as a witness. En Faiz, do you follow Ms
3 Banu's question, and can you comment?
4

5 **MFR** The question is when is the Maxis operator delete all data, is it?
6

7 **SB** Yes.
8

9 **MFR** Simon, I think, after three months of non-active. Is it?
10

11 **CHM** Kita patah balik, patah balik kepada jawapan Maxis tadi. Whether the
12 reply by Maxis could be of any assistance to Ms Banu's query.
13

14 **MFR** Zaidi?
15

16 **CHM** Which question would be relevant, En Faiz?
17

18 **SB** This is the number is not active. My question is the data.
19

20 **MFR** Your question is when the number is active, how many months the data
21 will be stored, is it?
22

23 **SB** Yes, I think the company, the cellular company in, probably in Indonesia
24 as well, have recording data or recording messages. But when they
25 decided to delete it after the number is not active anymore. Probably
26 they have in database, but they choose to delete it forever.
27

28 **MFR** I think it's based on the last time he or she topped up the phone, not for
29 data's stored like I mentioned earlier we have briefing with Maxis, the
30 data only for prepaid plan is only stored for three months. But for the
31 post-paid plan it can store until seven years.
32

33 **SB** So, they have no recording call or recording messages from the
34 customer after three months?
35

36 **MFR** Yes. But again, as I mentioned is, we do not know when is the last time
37 for Joshua Hilmy topped up his phone number. So, but based on the

1 activated date of his phone number is on April if I am not mistaken. April
2 2017. Ms Banu, are you clear for now? I think I can comment only for
3 that.
4
5 **SB** Ok. Just in case if SUHAKAM can asking again later or some day.
6
7 **MFR** I mentioned, Ms Banu, we're not sure what, when is the last time –
8
9 **SB** Ok.
10
11 **MFR** Joshua Hilmy topped up his phone. And for Maxis, I'm not sure because
12 there's no record from Maxis.
13
14 **SB** Thank you.
15
16 **MFR** Alright.
17
18 **PM2** Mr Faiz, I think from the information we received from Maxis, both in the
19 letter and the officer's interaction, we have a firm date of disconnection,
20 right.
21
22 **MFR** Indeed.
23
24 **PM2** I think that was in your previous exhibit in the last hearing. Each of the
25 sim cards has a disconnection date. Am I right?
26
27 **MFR** Yes. Yes, (00:26:20 inaudible).
28
29 **PM2** And these disconnection dates have been submitted in the inquiry as, I
30 think, April 2017, all three. So, from the understanding of the answer is
31 that, once it's disconnected or terminated, then all data ceases to be
32 linked to the number anymore. Because they don't, they don't store that
33 number, right, yes.
34
35 **MFR** Yes.
36

1 **PM2** Ok. So, I think, Banu, that's the best that Maxis has told us so far, and
2 in any case, it's 2017 was the last connection and it's a prepaid. So, the
3 confirmation it's a prepaid account, not a post-paid. So, if it was a post-
4 paid account, we still have that seven years lap period, but it's confirmed
5 it's a prepaid. Am I right, Faiz? It's confirmed –
6
7 **MFR** Betul.
8
9 **PM2** Prepaid account?
10
11 **MFR** Prepaid.
12
13 **PM2** And the prepaid account only has that three months right?
14
15 **MFR** Three months.
16
17 **PK** Dato' Seri, to be... can I ask a supplementary question following Mr
18 Jerald's clarity?
19
20 **CHM** Sure, sure, sure, Mr Koh.
21
22 **PK** Thank you. Faiz, just to make absolutely clear and understanding
23 KontraS query, when we ask, when we talk about the retention of data,
24 we are not talking about of course recordings of conversations or texts.
25 We are merely also asking, is there data as to the numbers that called
26 into the phone of Joshua Hilmy or Ruth Sitepu. Now, it appears to me
27 as a lay person completely not into the telco, we're not asking for
28 enormous amount of data keeping. It seems a bit troubling, I mean, you
29 know, that they don't even have, they don't even bother to retain phones
30 that are calling into that number. If you recollect our evidence, appeared
31 to have that at the relevant date where the couple left the Kelana Jaya
32 house, there was a phone call made that agitated the alleged victims of
33 enforced disappearance. In a way, it is quite crucial to see whether
34 there's a pattern of a number calling the alleged pastor, the pastor
35 Joshua. Because in the evidence that's already been before the
36 SUHAKAM, he appeared to be engaging with some individual which
37 have some sort of persona which was part of our question that were put

1 to MCMC, right. Therefore, it's actually in a way we are grateful for the
2 attempt that SUHAKAM is making. Can we derive from the letter, now I
3 conclude with my clear and unequivocal question, can we derive from the
4 letter clarity that Maxis is saying, come three months elapsing of a
5 prepaid card nothing is remained in the system, not even, because
6 there is a question I saw in the letter, what is in the data, they put some
7 number IMEAMEI (00:29:45), you know, which of course we don't
8 understand what those are. In our records of our post-paid, we can
9 have, we can print out and see numbers that call us, and even numbers
10 that text us. I believe, even WhatsApp's call, if it is through Maxis, the
11 4G, I mean, stating (00:30:07) Maxis, there could also be recording that
12 there is a call, you know. That I'm not very certain on that. But definitely,
13 the mobile phone call will be recorded that caller number, whoever the
14 owner is, and it will have been a matter of great significance if you could
15 find the date, I mean, that that number called in around a certain time
16 when the couple exited which agitated them, yes. That is how I
17 remember the evidence and why a query on the data is important. So,
18 can we say, looking at the letter, because you have the copy with you,
19 that Maxis is saying, after three months we don't even retain those
20 numbers of prepaid cards. In their system at all. Can we say that?

21

22 [00:30:00]

23

24 **MFR** It seems like that, Mr Philip.

25

26 **PK** Ok. It's really, ok, we have to work within that. Because it's hard as Mr
27 Andrew Khoo says to get further clarification given the issues of
28 constraint of our timing and things like that. Thank you. Thank you for
29 the clarification. Thank you, Dato' Chairman.

30

31 **AK** Mr Chairman, Andrew Khoo. Can I just seek again one point of
32 clarification? In Maxis' reply in terms of the period for termination of a
33 prepaid phone number, they don't actually mention the timeframe of
34 three months. They basically say that it depends on the plan, whatever
35 plan that has been subscribed to by the subscriber. So, may I just, this
36 is the question for clarification, may I just know where, where is this
37 information about three months coming from? Is it through the

1 interaction with Maxis' personnel verbally? Because certainly it's not
2 reflected in the correspondence from Maxis.
3
4 **MFR** Zaidi, boleh buka exhibit itu balik?
5
6 **AZB** Exhibit yang mana? Yang soalan ke, Faiz?
7
8 **MFR** Jawapan daripada Maxis. Ok. Alright, Mr Andrew, your question is
9 where we got the three months, is it?
10
11 **AK** Yes.
12
13 **MFR** I think for the last explanation presentation that I've given, we got the
14 information from our briefing with Maxis. For prepaid numbers, the data
15 that can be stored for only three months. And for post-paid, it can be
16 stored until seven years. So, for your questions, I think most probably I
17 referred to the briefing that we got from Maxis.
18
19 **AK** I apologise, I don't quite understand. So, it's not in this reply, it's from
20 the previous reply somewhere, is it?
21
22 **MFR** Yes. Because the question you put on Question No.3. Where do you
23 got this three months, I think based on my presentation on 6th July
24 previously.
25
26 **AK** Ah, ok. But they're not confirming that it's three months. They're just
27 basically again saying, as above, it depends on the, the plan. Yes?
28
29 **MFR** Yes.
30
31 **AK** Ok. I just want to make, just to clarify that point.
32
33 **MFR** So, as we confirmed earlier, that Joshua family plan is prepaid plan.
34
35 **CHM** En Faiz?
36
37 **MFR** Yes, Dato' Seri?

1
2 **CHM** Question 3 itu, the word 'after a period of three months' it come from us
3 kan, not from the answer, it's from our question kan?
4
5 **MFR** Betul, Dato' Seri.
6
7 **CHM** But I recall you said just now this three months ini, this three months
8 comes from Maxis, yes?
9
10 **MFR** Betul, Dato' Seri.
11
12 **CHM** Was it in writing to us ke?
13
14 **MFR** As a secretariat, we have conduct briefing with Maxis, to clarify certain
15 issues lah. And then during that period, Maxis informed us about the
16 differences between prepaid and post-paid.
17
18 **CHM** So, it was orally informed to you, this period of three months ini. Orally
19 informed to you.
20
21 **MFR** Yes.
22
23 **CHM** Nothing in writing, ya?
24
25 **MFR** Betul, Dato' Seri.
26
27 **CHM** Ok. I think hindsight, we should have put the question about the period
28 in this letter to Maxis, like the word three months come in writing from
29 them. Ini kita yang bubuh. Kita yang bubuh three months ya.
30
31 **MFR** Betul, Dato' Seri.
32
33 **CHM** And not based on something, black and white. But something that is
34 told to us orally.
35
36 **MFR** However, Dato' Seri, we have minute for this briefing and it was tabled
37 in our group meeting.

1
2 **CHM** Ok. And will that be part of our evidence?
3
4 **MFR** I leave to panel to decide.
5
6 **CHM** Ok, we'll decide later kan. Yes.
7
8 **MFR** Baik, Dato' Seri.
9
10 **PM2** Just to continue, I think the assistance of such technical data for us is
11 what we are grappling with but I think if we are using the information
12 provided to us by Maxis either through a meeting with our officers which
13 I think the minutes will speak or through the question and answer. I think
14 the dates then become important to us in terms of seeking out last
15 locations of Joshua and Ruth. And if I'm correct, I can ask Mr Simon to
16 give us the correct information. On the police report done in Sungai Way
17 on the disappearance of Joshua and Ruth is somewhere in early March
18 of 2017. And the activation date or the disconnected date, that's the
19 word Maxis use. The disconnected date is also in early April for Ruth
20 and one is already disconnected in 19th February for Hilmy. So I think
21 the timeline of this is give us if going by the information provided by
22 Maxis, even after the disconnection, they keep the logs or the data for
23 three months and then it's cleared out for prepaid. And then logs and
24 data for seven years and it's cleared up. So those three months become
25 crucial from police report date to the clearing out. And I think our
26 witnesses from PDRM did inform us that they had contacted a list of
27 stakeholders and witnesses. So I think we need to get perhaps,
28 because I'm not having my bundle here. I'm at home. That timeline and
29 if our police witness when they presented at our inquiry, were they able
30 to ask these questions at that material time when it was still alive, the
31 data was still alive. If we are using the three months as relevant data
32 being available. To get some basic information. I think that's the crucial
33 period. Because now understanding the technicality of the data is not
34 there then it's not there. So, I'm just wanting to know the timeline of
35 police report and seeking information from, by the police to all the
36 various telco holders. I think it was mentioned in our inquiry and their
37 responses. Does it correspond within the three months of our police

1 letter to them was within three months and the answer within three
2 months. Then there should have been some much more detail answers
3 then not available. So I just want to put it to Mr Simon and the team or
4 even the observers, that period is the material period for us to utilise
5 this information for us. Thank you.
6

7 **CHM** Thank you, Jerald.

8

9 **PM1** Dato' Seri.

10

11 **CHM** Dato' Madeline, yes.

12

13 **PM1** Thank you very much, Dato' Seri. Faiz, can you just show the letter just
14 now. I'm quite curious about, you know, there was this acronym or what.
15 IMEI. I mention IMEI there, remember? Simon, I did WhatsApp you. The
16 word IMEI is very important in the context of it's called international
17 mobile equipment identity. The numbers. So I do agree with Jerald
18 because Question No.6, if you notice these are some of the numbers.
19 There is one number here IMEI numbers. That is a number where you
20 can locate your telephone if it is missing. So if the police or whoever
21 that are responsible during that period, that three months period, they
22 will be able to locate where the telephone is using that IMEI. So I think,
23 I just want to follow up on what Jerald was saying just now that if no
24 efforts had been made until the phone was disconnected, actually they
25 can locate it during that period. Because IMEI is a very important
26 number. I remember I misplaced my handphone. So that's how they
27 detected where I place, in fact I have misplaced it. They told me still
28 within my house. So they said you better go and check your house. So
29 in fact these are things that if we can have further information, because
30 this sounds really alien to us. So it may throw some light in terms of the
31 timing. Thank you, Dato' Seri.
32

33 **CHM** Yes. Thank you, Dato' Madeline, yes. Reply from Maxis cannot be in
34 this manner kan, using acronyms. Jangan tengok surat lain. Hold on to
35 the surat tadi. Yes. As you have correctly pointed out, Dr Madeline,
36 MSISDN means nothing to us. IMSI means nothing to us. IMEI means

1 nothing to us. Unless ada footnote explain what these acronyms stand
2 for. I don't know. En Faiz, you know what does MSISDN?
3
4 **MFR** No (00:43:08 inaudible)
5
6 **CHM** Itulah. It's not fair. It's not fair to give reply macam ini kan. But it's our
7 fault juga. Kita patut follow up kan. We should have followed up kan for
8 clarification what these acronyms mean. Otherwise, because our
9 question is very pertinent. No.6, what type of information is stored in the
10 system for the period while the number is alive. But the answer is not
11 helpful. Maxis throw at us acronyms. Acronyms which only Maxis tahu.
12 Kita tak tahu. So we have to follow up lah, follow up questions. Mr
13 Simon, kita have a follow up question lah. We have got to know what
14 does all these acronyms stand. Ok.
15
16 **SK** Dato' Seri, we only receive this reply yesterday –
17
18 **CHM** Oh.
19
20 **SK** Evening. So, we, that's why we quickly this speed, we couldn't much
21 time to follow up with Maxis. There's two ways to do it, Dato' Seri.
22 Because there are so many questions, follow up questions asked.
23 Whether we want to write or just call Maxis as a witness. They can
24 answer all the questions.
25
26 **CHM** Good question.
27
28 **MFR** I will go for the second part, Dato' Seri.
29
30 [00:45:00]
31
32 **CHM** Observers, nak panggil Maxis as a witness ke? Observers?
33
34 **PK** We would support, Dato' Seri, the request. I know that we are not
35 desirous of prolonging hearings and calling witness which are not
36 relevant. But as explained by today's observers and past the panel
37 question, there are important questions to ask as to not just a generic

1 reply from Maxis in terms of what it stored. But specifically, if there is a
2 true objective of focusing during that period of time that Mr Jerald talk
3 about, a retrieval of the numbers or communication that at least was in
4 contact with the pastor and the missing Indonesian wife. If we could
5 have a clarification from a witness who can give us that. It will be very
6 important. There is a matter of, of course there is a matter of serious
7 contention that at least, isn't it possible to at least retrieve the number
8 that called in, you know, during that period, and track who the identity
9 of those numbers are. But then it probably might lead us into nothing
10 but so be it. If does, then we have to ask then what about that number
11 they calling. Can we find out who they are? I guess if there's a pattern
12 of numbers calling the pastor. Especially the critical day where they left
13 Kelana Jaya house, yes.

14
15 **CHM** Any other views?

16
17 **AK** Dato' Chairman, we would support the calling of the witness from Maxis.

18
19 **CHM** Ok, my colleagues, on the panel. Kita panggillah ya?

20
21 **PM2** Yes, go ahead Dato' Madeline

22
23 **PM1** Sorry. Yes, Dato' Seri, I support because I think more questions that
24 need to be enquired. Especially with regards to the questions that we
25 post. I think generic answer is really not a way forward. Thank you, Dato'
26 Seri.

27
28 **PM2** I think the technicality of it may be knowledgeable and informative for
29 us broadly. But I think it's quite common knowledge that after three
30 months you can rebuy the phone number in any market. I've called
31 people with the old phone number and it goes somebody else. Because
32 the prepaid number, so I don't think it's rocket science on that part. If
33 we are going to call the witness, then we need to link that calling of the
34 witness to letters submitted to Maxis by the police at that material period
35 to come prepare with answers what was the police letter to them and
36 what was the answer to the police as well as these technical matters.
37 Then it may be helpful. But just for us to do what is IMEI, what is that,

1 I'm really, I'm not really convinced of the need for such technicality. All
2 these are common knowledge. We know how it works, what function.
3 We can all find that really now, you know. So, I will go with the broad
4 consensus but only if it's going to be used in that material period. And
5 those queries made at that material time to get us some answers. And
6 to see actually what was the exchange of information and letter before
7 it totally lapsed at this point of time. Thank you.

8
9 **CHM** Thank you. I'm obliged, Mr Jerald. I had that in mind too about the
10 interaction between PDRM and Maxis. What questions were put by
11 PDRM to Maxis in the course of their investigations. What was the
12 response of Maxis to PDRM and when were the queries put to Maxis.
13 Would I suggest that our team, Simon, En Faiz put the necessary
14 questions? So that when Maxis witness were to appear before the
15 panel, he or she will be ready with the answers. Tak mahu nanti I got to
16 check, go back office, check from our file. Let them be ready with the
17 answers kan, kan? Were they contacted by PDRM? What were the,
18 they have letters from PDRM. Let's have a look at the letters from
19 PDRM. What were the queries? What were your responses. We go
20 along that line. So advance warning to Maxis witness what to expect
21 from the panel and observers. Ok? Should we proceed on that basis?
22

23 **PK** Yes, much obliged.

24
25 **CHM** And we'll try to secure this witness at our next hearing date.

26
27 **SK** Will do, Dato' Seri.

28
29 **CHM** Any more comments before we move on? I think we can move on since
30 you are going to call the witness. We can move on from here. We can
31 move on kan. We are going to call the witness anyway.

32
33 **MSR** Dengan izin, Dato' Seri. Saya DSP Muhammad Sabri. Untuk makluman
34 Dato' Seri, PDRM tiada halangan sekiranya pihak SUHAKAM ingin
35 memanggil pegawai Maxis. Tapi untuk saya ingatkan bahawa sebelum
36 ini, IO sebelum ini, Inspektor Zul pernah memaklumkan bahawa laporan
37 yang diterima dari Maxis adalah Maxis juga menyatakan tiada rekod

1 panggilan keluar dan masuk disebabkan pengguna adalah prepaid. Itu
2 yang maklum balas yang diterima daripada Maxis.
3
4 **CHM** Bila soalan itu dikemukakan oleh IO kepada Maxis? Bila itu?
5
6 **MSR** Bukan. Masa memberi keterangan, Dato' Seri.
7
8 **CHM** Masa beri keterangan itu dia kata bila itu?
9
10 **MSR** Dia mengatakan bahawa maklum balas daripada Maxis menyatakan
11 bahawa Maxis juga menyatakan tiada rekod panggilan keluar dan
12 masuk disebabkan pengguna adalah prepaid.
13
14 **CHM** Bila soalan itu pegawai IO timbulkan dengan Maxis. Bila itu? Kita nak
15 tahu tarikh dia.
16
17 **MSR** Dia keluarkan surat kepada peguam Maxis sekali lagi pada bulan
18 Oktober 2018.
19
20 **CHM** Ok. 2018 ya.
21
22 **MSR** Sebelum itu Sarjan Ahmad Sibee ada mengeluarkan kepada SKMM
23 pada 11.04.2017. Selepas sehari, pengadu Peter Pormann memberi
24 maklum balas, memberi keterangan kepada PDRM.
25
26 **CHM** Dokumen-dokumen PDRM itu ada kemuka sebagai ekshibit tak?
27
28 **MSR** Tak ada. Sekarang yang jadi masalah adalah semua kertas siasatan itu
29 ada dengan AGC.
30
31 **CHM** Oh, ok. Ok.
32
33 **MSR** Itu saja.
34
35 **CHM** Ok. Terima kasih, DSP. Terima kasih. So, shall we leave things at that
36 and we move on?
37

1 **SK** Ok, Dato' Seri, the fact is that Maxis does not have the data with them.
2 That has been established. There's no call log, no record that has been
3 established through our question and also our briefing session with
4 them. So any follow up will be to understand the technicalities of the
5 operation. I think that will be, and so I think the police investigation. That
6 what is relevant with Maxis, I think.
7

8 **CHM** Ok.
9

10 **PM2** But, Simon... Dato' Seri. Simon, the other part is to get our colleague
11 from DSP Muhammad I think, from PDRM. Just mention that the letter
12 was sent by PDRM. The IO had sent. So we need to also ask that
13 question to, because the other papers are now with AGC and that's still
14 not released yet. So this witness will need to come with information on
15 when they received the IO's request and what was the answer. And
16 why, and their answer will then be based on technicalities of
17 disconnection, three-month period. So this is where I think the link
18 between the technicalities and the answers to PDRM will help us move
19 forward. Thank you.
20

21 **SK** Thank you, Mr Jerald.
22

23 **CHM** Ok. Boleh kita move on from this chapter? The next chapter will be the
24 calling of the witness kan.
25

26 **SK** Yes, Dato' Seri. We'll be calling the witness. May I request the secretary
27 to allow members of media –
28

29 **MFR** Sorry, Mr Chairman. [REDACTED]
30

31 **SK** Before that, sorry, sorry. Please proceed, Faiz. Still closed session.
32

33 **MFR** Dato' Seri, before we proceed to the witness, just to inform panel
34 members and observers that we currently communicate with [REDACTED]
35 And for information about [REDACTED] (00:55:06). Sebelum ini di
36 sesi di 6 Julai, saya telah maklumkan bahawa terdapat transaksi yang
37 berlaku dalam Joshua Hilmy punya akaun pada 2017 di mana penama

1 Chen Teng Seng telah menyalurkan RM300 ke dalam akaun Joshua
2 Hilmy pada Februari 2017. So, pihak sekretariat dalam usaha untuk
3 mendapatkan maklumat berkaitan dengan [REDACTED]. Tetapi
4 dalam usaha ini, [REDACTED] memaklumkan terdapat beberapa perkara
5 yang kita kena comply di mana saya dan pihak observer perlu mengisi
6 satu form undertaking letter supaya maklumat-maklumat yang
7 diberikan oleh [REDACTED] ini tidak didedahkan kepada mana-mana pihak
8 selain dalam inquiry sahaja. Izinkan saya, Dato' Seri, untuk tunjukkan
9 satu form ini. Baik, Dato' Seri, panel members and observers, borang
10 ini saya akan kemukakan kepada pihak observers semua untuk isi dan
11 diminta untuk kemukakan semula secepat yang mungkin supaya kita
12 dapat tender dokumen ataupun dapat maklumat berkaitan dengan
13 [REDACTED] tersebut. Itu saja, Dato' Seri. Saya akan e-mel kepada
14 observer dan panel members untuk isi. Terima kasih, Dato' Seri.

15

16 **CHM** En Faiz.

17

18 **MFR** Ya, Dato' Seri.

19

20 **CHM** Macam mana saya nak sain melalui e-mel? Kita kena sain physically,
21 that mean you send the letter to my house or macam mana itu? Or sain
22 melalui e-mel. Tak biasa sain melalui e-mel. Macam mana?

23

24 **SK** Faiz, we have to submit softcopy to [REDACTED] right? It's not hardcopy,
25 right?

26

27 **MFR** Kalau boleh hardcopy juga lah. Both lah.

28

29 **SK** Then let the secretary think of the ways, Dato' Seri. If softcopy, we can
30 request all parties to download, print it, and sign and just scan and send
31 it back. And we'll communicate with everyone after this inquiry.

32

33 **PK** Dato' Seri, there's also DocuSign using digital signature, you know. And
34 it is acceptable under the electronics Evidence Act. You can explore
35 that, Simon. There's a DocuSign website. And once you send that, you
36 can open it, there's a password that are given to whoever register and
37 then we just use our mouse and just sign our signature. And it is fine.

1 I've done that for Singapore issues too, yes. And they accept it in
2 Singapore. I think if we signed, and we can take a snapshot if you want
3 and just said that we have done that. No one will deny that we have
4 undertaken to keep that secrecy within the financial services bank
5 secrecy provisions. But anyway, I leave that to SUHAKAM how to drive
6 the matter. The other way is to print it out, sign, take a photo and just
7 send it back to you.
8
9 **CHM** I would love to try on that digital signature, alright.
10
11 **PK** DocuSign
12
13 **CHM** Yes, yes. Move on. Mr Simon, you got to assist me on that. Digital
14 signature.
15
16 **SK** Ok, Dato' Seri.
17
18 **PK** DocuSign. I'll send you the website and see whether it works.
19
20 **SK** Thank you, Philip.
21
22 **MFR** Alright, Dato' Seri, itu saja daripada saya. Terima kasih.
23
24 **CHM** Thank you. Thank you, En Faiz. Ok. So, do we have to get out or kita
25 remain where we are?
26
27 **SK** We remain here, Dato' Seri. We'll admit the witness and members from
28 public and media.
29
30 **PK** Why don't we take a five minutes' break, Dato' Seri? Can?
31
32 **CHM** Sure. Why five minutes? Make it 15 minutes.
33
34 **PK** Ok. Coffee and toilet break.
35
36 **CHM** Yes. 15 minutes. What's the time now?
37

1 **SK** 10:45AM.
2
3 **CHM** 15 minutes time.
4
5 **SK** We'll resume at 11:00AM.
6
7 **CHM** 11:00AM? That's fine.
8
9 **SK** We'll resume at 11:00AM, yes.
10
11 **CHM** We'll resume at 11:00AM, yes, yes. Thank you. We'll resume at
12 11:00AM. Ok.
13
14 [01:00:00]
15
16 **SK** Session.
17
18 **CHM** Yes, please proceed, yes.
19
20 **SK** Ok. Thank you, Dato' Seri. We have a witness with us, En Zulkarnain
21 Mohd Yasin, witness from Malaysian Communications and Multimedia
22 Commission, Suruhanjaya Komunikasi dan Multimedia Malaysia. He's
23 witness No.22, so he's already here with us. So, En Zulkarnain, saya
24 Simon daripada, pegawai daripada SUHAKAM. Terima kasih kerana
25 menghadiri siasatan awam SUHAKAM pada pagi ini. Boleh saya minta
26 Tuan untuk membacakan sumpah dengan mengangkat tangan kanan,
27 ya, akan di share screen ya?
28
29 **ZUL** Ok.
30
31 **SK** Terima kasih.
32
33 **CW22**
34 **Name** : **Zulkarnain Mohd Yasin**
35 **Affirms and states in English and Malay**
36 **Time** : **01:02:10**
37

- 1 **ZUL** Bahawasanya saya, Zulkarnain Mohd Yasin, dengan sesungguhnya
2 dan suci hati mengaku dan berikrar bahawa segala keterangan yang
3 akan saya berikan dalam siasatan terbuka ini adalah benar, tiadalah
4 apa-apa yang tidak benar melainkan benar belaka.
5
- 6 **SK** Terima kasih, En Zul. Untuk makluman... sekali lagi terima kasih kerana
7 hadir. Untuk makluman Tn Zulkarnain, yang hadir pada hari ini adalah
8 tiga orang panel daripada SUHAKAM yang dipengerusikan oleh Dato'
9 Seri Hishamuddin Yunus sebagai Pengerusi, dan dua orang panel, Mr
10 Jerald Joseph dan Dato' Madeline. Turut hadir sebagai pemerhati
11 adalah daripada counsel yang mewakili keluarga, wakil daripada,
12 observer daripada PDRM, Bar Council dan juga kita ada seorang wakil
13 daripada, observer daripada KontraS, Indonesia. Selain mereka, turut
14 hadir di sini adalah members daripada media dan publik ya, untuk
15 makluman Tuan, ya. Jadi saya akan mulakan dengan mengemukakan
16 beberapa soalan kepada Tuan.
17
- 18 **ZUL** Ya, baik.
19
- 20 **SK** Tuan, boleh Tuan beritahu kepada panel, nama penuh dan nombor kad
21 pengenalan Tuan.
22
- 23 **ZUL** Terima kasih. Nama penuh saya Zulkarnain bin Mohd Yasin. Nombor
24 kad pengenalan [REDACTED]
25
- 26 **SK** Terima kasih, Tuan. Berapa umur Tuan ketika ini?
27
- 28 **ZUL** Umur saya 56 tahun.
29
- 30 **SK** Terima kasih. Boleh Tuan nyatakan jawatan dan tempat bertugas Tuan
31 pada masa ini?
32
- 33 **ZUL** Pada masa ini saya adalah Ketua Pegawai Kawal Selia di Suruhanjaya
34 Komunikasi dan Multimedia Malaysia. Tempat bertugas saya di
35 Menara, Tower 1, MCMC, Cyberjaya.
36

1 **SK** Terima kasih, Tuan. Boleh Tuan nyatakan tarikh mula berkhidmat di
2 Suruhanjaya Komunikasi dan Multimedia Malaysia?
3

4 **ZUL** Saya mula berkhidmat di Suruhanjaya Komunikasi dan Multimedia
5 Malaysia mulai daripada 05.05.2000.
6

7 **SK** Tahun 2000?
8

9 **ZUL** Ya.
10

11 **SK** Tuan, boleh Tuan terangkan peranan dan skop tugas Tuan sebagai
12 Ketua Pegawai Kawal Selia di SKMM?
13

14 **ZUL** Skop dan tugas saya sebagai Ketua Pegawai Kawal Selia adalah
15 melihat dari segi pengurusan dan pentadbiran perkara-perkara yang
16 berkaitan dengan penguatkuasaan Akta Komunikasi dan Multimedia
17 1998, Akta Perkhidmatan Pos dan juga Akta Tandatangan Digital tetapi
18 berkaitan dengan perkara-perkara yang melibatkan pematuhan. Dan di
19 bawah portfolio saya adalah perkara-perkara yang melibat ataupun
20 bahagian-bahagian yang berkaitan dengan penguatkuasaan,
21 keselamatan rangkaian, perlindungan pengguna dan juga kualiti
22 perkhidmatan.
23

24 **SK** Adakah semua itu bahagian-bahagian yang Tuan maksudkan ini?
25

26 **CHM** Just for a moment, Mr Simon.
27

28 **SK** Ok, Dato' Seri.
29

30 **CHM** En Zulkarnain?
31

32 **ZUL** Ya?
33

34 **CHM** Bila mula memegang jawatan terkini sebagai Ketua Pegawai Kawal
35 Selia MCMC, bila? Bila mula memegang jawatan ini?
36

1 **ZUL** Saya mula memegang jawatan ini bermula daripada... saya tidak pasti
2 tarikh yang betul tetapi mulai tahun, dua tahun yang lepas.
3

4 **CHM** Ok, terima kasih. Ya, Mr Simon, proceed.
5

6 **SK** Terima kasih, Dato' Seri. Tuan, tadi Tuan ada sebutkan beberapa
7 bahagian kan?
8

9 **ZUL** Ya.
10

11 **SK** Boleh Tuan sebutkan bahagian itu semula?
12

13 **ZUL** Yang pertama adalah bahagian penguatkuasaan. Yang kedua adalah
14 bahagian keselamatan rangkaian. Yang ketiga adalah pematuhan.
15 Yang keempat adalah kualiti perkhidmatan.
16

17 **SK** Ok. Jadi Tuan menyelia semua bahagian-bahagian ini di SKMM?
18 Terima kasih, Tuan. Tuan, soalan saya seterusnya adalah berkenaan
19 pada kuasa dan peranan umum SKMM. Jadi boleh tak Tuan jelaskan
20 kepada kami fungsi dan peranan utama SKMM?
21

22 **ZUL** Fungsi dan peranan utama MCMC boleh dibahagikan kepada dua.
23 Yang pertama adalah kawal selia, dan yang kedua adalah
24 pembangunan. Dalam aspek-aspek kawal selia, ia melibatkan perkara-
25 perkara yang berkaitan dengan, apa ini, yang kita panggil economic
26 regulation, social regulation, consumer protection dan juga technical
27 regulations, yang berkaitan dengan sektor ataupun perkhidmatan
28 komunikasi dan multimedia termasuklah perkhidmatan pos dan kurier.
29 Dalam aspek kawal selia ini, saya buat, termasuklah menguatkuasakan
30 undang-undang yang ada di bawah Akta Komunikasi dan Multimedia
31 yang berkaitan dengan aspek-aspek yang saya sebutkan tadi iaitu
32 economic regulation, social regulations, consumer protection dan juga
33 technical regulations. Dalam aspek pembangunan pula, kita adalah, ia
34 juga berkaitan dengan empat perkara tersebut tetapi ia melebihi, melihat
35 kepada membangunkan sektor komunikasi dan multimedia, yang
36 pertama, yang kedua adalah untuk memastikan liputan perkhidmatan
37 yang menyeluruh ke seluruh negara dan juga mutu perkhidmatan yang

- 1 baik untuk, apa ini, sektor komunikasi ini diberikan kepada pengguna.
2 Dan juga melihat juga teknologi-teknologi, apa, kembangan teknologi
3 dan dari masa ke semasa untuk kita menetapkan jika ada, perlu ada,
4 apa ini, peraturan-peraturan baru untuk menangani isu ataupun
5 perkara-perkara berbangkit daripada, sama ada teknologi ataupun
6 perkhidmatan baru yang berkaitan dengan kemajuan teknologi.
7
- 8 **SK** Terima kasih, Tuan. Tuan, boleh Tuan jelaskan dari manakah MCMC
9 mendapat kuasa ataupun apakah punca kuasa untuk menjalankan
10 fungsi tersebut?
11
- 12 **ZUL** Kita ada dua akta. Satu adalah akta yang berkaitan dengan penubuhan
13 Suruhanjaya iaitu Akta Suruhanjaya Komunikasi dan Multimedia
14 Malaysia. Yang ini, akta ini adalah berkaitan dengan satu penubuhan,
15 yang kedua kuasa-kuasa suruhanjaya dan juga aspek governance of
16 the commission. Dan juga, apa ini, dari segi governance. Satu punca
17 kuasa, governance dan kuasa-kuasa yang ada yang diperuntukkan
18 oleh parlimen di bawah akta. Dan yang kedua adalah Akta Komunikasi
19 dan Multimedia 1998 untuk kita... Itu adalah berkaitan, perkara-perkara
20 yang berkaitan dengan undang-undang yang mengawal selia
21 perkhidmatan komunikasi dan multimedia dalam negara kita. Jadi di
22 situ termasuklah dari segi pelesenan, aspek pelesenan, dari segi
23 access and competition, dari segi pembangunan infrastruktur dan juga
24 peraturan-peraturan yang berkaitan dengannya. Jadi di bawah Akta
25 Komunikasi dan Multimedia 1998, ia lebih bersifat kepada kawal selia,
26 ataupun regulatory body. In essence Suruhanjaya adalah regulatory
27 body.
28
- 29 **SK** Terima kasih, Tuan. Tuan, mungkin untuk pemahaman kita bersama,
30 boleh tak Tuan jelaskan apakah perbezaan di antara MCMC dengan
31 Kementerian Komunikasi dan Multimedia Malaysia?
32
- 33 **ZUL** Ok. Saya boleh terangkan tentang, apa ini, Suruhanjaya Komunikasi
34 sebab kita adalah badan yang ditubuhkan di bawah statut, itu kita
35 badan berkanun. Itu, dan... yang kedua kementerian adalah
36 kementerianlah, yang, apa ini, dia sebahagian daripada eksekutif. Dan
37 kita... itu satu. Yang kedua, kita menguatkuasakan, apa ini, undang-

1 undang di bawah Akta Komunikasi dan Multimedia, sementara di
2 peringkat kementerian, sebab di peringkat suruhanjaya kita boleh
3 mencadangkan kepada menteri polisi-polisi yang berkaitan. Jadi dari
4 segi hubung kait dengan kementerian ini, adalah kementerian mungkin
5 akan dari segi pentadbirannya membawa perkara tersebut untuk
6 urusan pentadbiran. Dan kami –
7
8 **SK** Terima kasih.
9
10 **ZUL** Dari... itu satu. Yang kedua dari segi kewangan, kita, apa ini, adalah
11 mempunyai dana sendiri dan kita tidak, apa ini, menggunakan dana
12 daripada kerajaan.
13
14 **SK** Terima kasih, Tuan. Tuan, saya ingin merujuk kepada Akta
15 Suruhanjaya Komunikasi dan Multimedia 1998 yang Tuan –
16
17 **ZUL** Ya.
18
19 **SK** Baru sebutkan tadi, terutamanya kepada Seksyen 16.
20
21 **ZUL** Seksyen 16?
22
23 **SK** Seksyen 16. Zaidi, bukan yang ini, Zaidi, ada satu lagi. Seksyen 16
24 sahaja. Ya.
25
26 [01:15:00]
27
28 **CHM** Mr Simon?
29
30 **SK** Ya, Dato' Seri?
31
32 **AZB** Akta Suruhanjaya?
33
34 **CHM** The English version tak ada ke? Selalu bila minta akta, Bahasa
35 Malaysia version. Tak ada ke...
36
37 **SK** Ada, we have it. Zaidi? Zaidi –

1
2 **CHM** Mr Simon?
3
4 **SK** MCMC –
5
6 **CHM** Mr Simon?
7
8 **SK** MCMC Act –
9
10 **CHM** Section 16 relates to the minister's power to make regulations. Am I
11 right?
12
13 **ZUL** No, I think the reference is made to the Commission Act not the
14 Communications and Multimedia Act. I believe that's what he was
15 referring to.
16
17 **SK** Yes, I'm referring to the –
18
19 **ZUL** Commission Act, not... yes, the establishment of the Commission.
20
21 **SK** It's powers and function of the Commission, Dato' Seri.
22
23 **CHM** 16.(1) –
24
25 **SK** I'm referring –
26
27 **CHM** 'Powers and functions of Commission'. You're referring to the
28 Commission punya akta kan?
29
30 **SK** Yes.
31
32 **CHM** Dia ada dua akta. Satu is a Commission, establishment of the
33 Commission kan, very basic things, it all relates to the Commission. The
34 other one is, the one in action, the one in action is MCMC Act, I think
35 normally offences and all that. We go to the akta. Why do, why are we
36 going to the Commission punya Act, Mr Simon? Really necessary ke?
37

1 **SK** Just trying to establish some of the powers they have, just for
2 clarification, Dato' Seri.
3
4 **CHM** The –
5
6 **SK** The powers of the Commission.
7
8 **CHM** Powers of the Commission. Ok. Right.
9
10 **SK** Dato' Seri, I prepared my questions are in Malay, so –
11
12 **CHM** Tak apa, carry on.
13
14 **SK** Tuan, saya rasa Tuan fasih kedua-dua version dalam, seksyen ini
15 dalam Bahasa Malaysia dan Bahasa Inggeris ya?
16
17 **ZUL** Ya, boleh.
18
19 **SK** Ok. Jadi saya merujuk pada bahagian, Seksyen 16 ini berkenaan
20 dengan kuasa Suruhanjaya Komunikasi dan Multimedia. Cuma
21 perlukan beberapa penjelasan daripada Tuan. Seksyen 16.(b) adalah
22 berkenaan melaksanakan dan menguatkuasakan peruntukan undang-
23 undang komunikasi dan multimedia. Soalan saya, boleh Tuan
24 terangkan peruntukan ini merujuk kepada undang-undang komunikasi
25 dan multimedia kan? So undang-undang yang mana? Boleh tak Tuan
26 terangkan.
27
28 **ZUL** Kita merujuk, apabila kita merujuk kepada (b) ini, kita merujuk kepada
29 undang-undang yang berkaitan dengan apa-apa yang diperuntukkan di
30 bawah the Communications and Multimedia Act 1998. Act...
31
32 **SK** 588.
33
34 **ZUL** 588, yes. Akta 588.
35
36 **SK** Ok, terima kasih, Tuan. Tuan, perkara 16.(c) pula menyatakan kuasa
37 SKMM untuk mengawal selia segala perkara yang berhubungan

1 dengan aktiviti komunikasi dan multimedia yang tidak diperuntukkan
2 dalam undang-undang komunikasi dan multimedia. So, fokus saya
3 adalah yang tidak diperuntukkan. Apa maksud peruntukan ini?
4

5 **ZUL** Peruntukan yang mana itu?
6

7 **SK** 16 –
8

9 **ZUL** For (c)? (c), is it?
10

11 **SK** (c), 16.(c).
12

13 **ZUL** Ok.
14

15 **SK** 'Activities not provided –'
16

17 **ZUL** Bila kita merujuk kepada 'To regulate all matters relating to
18 communications and multimedia activities not provided for in the
19 communications and multimedia laws.' Apa yang dimaksudkan di sini,
20 kita tidak boleh lari daripada the communications and multimedia laws
21 but what it is meant, macam saya terangkan tadi, ada terdapat
22 beberapa... there's a lot of instructions when technologies, new
23 technologies introduced, there is a disruptions in service. So there
24 comes a new type of services in the market. So if that happens, what
25 are, this is where the Commission can come up not a policy
26 recommendations or under the Commission there's also a forums, the
27 consumer forums or content forums that is under self-regulation
28 environment. So they can come up with codes. So in that respect, 'not
29 provided for in the communications and multimedia laws' simply means
30 that it cannot goes beyond the scope of the communications and
31 multimedia. It's looking at the whole ecosystem but looking at what is
32 relevant in the sphere or space of communications and multimedia.
33

34 **SK** Ok, thank you, Tuan. Tuan, my last question about this Section 16 is
35 about this clause Section 16.(e), 'To supervise and monitor
36 communications and multimedia activities.' Can you explain how do you
37 carry out this function?

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ZUL Ok. Section 16.(1)(e), seems to give the power, wide power to the Commission. But in reality, when we make reference to supervise and monitor communication and multimedia activities relates to the activities in the sector that we regulate. So not the personal activities or personal communications between individuals. So that is outside of the scope. So what we are, we undertake under 16.(1)(e) is that activities in the market, the communications and multimedia market. For example, is there sufficient competition in the market? So this is where we intervene. Or is there any gaps in the area of regulations that we need to address? So in that context, monitoring the activities including the level of competition, one aspect, the level of service coverage in the country. So those, it is limited to that aspect of activities. It is not encroach into monitoring and supervising personal activities.

SK Thank you, Tuan, for the explanation. I now refer to the... dear panel members, Dato' Seri, I would like to tender the letter, a reply letter from MCMC dated 25.03.2021. Zaidi? Surat daripada MCMC.

CHM Mr Simon, what about our letter to MCMC? Have we referred, allude to it earlier in this proceeding and have it marked already?

SK No. Ok, Zaidi, mulakan dengan surat kita dulu.

AZB Sebentar, En Simon.

SK Surat kita kepada SKMM.

AZB Ok.

SK Ok. Dato' Seri, this is our letter dated 07.09.2020 which was addressed to the Chairman of the Malaysian Communications and Multimedia Commission. Turun bawah, Zaidi. Lagi, page kedua. Ya. We actually have requested for a meeting and information on the following, the Item (i) until (v), the information from MCMC. So can we mark this as exhibit ke berapa ya?

1 MFR 116.
2
3 SK 116?
4
5 MFR 116A.
6
7 SK Ok, Dato' Seri, now may I refer to the reply from MCMC?
8
9 CHM Yes.
10
11 SK Ok.
12
13 AZB Ini ke, En Simon?
14
15 SK Ya, betul. Besarkan sikit. Tuan Zulkarnain?
16
17 ZUL Ya?
18
19 SK Boleh tak sahkan ini adalah surat yang telah MCMC hantar kepada
20 SUHAKAM? Scroll down, Zaidi, bagi Tn Zul lihat keseluruhan surat ini.
21
22 ZUL Ya, betul.
23
24 SK Ok.
25
26 ZUL Saya sahkan.
27
28 SK Soalan saya, Tuan, seterusnya adalah berkaitan dengan surat ini.
29
30 CHM En Simon, kita mark dulu. Mark 116B ya?
31
32 SK 116B, Dato' Seri, I'm sorry.
33
34 MFR Mr Simon, I think this document have been marked previously.
35
36 AZB Dokumen dah mark, 112C.
37

1 **SK** Ok.
2
3 **CHM** Ya?
4
5 **AZB** Surat ini dah di tender, Dato'. (01:27:18 inaudible).
6
7 **CHM** Ok.
8
9 **SK** 112C?
10
11 **AZB** Ya, betul, Tuan.
12
13 **CHM** Ok, yes.
14
15 **SK** Tuan, saya merujuk kepada perenggan kedua surat ini. Ini berkenaan
16 semakan nombor telefon ya. Dan ada dua nombor telefon yang telah
17 dinyatakan dalam surat tersebut. Dan soalan saya adalah, memang
18 MCMC mempunyai... ok, saya go satu per satu ya. Adakah MCMC
19 mempunyai akses kepada butiran nombor telefon tersebut, yang
20 pertama, nama pemilik berkenaan?
21
22 **ZUL** Tidak ada. MCMC tidak ada akses kepada maklumat tersebut.
23
24 **SK** Tuan, kalau kita rujuk surat ini kan, surat ini mengatakan kedua nombor
25 itu adalah didaftarkan di bawah Ruth Sitepu.
26
27 **ZUL** Ok.
28
29 **SK** Ok. So, dari manakah MCMC mendapat maklumat ini?
30
31 **ZUL** Maklumat ini kita, kalau tengok perenggan itu, perenggan 2, 'Hasil
32 semakan pihak MCMC dengan pihak Maxis Sdn Bhd'. Jadi maklumat
33 itu kami dapati daripada... perenggan 2 telah jelas menyatakan bahawa
34 kami dapat maklumat itu daripada Maxis Sdn Bhd.
35
36 **SK** Ok. So ini –
37

- 1 **ZUL** So kita tidak ada rekod, jadi kita akan merujuk kepada pihak pembekal
2 perkhidmatan untuk dapatkan the detailed subscriber's information.
3
- 4 **SK** Ok. Jadi bolehkah saya membuat satu kesimpulan bahawa SKMM tidak
5 mempunyai akses secara langsung kepada maklumat butiran pemilik
6 telefon?
7
- 8 **ZUL** Betul.
9
- 10 **SK** Betul.
11
- 12 **ZUL** Setuju.
13
- 14 **SK** Ok. Tapi sekiranya ada pihak meminta butiran seperti nama pemilik
15 nombor berkenaan, status talian nombor tersebut ataupun perkara
16 seperti kali terakhir nombor tersebut aktif, rekod log pengambilan,
17 panggilan semua itu, adakah SKMM perlu bergantung kepada syarikat
18 telekomunikasi tersebut?
19
- 20 **ZUL** Ya.
21
- 22 **SK** Jadi SKMM sendiri tidak mempunyai maklumat tersebut?
23
- 24 **ZUL** Tidak ada.
25
- 26 **SK** Jadi, sekiranya ada mana-mana agensi meminta maklumat seperti ini,
27 apakah prosedur, apakah yang akan dilakukan oleh SKMM?
28
- 29 [01:30:00]
30
- 31 **ZUL** Kita akan memajukan permohonan tersebut kepada pihak pembekal
32 perkhidmatan. Itu, tapi kalau, sebenarnya, ataupun mungkin apa yang
33 berlaku adalah mungkin setengah-setengah agensi ini mereka tidak,
34 apa ini, tidak faham ataupun tidak menyedari bahawa mereka
35 sebenarnya boleh terus direct kepada, untuk kes-kes siasatan jenayah,
36 mereka boleh terus menurut kuasa yang diperuntukkan di bawah kuasa
37 siasatan mereka, mereka boleh saja terus mendapatkan maklumat

1 tersebut tanpa melalui, apa ini, pihak MCMC ataupun Suruhanjaya
2 Komunikasi dan Multimedia. Tetapi mungkin dari segi mereka tidak
3 biasa ataupun tidak tahu ke mana haluan ataupun nak di, department,
4 which department to go, or which section to go from the service
5 provider, so it would take time for them. So that probably makes the
6 preference. But in terms of the capabilities or the powers, if the, in terms
7 of powers of investigation that they have, they can go direct to the
8 service providers without going through the Commission. But in most
9 instances they go through the Commission because they probably want
10 to have, want to... because they know if they go through the
11 Commission, they know the Commission will channel to the right
12 division. So information will be faster. But it's actually if they channel
13 directly to the service provider, it will be faster. Similarly if it is in a civil
14 case, then the Claimant or the Plaintiff should get a Court order or
15 Claimant or the Plaintiff or Defendant should get a Court order against
16 the, for the information against the service providers, not MCMC.

17
18 **SK** Thank you, Tuan. So Tuan, in case any agencies requested the
19 information from MCMC, what would be the procedure? Would you
20 request them to deal directly with the telecommunications or the service
21 provider or would you still assist them?

22
23 **ZUL** We will assist them to channel back, but for call, data record, the
24 preference is for the IO, the investigating officers, to deal directly with
25 the service providers. So basic subscribers information is just the
26 identity. So we can facilitate. But for call data records, the telcos prefers
27 it for the IOs to go direct to them.

28
29 **SK** Alright. So in summary, MCMC just facilitate the process in retrieving or
30 obtaining the data, the information, and MCMC does not have a direct
31 access to all this information.

32
33 **ZUL** No.

34
35 **SK** Alright. Thank you, En Zul. I would like to refer... saya sekarang rujuk
36 pada perenggan ketiga ya, surat tersebut. Jadi Tuan, berdasarkan surat
37 ini, SUHAKAM telah memberikan tiga alamat emel kepada MCMC. Dan

1 berdasarkan maklum balas yang diberikan kepada SUHAKAM, pihak
2 MCMC telah menyatakan bahawa MCMC tidak mempunyai akses
3 secara langsung kepada akaun Yahoo Mail yang berpangkalan di luar
4 negara. Boleh tak Tuan jelaskan mengenai perkara ini?
5

6 **ZUL** Ok. Sebab, yang pertama adalah syarikat Yahoo, apa ini, syarikat
7 Yahoo ini, dia bukan pemegang lesen di bawah Akta Komunikasi dan
8 Multimedia 1998. Dan yang kedua adalah sebagai contoh tadi, service
9 providers syarikat-syarikat telco adalah pemegang lesen di bawah Akta
10 Komunikasi dan Multimedia 1998. Dan, apa ini, jadi kita menetapkan
11 sebagai contoh untuk pendaftaran pelanggan dan sebagainya, jadi ada
12 peraturan yang mereka perlu patuhi. Tetapi dalam aspek penggunaan
13 emel Yahoo, kita tidak ada kawalan terhadap, apa ini, tidak pada
14 peraturan yang sebegitu yang... It is out of our jurisdiction to regulate
15 them. One, is they are not our licensee, secondly, they are not within
16 jurisdiction. So we have no means of requiring them to comply with any
17 form of registration. So, whatever forms or rules that they have, is purely
18 the rules that they set. And they are not bound by any regulations or
19 any rules that we set. So that is why, no, we don't have a control,
20 possession or any information pertaining to the email address
21 registered under Yahoo. And the registration is by, made by Verizon
22 Media. So, it is, we don't have... we are unable to provide that
23 information because we don't have access to that information.
24

25 **SK** Thank you, Tuan. But just hypothetical question for better
26 understanding. For instance let's say someone use an email, and
27 misuse the email by sending threatening messages or any obscene,
28 vulgarities in the message to others, and that person who receive the
29 email complaints to SKMM, can SKMM, MCMC take any action?
30

31 **ZUL** Ok. That is... in terms of... we can, complaints in the sense... if there is
32 an offense committed under the Act that while we administer all the
33 provisions of the CMA, we have the power to investigate and we will get
34 the information required.
35

36 **SK** Tuan, can you explain further what would you do in that instance?
37

- 1 **ZUL** Ok. We will... ok, what we will do is that we will try to find the information
2 related to, the individual related to the email. So, what we will do is we
3 will try to find the individual through the available public domain,
4 information in the public domain. So, this is the source of how we will
5 try to find the individual. And gather information relating to the whatever
6 information that we can obtain to identify that person behind the email.
7
- 8 **SK** Ok, Tuan, when you say public domain, what do you mean by public
9 domain?
10
- 11 **ZUL** Public domain available information on the internet. So people put up
12 their information, share their information freely on the internet. So that
13 will be in the public domain.
14
- 15 **SK** Ok, Tuan. Let's say there's one email here, the first email,
16 joshruith2005@yahoo.com. If someone complain that they receive an
17 email from this email address and there are some abuse or threatening
18 message, can SKMM, MCMC trace who is the owner of this email
19 address?
20
- 21 **ZUL** Depends on the availability of information on the public domain. If there
22 is no information, we would not be able to identify. The other alternative
23 will be to get information from the, through the mutual legal assistance.
24 That is another option to get information from the, from Yahoo.
25
- 26 **SK** Ok. Tuan, from your experience working in SKMM, I believe about more
27 than 20 years, for 20 years, have you ever get, try to obtain information
28 from service provider based in overseas and what is the procedures
29 like?
30
- 31 **ZUL** Ok. We have tried to, by writing to them but they come back either two
32 channels, you get a Court order from the US Court, or secondly you get
33 it from the, through the MLAs, mutual legal assistance. That's the only
34 two, that's the only channel that you will get information from them. But
35 they will actually –
36
- 37 **SK** (01:41:40 inaudible).

1
2 **ZUL** Yes.
3
4 **SK** Ok, Tuan, we look one at a time. You said one through Court order, the
5 other one is through MLA. Can you explain the Court order first?
6
7 **ZUL** The Court order... the normal civil process in which you go to the Court
8 and obtain a Court order but then it has the Court, the order also need
9 to be registered with the Courts in the jurisdictions where the platform
10 providers operates. Then you, in other words, you have to register your
11 order in the US Court to obtain that subscribers information. The email
12 subscriber information.
13
14 **SK** Ok. And how about the other one, MLA?
15
16 **ZUL** MLA, from my experience I have never obtained through MLA because
17 there are some requirements that under the MLAs arrangement, there
18 must be some elements of dual... you must fulfil some elements in the,
19 for to get the MLA. One of it is the dual criminality elements, dual
20 criminal offense, meaning that it is an offense in Malaysia and the other
21 country also it is an offense. So that's one element to it. As, but, as what
22 I've mentioned, I'm not familiar with the MLA process but I afraid
23 (01:43:31), but that is the process, you have to get a MLAs and the
24 request as I understand it, it has to go through the Attorney General
25 Chambers. So the IO will request for MLA through AGC.
26
27 **SK** So it's the IO communicate directly with the AGC?
28
29 **ZUL** To make request.
30
31 **CHM** Just a moment, Simon.
32
33 **SK** Yes, Dato' Seri.
34
35 **CHM** They, para 3 ini, En Zulkarnain –
36
37 **ZUL** Ya.

1
2 **CHM** Macam mana nak sebut. 'Akaun Yahoo Mail di bawah kawalan pihak
3 Yahoo yang berpangkalan di luar negara.' Berpangkalan di luar negara
4 ini, negara yang mana satu, En Zulkamain? Which country?
5
6 **ZUL** Dia... US.
7
8 **CHM** US, ya?
9
10 **ZUL** Ya.
11
12 **CHM** Ok, terima kasih. Ok, ya, ok.
13
14 **SK** Thank you, Dato' Seri. Tn Zul, so has SKMM, MCMC have ever worked
15 with AGC through the MLA to obtain any information?
16
17 **ZUL** So far, no.
18
19 **SK** So far no. Thank you. Now I move on to another question. Referring to
20 the same paragraph 3. Tuan, dalam surat itu Tuan telah, surat tersebut
21 telah menyatakan bahawa di bawah Akta Komunikasi dan Multimedia
22 1998, 'tidak memberikan punca kuasa khusus untuk SKMM untuk
23 memperolehi atau mendedahkan maklumat mengenai pengguna
24 Internet kepada pihak ketiga.' Boleh Tuan jelaskan mengenai perkara
25 ini?
26
27
28 [01:45:00]
29 **ZUL** Ok. Kita... Apa yang saya maksudkan di sini adalah kita, dalam seperti
30 soalan yang pertama, bolehkah kita mendapatkan maklumat, untuk
31 kes-kes yang kami siasat, kami akan dapatkan maklumat dan kita tidak
32 akan berkongsi dengan pihak ketiga kerana ia melibatkan siasatan
33 kami. Tetapi untuk, apa ini, dari bantuan, dari segi bantuan tidaklah
34 termasuk memban... apa ini, terlibat sama dalam siasatan yang
35 dijalankan oleh, apa ini, agensi penguat kuasa lain. Bantuan yang
36 diberikan adalah to get the information through facilitation, not going
37 into the investigation, itu yang saya maksudkan.

1

2 **SK** Bermaksud boleh berkongsi maklumat yang diperolehi oleh SKMM

3 kepada pegawai siasatan tersebut atau agensi yang meminta

4 maklumat tersebut?

5

6 **ZUL** Kita... Itu sebab kita dah atas permohonan mereka, bukan kita, apa ini,

7 perkongsian itu adalah dalam bidang kuasa, apa yang termaktub dalam

8 bidang kuasa kitalah.

9

10 **SK** Ok. Jadi adakah mana-mana peruntukan spesifik dalam Akta

11 Komunikasi dan Multimedia 1998, 588, yang specifically mengatakan

12 MCMC tidak boleh berkongsi maklumat atau tidak boleh mendedahkan

13 maklumat?

14

15 **ZUL** Ok. Kalau untuk... kalau ada peruntukan berkaitan dengan, kalau

16 secara prinsipnya, kalau kita lihat ada peruntukan yang melarang

17 daripada, apa ini, Suruhanjaya daripada berkongsi maklumat. Sebagai

18 contoh, walaupun kita boleh memaparkan sesuatu maklumat di domain

19 awam, tetapi jika maklumat tersebut berkaitan ataupun mempunyai,

20 apa ini, maklumat-maklumat sensitif yang, apa, melibatkan pihak

21 ketiga, ia boleh, apa ini, kita tidak boleh, apa, memaparkan maklumat

22 tersebut. Sebentar ya, saya semak sekejap.

23

24 **SK** Boleh Tuan. Tuan merujuk kepada Akta 588 ke?

25

26 **ZUL** Ya.

27

28 **SK** Ok. Saya pun ada copy. Nak saya share screen ke?

29

30 **ZUL** Boleh.

31

32 **SK** Zaidi, akta yang tadi, Akta 588.

33

34 **AZB** Yang Bahasa Melayu ke, En Simon?

35

36 **SK** English.

37

1 **AZB** Ok. Rujuk yang muka surat berapa?
2
3 **ZUL** Sekejap, saya... ok, kalau kita tengok Seksyen 80.
4
5 **SK** Zaidi, ini bukan aktanya. Salah. Ini 589. Kejap. Ok. Zaidi, saya rasa
6 Zaidi ada BM. Tak apa, Zaidi, untuk permulaan just rujuk yang BM
7 version dulu, I'll pass you the English version later. Akta 588, Akta
8 Komunikasi dan Multimedia.
9
10 **AZB** Seksyen 80?
11
12 **ZUL** Ya, Seksyen 80.
13
14 **SK** Zaidi?
15
16 **AZB** Ya?
17
18 **SK** Stop share screen, I will share screen now.
19
20 **AZB** Ok.
21
22 **SK** Ini ke, Tuan?
23
24 **ZUL** Ya.
25
26 **SK** Ok, Tuan, silakan, Tuan.
27
28 **ZUL** So kalau kita tengok Seksyen 80, this is where there is expressed
29 provisions which states that the Commission is, shall not publish any
30 information, any part of any information disclosed with, if the publication
31 would disclose a matter of confidential character, be likely to prejudice
32 the fair trial of a person or involve the unreasonable disclosure of
33 personal information about any individuals. Ok.
34
35 **SK** Ok, so –
36

1 **ZUL** So I think this is where there is expressed provisions actually for us not
2 to share information,
3
4 **CHM** Tapi, En Zulkarnain?
5
6 **ZUL** Ya?
7
8 **CHM** Perkataan di sini 'publish' ya?
9
10 **ZUL** Ya, betul.
11
12 **CHM** Publish. Publish is make public.
13
14 **ZUL** Alright.
15
16 **CHM** Publish kan?
17
18 **ZUL** Betul.
19
20 **CHM** Mengeluarkan media statement ke kan?
21
22 **ZUL** Ya.
23
24 **CHM** Kan? So you make it to be in the public domain. So publish. But to share
25 information with the police, with SPRM, with any governmental authority
26 like SUHAKAM, is not publishing kan?
27
28 **ZUL** Yes, no.
29
30 **CHM** It is sharing information which if you may request it, 'Keep if confidential
31 -'
32
33 **ZUL** Yes.
34
35 **CHM** (01:54:48 inaudible).
36
37 **ZUL** Yes.

1
2 **CHM** So, is this section really relevant for our purpose, En Zulkarnain,
3 because you just talk about publish, because we are not asking you to
4 publish kan?
5
6 **ZUL** Ok.
7
8 **SK** Tuan, ada lagi apa-apa maklum balas, Tuan?
9
10 **ZUL** Saya, apa ini, setuju bahawa in reference of to third party, this is in
11 relation to, normally it is related to law enforcement agencies that we
12 are sharing the information. But there are instances where third party in
13 for example civil litigants, so there is, they also ask us to disclose
14 information which really have no, we are not disclosing to the third party.
15
16 **CHM** En Zulkarnain, do you consider the police as a third party?
17
18 **ZUL** The police... it is not... it is a third party but within the power of the
19 Commission to share information.
20
21 **CHM** What about SPRM?
22
23 **ZUL** Yes.
24
25 **CHM** Is it a third party?
26
27 **ZUL** Yes.
28
29 **CHM** Ya?
30
31 **ZUL** Ya.
32
33 **CHM** Is it a third party or no?
34
35 **ZUL** It is a law enforcement agency within the ambit of this, the assistance
36 that the Commission can share information.
37

1 **CHM** Ok, now, I come to SUHAKAM. We are established by an act of
2 parliament.
3
4 **ZUL** Yes.
5
6 **CHM** And to do certain things kan?
7
8 **ZUL** Ya.
9
10 **CHM** Including to conduct this inquiry kan to the disappearance.
11
12 **ZUL** Yes.
13
14 **CHM** Do you... when we ask for information, do you consider us as third party
15 when what we are doing is just like the police or SPRM that we are
16 doing as mandated by an act of parliament?
17
18 **ZUL** Yes. No, what I mean is it is... we don't consider SUHAKAM as a third
19 party, it is part of the exercising its powers under an act of parliament.
20 So what we mention, I think in the, just to clarify on the letter, it's a
21 general in terms. So when we explain the process of obtaining
22 information, how you can get the information, is through that process.
23 In its general terms, not specific to say that we will not disclose to
24 SUHAKAM. So it's just an explanation of the process. How third party,
25 or even if law enforcement agencies, police also, we will say we don't
26 have this information, the IO need to go to the next step that is go to the
27 AG and get an MLAs. So that, in that context, the process, not saying
28 that we will not disclose to SUHAKAM.
29
30 **CHM** Thank you, En Zulkarnain, I'm happy to hear that, I'm pleased to hear
31 that.
32
33 **ZUL** Alright.
34
35 **CHM** Ok, Mr Simon.
36

1 **SK** Thank you, Dato' Seri. Thank you, En Zul. So meaning dalam keadaan
2 ini cuma MCMC tidak mempunyai maklumat untuk berkongsi dengan
3 SUHAKAM tapi bukannya bermaksud tidak mahu, tidak mempunyai
4 kuasa untuk berkongsi dengan SUHAKAM ya?
5

6 **ZUL** Ya. Third party maksud di situ... because we have cases of litigants or
7 individuals coming to us to request us to look or to identify the owners
8 of this emails accounts. So we have... in fact we have a Court decisions
9 to say we are not dutybound, decision by a Court that we are not
10 dutybound to disclose information.
11

12 **SK** Thank you, Tuan. Tn Zul, my questions specific by this public inquiry
13 into the disappearance of these two individuals, Joshua Hilmy and Ruth
14 Sitepu. Besides SUHAKAM, anyone have contacted MCMC and
15 requested for your information about these individuals?
16

17 [02:00:00]
18

19 **ZUL** We have received, to my knowledge, we have received a request from
20 PDRM on the matter in 2017 and 2021. But we are, it's the same, it's
21 the same results that, the same answer that we gave to SUHAKAM. We
22 are unable to identify.
23

24 **SK** Do you have the request made by the PDRM with you, the two requests
25 now?
26

27 **ZUL** The two requests, because, ok let me, let me check again whether
28 what... no, sorry, August 2020, that's -
29

30 **SK** August?
31

32 **ZUL** Yes.
33

34 **SK** From?
35

36 **ZUL** From PDRM.
37

1 **SK** Any name?
2
3 **ZUL** From Ketua Balai, Ketua Polis Balai, Balai Polis Sg Way.
4
5 **SK** Ada nama ke, Tuan?
6
7 **ZUL** Yang tandatangan, Zulfadhly bin Yaacob, Inspektor.
8
9 **SK** Ok. Terima kasih, Tuan. Bagaimana –
10
11 **ZUL** Pegawai IO, dia IO.
12
13 **SK** Ya.
14
15 **ZUL** IO untuk kes.
16
17 **SK** Ya, terima kasih, Tuan. Beliau juga merupakan salah seorang saksi
18 kepada kes ini. Tuan, bagaimana dengan permintaan pada tahun
19 2017?
20
21 **ZUL** 2017, sekejap, ya. 2017. So yang itu saya kena semak balik.
22
23 **SK** Tuan boleh dapatkan maklumat itu sekarang atau tidak?
24
25 **ZUL** Saya tak dapat beri maklumat itu sekarang.
26
27 **SK** Jadi –
28
29 **ZUL** Tapi pada 2017 itu request yang sama as in 2020.
30
31 **SK** Ok. Adakah SKMM memberikan maklum balas kepada PDRM pada
32 tahun 2017?
33
34 **ZUL** Kita ada bagi maklum balas.
35
36 **SK** Ada. Dan permintaan pada tahun Ogos 2020 –
37

1 **ZUL** (02:03:42 inaudible).
2
3 **SK** (02:03:42 inaudible).
4
5 **ZUL** Ya.
6
7 **SK** Ogos 2020, ya?
8
9 **ZUL** Ya, Ogos 2020.
10
11 **SK** Ok. Adakah dia berkenaan perkara yang sama kalau MCMC sudah
12 menjawab –
13
14 **ZUL** Ya.
15
16 **SK** Mengapa PDRM bertanyakan perkara yang sama ataupun perkara
17 yang berbeza.
18
19 **ZUL** Ini, yang itu saya tak dapat, di luar pengetahuan saya sebab saya tak
20 proses permohonan ini, itu cuma dalam pengetahuan saya, ada
21 permohonan.
22
23 **SK** Ok. Terima kasih, Tuan. Jadi selain SUHAKAM, hanya PDRM sahaja
24 yang meminta maklum balas daripada MCMC, Tuan?
25
26 **ZUL** Ya.
27
28 **SK** Tuan, saya ada satu soalan tadi tertinggal mengenai pengesanan emel,
29 adakah pihak MCMC boleh membuat pengesanan atau semakan
30 melalui IP, internal, internet protocol, sesuatu emel?
31
32 **CHM** Tunjuk balik surat tadi, Mr Simon? Surat tadi, ya. Our queries, jawapan,
33 surat jawapan MCMC tadi.
34
35 **SK** Zaidi?
36
37 **CHM** Ok alright, yes.

- 1
- 2 **SK** Ok. Ini just soalan tambahan tadi, pada soalan-soalan tadi berkenaan
3 alamat emel. Adakah pihak MCMC boleh membuat semakan ataupun
4 pengesanan, tracing, ya, melalui internet protocol?
5
- 6 **ZUL** Kita tak boleh buat tracing sama juga seperti maklumat berkaitan
7 dengan call data report, maklumat yang sama berkaitan dengan IP
8 tracing pun kita tidak dapat, apa ini, berikan, membekalkan maklumat
9 tersebut kerana perkara-perkara tersebut ataupun maklumat itu berada
10 di pembekal perkhidmatan.
11
- 12 **SK** Ya berpangkalan di luar negara tersebut?
13
- 14 **ZUL** Dan berpangkalan di luar negara dan juga local ISP pun.
15
- 16 **SK** Maksudnya, Tuan, local ISP itu?
17
- 18 **ZUL** Local ISP, sebab dia apabila kita akses internet, kita akan dapat satu
19 IP address, dan IP address ini, dia akan, ada satu akan dibekalkan, dan
20 IP address ini juga akan di, apa, dikesan di Yahoo ataupun mana-mana
21 laman sesawang, dan mereka yang ada maklumat itu, which particular
22 IP, dari mana IP itu. Jadi itu yang, apa ini, memang tidak ada dalam,
23 apa ini, simpanan kami ataupun akses kami.
24
- 25 **SK** Ok. Terima kasih, Tuan. Tuan, just my last question, yes, my last
26 question. Adakah pihak Tuan mempunyai apa-apa maklumat lain yang
27 dapat membantu siasatan awam ini?
28
- 29 **ZUL** Setakat ini, saya, kami tidak ada maklumat yang boleh membantu
30 siasatan ini kecuali apa-apa yang telah dimohon oleh pihak polis dan
31 juga pihak SUHAKAM kepada kami.
32
- 33 **SK** Terima kasih, Tuan. Dato' Seri, I have no further question.
34
- 35 **CHM** Thank you, Mr Simon. The time now is 12:07PM, I would to stop this
36 session at 01:00PM so you got almost an hour, yes, 01:00PM, yes. So

1 any question, well, from, well, I begin with members of panel committee,
2 any questions to the witness?
3
4 **PM1** No, Dato' Seri, not for the time being, yes.
5
6 **PM2** Yes, thank you, En Zulkarnain. The control of, or the office of Yahoo is
7 based in USA. If they, do they have an office, a local office? Do such
8 email providers or internet providers, while they operate HQ or their
9 servers are overseas, if they have an office locally, does that come
10 under the powers of the Commission?
11
12 **ZUL** It is not necessarily so because probably it's just, we, they are not
13 undertaking any activities. It is just probably, it's just a marketing office
14 so in terms of the, where the data resides, it can be anywhere so, but
15 control and access over data is governed by the policies set by the,
16 where the organisation resides lah or where the company resides.
17
18 **PM2** Thank you. Is there any email addresses that is it's company or its
19 domain company, is based in Malaysia? I mean, we know the usual
20 Gmail, Yahoo, but is there any company that provides emails in
21 Malaysia?
22
23 **ZUL** Yes, I would, you can register your, for example, you can register your
24 email through MYNIC –
25
26 **PM2** MYNIC.
27
28 **ZUL** So that's domain name, domain name 'dot my' is a regulated domain
29 name. So anyone wanted to use 'dot my' for email or websites, that can
30 be provided for.
31
32 **PM2** Thank you. So if that email address was say, subject of this inquiry or
33 the police inquiry, would then your office or your Commission be able to
34 give us more data and details about that email, originating within the dot
35 my domain?
36

1 **ZUL** I would as I suggested, it is those information it's advisable to obtain it
2 directly from the service providers.
3
4 **PM2** Ok.
5
6 **ZUL** Providers of that service.
7
8 **PM2** Ok. So even if we came to you, then you would then –
9
10 **ZUL** Yes, we have to refer back to –
11
12 **PM2** Refer back to them?
13
14 **ZUL** To them. Yes.
15
16 **PM2** They would –
17
18 **ZUL** Because we don't... yes.
19
20 **PM2** Ok.
21
22 **ZUL** (02:10:58 inaudible).
23
24 **PM2** So but the difference is that office will be in Malaysia so you can then –
25
26 **ZUL** Yes.
27
28 **PM2** Ask, ask lah. Alright, Thank you. And finally on this just maybe need a
29 little bit more clarification about the local ISPs, the, you said the IP
30 addresses it generates an IP address and that IP address can by only
31 read by just Yahoo in the US.
32
33 **ZUL** Yes.
34
35 **PM2** Because we are communicate, I mean, the user, Yahoo user is sending
36 the email from say, Petaling Jaya using a laptop –
37

1 **ZUL** Yes.

2

3 **PM2** Generating an IP address in Petaling Jaya but only USA will know that.

4

5 **ZUL** Yes.

6

7 **PM2** But in terms of the gateway for the infrastructure for internet providers,
8 it is, I mean, of course the fibre optic and, you know, all the different
9 hardware, isn't that not under the powers of the Multimedia Commission
10 in terms of licensing that part? And if it is under your power, then would,
11 whatever that goes through that gateway, you have access or it's a
12 hands-off agreement? If you can explain a little bit, Mr Zul?

13

14 **ZUL** In terms of the, in terms of the infrastructure, is to, I would equate this
15 like a water pipe. A pipe, a water that runs through a pipe, so although
16 I'm the regulator of the infrastructure, the pipe, or even the water, I have
17 no means to, you know, to check every component of the water so
18 there's so much traffic going to the infrastructure, it is not possible. That,
19 and the IP address, it may hop to other part of the nodes, other nodes,
20 so it is what, and it, what will happen is that that request may comes
21 from a, it's separated coming from Japan, Singapore, but it, the, it
22 reaches final destinations that's the IP address that will identify. So that,
23 this is what, I would say that we are unable to, although we regulate the
24 infrastructure, but the infrastructure have no capabilities of, of doing
25 that. Unless gateway, you, you have a single gateway and probably you
26 filter everything.

27

28 **PM2** Which we don't have, right?

29

30 **ZUL** Don't have.

31

32 **PM2** Ok. So a single gateway will be something like in China? Is the –

33

34 **ZUL** That's right.

35

36 **PM2** Model? Ok thank you, understand. Thanks, Mr Zul. Thank you, Dato'
37 Seri.

1
2 **CHM** Any question from observers?
3
4 **PK** May I commence for the observer of the family, with your permission?
5
6 **CHM** Yes, Mr Koh.
7
8 [02:15:00]
9
10 **PK** En Zulkarnain, my name is Philip Koh, together with me is my two
11 colleagues from the bar, Malaysian lawyers, representing the family of
12 the Indonesian, Ms Ruth Sitepu. We want to record our gratitude for
13 your coming to give assistance to finding the truth of matters concerning
14 their being missing. Dato' Seri Chairman, thank you for Mr Simon for
15 helping us to lay down the framework. We will not repeat, alright, what
16 is already disclosed because that would be prolonging a matter that has
17 no additional insight, but we want to draw attention to certain salient
18 issues, that has a reason, My role will be to touch on the Act 588 and I
19 thank Faiz that he will now bring it up to the share screen. My colleagues
20 will go down to a little details on the PDRM communications with
21 MCMC, alright. With those remark, we, I will proceed with the general
22 salient important points I want to highlight from you have disclosed.
23 Would that be alright, En Zulkarnain?
24
25 **ZUL** Yes, sure, sure.
26
27 **PK** First of all, may I ask the, you, may I ask, do you have any legal
28 background or training?
29
30 **ZUL** Yes.
31
32 **PK** Could you explain what is the legal background?
33
34 **ZUL** I was, I graduated from University Malaya in 1989.
35
36 **PK** From the Faculty of Law?
37

1 **ZUL** Yes.
2
3 **PK** You are the alumni of my faculty.
4
5 **ZUL** Probably, yes, yes.
6
7 **PK** 1989, I left in 1985. Thank you so much. You graduated... did you
8 practice, did you get call to the Bar?
9
10 **ZUL** Yes, I did practice for a good six years.
11
12 **PK** In a, in a private law firm?
13
14 **ZUL** Yes.
15
16 **PK** Not in the AGC, no?
17
18 **ZUL** No, no.
19
20 **PK** Where, where do you practice? Just to understand –
21
22 **ZUL** KL.
23
24 **PK** Your background.
25
26 **ZUL** Kuala –
27
28 **PK** You are in Klang Valley, Kuala Lumpur?
29
30 **ZUL** Yes.
31
32 **PK** What's the nature of the practice?
33
34 **ZUL** Civil.
35

1 **PK** Civil. So you are well-equipped to understand and this is not meant to
2 be any side comment, well understand the approach to interpreting Acts
3 of Parliament like the MCMC Act.
4

5 **ZUL** Yes, yes.
6

7 **PK** And that's why you are in such a senior position. We are happy that one
8 of the UM alumni has reached such a senior position. We now, I now
9 want to take you back to the MCMC Act 588, alright. And as highlighted
10 by Mr Simon helpfully, can I have the Act in front of us? First of all, we
11 like to have a look at Section 3, the Objects of the Act, alright. Of course,
12 the preamble reads... not, not Section 4. Can I have the whole Act
13 again? Yes. And the top, at the preamble, the top of the Act says, 'An
14 Act to provide for and to regulate converging communications and
15 multimedia industries', so it is 'to provide for and to regulate', and you
16 have helpfully highlighted to us the categories of regulation which
17 include economic, social, consumer protection, alright, and the likes. I
18 would like to focus on security issue, alright. Under Section 3, the
19 Objects of the Act, and we don't need to rehearse everyone, but let's
20 have a look at Section 3(2)... can you scroll up, En Faiz, thank you.
21 Subsection 2, it says that 'The national policy'... this is re-articulating it
22 in the Act of Parliament, and therefore, it is an aid to interpreting how a
23 regulator should approach construing specific sections which is relevant
24 to our inquiry this afternoon. I would like to highlight Section 3(2)(b), 'To
25 promote a civil society where information-based services will provide
26 the basis of continuing enhancements to the quality of work and life'.
27 It's a very noble objective. And then (j) which is important, 'to ensure
28 information security', could you just help us, what does –
29

30 **AZB** Paragraph (j)?
31

32 **PK** J, sorry, J, letter 'J'. I apologise. En Zulkarnain, could you, in your own
33 understanding as a senior management staff, what do you mean by
34 'information security'?
35

36 **ZUL** When we talked about information security, this is in related to how and
37 what system, in this, again, in the context of regulators, in terms of how

1 we regulate what licence conditions, what type of regulations, what
2 instruments that we put in place to ensure that service providers have
3 the level of security to protect the security of the information in their
4 network. That is one. And network reliability and integrity is the
5 availability of services.

6

7 **PK** Yes, thank you so much for this. Now I take you to Section 4(1) of the
8 Act 588. And just read it for clarity.

9

10 **ZUL** 4?

11

12 **PK** Section 4(1) has a heading 'Territorial and extra-territorial application'.
13 Section 4(1) in particular says, 'This Act and its subsidiary legislation
14 apply both within and outside Malaysia', alright. Subsection 2, 'This Act
15 and its subsidiary shall apply to any person beyond the geographical
16 limits of Malaysia and her territorial waters', alright, of course then you,
17 it's a limiting sub-section, (a) and (b), alright. And then place, we don't
18 need to go into. So this extra-territorial application, could you explain
19 the scope of it? From what you just testified, it does seem to have
20 extremely limited application.

21

22 **ZUL** Alright, ok. This extra-territorial jurisdiction in the, in the context of, in
23 the context of the, in the context of Malaysian companies or licensees
24 that operates outside of Malaysia. So in that, in that context.

25

26 **PK** Alright so if there's a Malaysian licensee and a corporation –

27

28 **ZUL** Yes.

29

30 **PK** Then, or I may add a natural person, ok.

31

32 **ZUL** Yes.

33

34 **PK** A natural person, let's call him 'Mr Wong', alright. Mr Wong sitting in
35 Malaysia but he sets up a mobile, he buys a mobile from Singapore or
36 Hong Kong or elsewhere, or he sets up an internet account as to this
37 focus in Yahoo, US, but he's actually a natural person in Malaysia,

1 alright. In that sense, what he does with that account, whether it's
2 Yahoo or Singapore telco, alright, what it means is that this Act could
3 have application to him and his activities, correct?
4
5 **ZUL** To his activities, yes. To his activities.
6
7 **PK** Yes, I'm talking about a Malaysian party, alright.
8
9 **ZUL** Ok alright.
10
11 **PK** Based in Malaysia.
12
13 **ZUL** Yes.
14
15 **PK** This is important for us because in a way, we understand the
16 constraints, I mean of a Russian hacker sitting somewhere in some
17 facility deep in the Vladivostok, I mean.
18
19 **ZUL** Right.
20
21 **PK** What are you, how are you going to reach him, alright?
22
23 **ZUL** Right.
24
25 **PK** So that's a bit more, but I'll come to that example may be in a short
26 while, a very short while actually. Now I take you just we are on the Act
27 itself, so I don't want to jump around to give...
28
29 **ZUL** Yes.
30
31 **PK** I want to take you to Section 211. Faiz, terima kasih, can you scroll
32 down to Section 211 of the Act? To Section 211, 2-1-1.
33
34 **AZB** Yang ini ke, Tuan?
35
36 **PK** 2-1-1,
37

1 **SK** 2-1-1, Zaidi, 200.
2
3 **AZB** 2-1-1, ya.
4
5 **PK** Sorry, I should have provided it earlier in an excerpt but it's helpful that
6 we can scroll down the whole Act: 2-1-1, 211.
7
8 **MFR** Zaidi, 2-1-1, Zaidi, atas.
9
10 **PK** 2-1-1, ya, ok. Ok we are coming to it.
11
12 **AZB** Yes.
13
14 **PK** Going up, going up some more.
15
16 **AZB** Tak ada, yang ini sahaja.
17
18 **MFR** I think we don't have.
19
20 **AZB** Yes, this one sahaja.
21
22 **PK** No, 211, section.
23
24 **AZB** Tak ada, yang dalam scanned ini, hanya ini sahaja, Tuan.
25
26 **PK** Ok never mind. I can read. May I read it out, Dato' Seri, I apologise that
27 I didn't –
28
29 **CHM** Yes.
30
31 **PK** Scan it earlier because it came quite late. En Zulkarnain, since you have
32 legal training, you could listen on it carefully. Section 211 of the Act 588
33 reads this way, 'No content application service provider, or other
34 person', other person which will include natural persons or residents in
35 Malaysia, 'using a content applications service, shall provide content
36 which is indecent, obscene, false, menacing', menacing, yes, 211,
37 'menacing or offensive in character with intent to annoy, abuse,

1 threaten', the word 'threaten', mengancam, 'or harass any person'. Are
2 you familiar with this section?
3
4 **ZUL** Yes, yes.
5
6 **PK** Now we have the section, yes?
7
8 **ZUL** Yes.
9
10 **PK** Thank you so much. So I would highlight two words, two or three words,
11 'menacing, offensive, with the intent to abuse, threaten or harass any
12 person'. This is a provision in the Act which your agency requires to
13 police and to regulate. Subsection 2 says, 'A person who contravenes
14 subsection (1) commits an offence', and then the offence is laid out.
15 Now under such a section, I would like to now borrow from En Simon
16 the hypothetical which is not necessary hypothetical in our case, but
17 with an additional position that did not happen. Let's say a person, let's
18 say because you are aware that the letter written to you have asked you
19 to investigate parties that own the email account, Joshua Hilmy, Ruth
20 Sitepu. Let's say that from the perspective of Joshua Hilmy, a Malaysian
21 citizen residing in Malaysia, received from another person and in this
22 case, the Wifigurl email, alright, a person who uses that email, a
23 menacing, threatening with the intent to threaten Joshua Hilmy. Let's
24 say and this, this hypothetical, of course, because it didn't happen. Let's
25 say that Mr, En Joshua Hilmy or his NRIC name, Hilmy Hanim, comes
26 to make an official report to your good agency and disclosed that the
27 Wifigurl email which has a name there carrying your current Minister of
28 Science and Technology in charge of your agency. Let's say that
29 happened in 2017 or '16, late 2016, he comes and report to your agency
30 and say 'Listen, there is this person who is named there as En Khairy
31 Jamaluddin whom I assume he is the minister and there is a threatening
32 email from this gentleman. Now, what can your agency do when a
33 report is made specifically complaining that Section 211 has been
34 contravened, alleging, right? Because it's a specific complaint, it's not
35 like just trying to find out, busy body, alright, it's not like that. I mean,
36 the examples can multiply but I'm focusing on this. It can be a massive
37 scammer and it can be ex of criminal threatening, even kidnapping or

1 murder or waging war against the Yang DiPertuan Agong, alright. But
2 that may not multiply to dramatic the incidents, but this is dramatic
3 enough for us that Mr Joshua Hilmy comes to you, hypothetically he did
4 not because he was anxious not to contact, and in any event when he
5 looked at it, if it is, if it was truly from YB Khairy Jamaluddin, he might
6 find it meaningless to come to the agency where, of course that time,
7 the Honourable Minister was not a minister in-charge of yourself but he
8 was a Minister of Youth and Sports then. He might find it useless to
9 come to you because that's part of the government of Malaysia of which
10 he felt anxious that he was being threatened, alright, or a minister is
11 threatening him. So I pause, it is a long example but I'm augmenting or
12 leveraging on Mr Simon's hypothetical but descending on a bit of
13 specifics in this case, would you like to answer that, En Zulkarnain? Let
14 me frame the question again. If such a report is made under Section
15 211, as I just outlined to you, what would your agency do?
16

17 [02:30:00]

18
19 **ZUL** Ok if a report has been lodged under Section 211 to us, ok we will
20 investigate the complaints and we will make assessment in terms of
21 identifying who the, who could be potentially the person behind the
22 email.
23

24 **PK** Yes.
25

26 **ZUL** But as I said, we will pursue based on whatever available information
27 within our, what is permitted, ok. I've mentioned about within the public
28 domain and secondly, in our analysis, from our experience also, there
29 are instances there is a hypothetically, ok, we can find the person or we
30 can also discover, there's many possibilities, one, ok, that person is,
31 we, we can find that person and we can attributes the email to that
32 person, ok, or the suspect, the sender of that email. Secondly, we can
33 also, there is also a situation where the email cannot be attributed to
34 any person probably it is a fake, the account, the email account was
35 created was using a fake account, one. Secondly, there is also a
36 possibility of the account was created by a machine, so robots. So that
37 is also another possibility. So we have to dig deep to understand and

1 analyse based on the available information to identify that person. We
2 will pursue. No doubt about it.

3

4 **PK** That's –

5

6 **ZUL** Then we have cases, we have cases of ordinary people being harassed
7 and we investigate. No, it's no –

8

9 **PK** Yes.

10

11 **ZUL** (02:34:02 inaudible). As long as there is complaint and it is within the
12 ambit of 211 or 232.

13

14 **PK** Ok now we zero into the Yahoo constraints. You did highlight that you,
15 there could be a possibility if it is serious enough and the resources of
16 MCMC may be used, if, if, alright, to apply for a Court order in US, for
17 example, and/or through the special relationship that you all have that
18 a dual crime has been committed, alright. Let me focus on the second
19 limb. A threat to the life of a person in Malaysia, alright, I'm talking about
20 in Malaysia, like someone like Joshua Hilmy, received out from a Yahoo
21 account Wifigurl pretending to be a YB, let's assume he's, in the
22 assumption he's impersonating, alright, without, we are not US lawyers,
23 I know, a threat to commit an offence like that, kidnapping, or life or
24 liberty, alright, to cause harm to the person under any Anglo-American
25 law would be a crime, alright.

26

27 **ZUL** Yes.

28

29 **PK** Would you agree that assuming it is also a crime in USA, MCMC could
30 approach and who would you approach, who would you approach to
31 say 'We need to uncover (02:35:49) who is the owner, who register',
32 because when someone register for email, that someone has to provide
33 some details to that domain provider, alright?

34

35 **ZUL** Right.

36

1 **PK** Would you say that this would qualify if we could produce clarity that
2 there was threats in email emerging from Wifigurl Yahoo to a Yahoo
3 account of Joshua that we need to have the original emails of all these
4 threats and also in particular who owns the Wifigurl Yahoo. Would you,
5 would you answer that question for us and help us to understand?
6

7 **ZUL** Yes, ok. As I've mentioned, it has to go through the process. If it met
8 the requirements of, I've mentioned that there is a requirements for MLA
9 so but that portion, that part is not on the part of the LEAs. So LEAs role
10 is to get the motion going, applying to, through MLAs for that, for, to get
11 the information from the, from the US entity.
12

13 **PK** En Zulkarnain, to help us, because you are very familiar with these
14 acronyms.
15

16 **ZUL** Yes.
17

18 **PK** We are mere outsiders in this and, what is MLA, what is LEA, I mean,
19 just give us some –
20

21 **ZUL** Ok sorry, sorry. MLA refers to Mutual Legal Assistance.
22

23 **PK** Yes, thank you.
24

25 **ZUL** Ok. LEAs is Law Enforcement Agencies.
26

27 **PK** Yes, so MLA, Mutual Legal Assistance?
28

29 **ZUL** Assistance, yes.
30

31 **PK** So MCMC has a mutual legal assistance.
32

33 **ZUL** No, no.
34

35 **PK** With anybody or is it the government of Malaysia?
36

1 **ZUL** The government of Malaysia. The government of Malaysia have treaties
2 with countries that signs the MLAs. So these are treaties between
3 government to government.
4
5 **PK** Ok because for many of us who do not –
6
7 **ZUL** (02:38:10 inaudible).
8
9 **PK** Who do not practice in this area, this is very important. So that will come
10 under the Ministry of Foreign Affairs together with the AGC, right?
11
12 **ZUL** Right.
13
14 **PK** The Attorney General Chamber.
15
16 **ZUL** Yes, yes.
17
18 **PK** There would be some MLAs. Are you aware of MLAs –
19
20 **CHM** And that will be the MLA Act, I think, there's an Act. I'm sure you are
21 familiar, En Koh?
22
23 **ZUL** Mutual Legal Assistance Act –
24
25 **CHM** MLA Act, ada, ya?
26
27 **ZUL** Ada, ada.
28
29 **PK** I'm afraid I'm not an international lawyer. For a long time I have studied
30 it in my alma mater long time ago but, but En Zulkamain, could you help
31 us because you are in this area, a little bit? But Dato' Seri, thank you for
32 that. There is a MLA Act, is it?
33
34 **CHM** Yes.
35
36 **ZUL** Yes.
37

1 **PK** Alright, in other words, I do not wish, I now want to make it concrete
2 although again, it is no desire to prolong matter, if now as counsel for
3 Ms Ruth Sitepu and in directly, for Joshua Hilmy, we write an official
4 letter over Section 211 because we are focusing on that now, alright.
5 And now say that we want MCMC, we will also cc a copy of the letter to
6 maybe Minister of Foreign Affairs, if need be, or AGC. We want the MLA
7 to be, alright, brought to bear in this matter and we produce adequate
8 reasonable cause for it because there are emails or copies of those
9 emails because we can't get the original, we don't, we cannot enter the
10 domain of the actual email because the person has, is missing. But we
11 have copies of this email where threats to his life and abuse and
12 possible with liberty, alright, has been issued with the intent under 211.
13 If we do write on that, to your good self, alright, would a process, can
14 the process be started to trace who owns Wifigurl Yahoo using the
15 MLA? Can you answer?

16
17 **ZUL** This is the hypothetical question, right?

18
19 **PK** No, we will now translate it to concrete.

20
21 **ZUL** Ok.

22
23 **PK** By next week, you will get a letter like this. I want you now to tell us, can
24 we, can we look towards the cooperation of MCMC because we are
25 writing through the cover of SUHAKAM which just now you have
26 assured Dato' Seri and the panellists as commissioner that you were
27 caught that respect, which you have always been, I mean, En
28 Zulkarnain, I would like to put on record. There is no, we do not sense
29 in any way your lack of cooperation or agency, although you are
30 constrained and you gave some generic answers. Now we descend
31 from the generic to the specific. Next week, on behalf of Ruth Sitepu,
32 we will write a letter like that, alright. And we want, we would desire, we
33 would respectfully request the agency to start the process of MLA to
34 trace who owns Wifigurl because this is critical to this inquiry.

35
36 **ZUL** Ok alright. First of all, we need to see, we will need to evaluate the
37 content of the email, the alleged –

1
2 **PK** Yes, sure.
3
4 **ZUL** Of the alleged threatening email.
5
6 **PK** Yes.
7
8 **ZUL** And whether it falls within the ambit of that provisions, it fulfil the
9 ingredients of 211.
10
11 **PK** Sure.
12
13 **ZUL** Yes, so if because, if it fulfils, then we will investigate.
14
15 **PK** Explain 'investigate'. Would you escalate the process through the
16 Attorney General's Chamber if need, necessary or through –
17
18 **ZUL** If it is necessary, we will get the, what is needed to complete the
19 investigation.
20
21 **PK** Which will include invoking MLA?
22
23 **ZUL** If there is a requirement for that, that, it will, we will invoke.
24
25 **PK** No, wait, we are making a humble, but respectfully by robbers request
26 now.
27
28 **ZUL** Yes.
29
30 **PK** Because if you don't, I mean, this is not a threat, we are talking as
31 lawyers.
32
33 **ZUL** Yes.
34
35 **PK** We will actually apply for mandamus, alright, to command you to do it
36 because this is very, very important to us, to our client.
37

1 **ZUL** Right.

2

3 **PK** It is not in any discourtesy as we all know judicial review –

4

5 **ZUL** Yes, yes, we –

6

7 **PK** If you understand the law, not to threaten or intimidate or, you know.

8

9 **ZUL** I know.

10

11 **PK** We don't want to go there because that would require a lot of resources.

12

13 **ZUL** We are organisations that respect laws, we have been taken to Court,
14 as I've mentioned. People asking us to do things that... so we are very
15 open and transparent and respect the process of law. So if any actions
16 that is deemed not in accordance with what has been or, we have the
17 power but we don't exercise, it is at parties are at liberty to, you know,
18 challenge our decision. And it is provided for in the framework, our
19 legislation, under the (02:43:57 inaudible).

20

21 **PK** Thank you, Zulkarnain. I mean, this is reassuring. Panel, I do now make
22 a clear commitment. We want to follow up on alleged contravention of
23 211. We will follow up with a letter on this, and it's important enough, as
24 I said we, I hesitate to do it because there's no desire to postpone the
25 closure of this matter but this is of high importance because the identity
26 of the people behind Wifigurl is in many ways critical to the
27 circumstantial evidence of which we hope will cumulate to point to the
28 enforced disappearance of our client with her spouse. Anyway, that's
29 for submission. Thank you, En Zulkarnain for that. I'm coming rapidly to
30 closing my part and then a short one or two mopping up questions from
31 Ms Audrey or perhaps Mr Cyrus Tiu too. Can turn to Chapter 3 of the
32 MCMC Act 588? Chapter 3 talked about powers of entry investigation
33 and prosecution, alright. Do not wish to go into all, I mean, any detail of
34 these sections, alright, but just a general question. You would agree,
35 En Zulkarnain, that these powers of entry investigation, alright, are vast
36 and quite efficient, so long as, of course, the parties and persons are
37 within the territory and jurisdiction of Malaysia, agree?

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[02:45:00]

ZUL Agreed.

PK Ok. Sorry, I just want to back off again, on the international part. Just one question before I descend to this. Are there any international bodies that govern the regulation of domain holders, major domain holders like Hotmail, Yahoo and what they do, I mean. Or they completely in a wild-wild west, anybody can open up a Yahoo, Hotmail account and do criminal activities. Are there, does MCMC belong to any treaty organisation that actually is looking into this because we know now that for example, and this is for judicial notice, the hackers of the world now are threatening to shut down health services, banking services, alright, defence, even Pentagon is being threatened, alright. Surely in your long career in this area, could you highlight for us, are there a body which deals with this, which MCMC may make use of, analogous to the PDRM with the Interpol, alright, a comparison of that. Are there such a body?

ZUL No, no such body. There is no such body that oversees the activities. The only, it is more or less, it's a, it's relates to domain name, the naming convention, inter-operability of the internet and those kind of arrangement.

PK Ok. Thank you.

ZUL Internet... yes.

PK But, ok, again, this is hypothetical, if you, I mean, your agency, together with PRDM is aware of a major syndicate using domain names or emails, alright, impersonating police, custom, we all know, hundreds and millions are lost to victims of scammers, can, can there be a sting operation, I mean, I read recently the Australian and UK created a sting operation to track, and, people using such false domain names, criminal, alright, or using VPN, we are aware of VPN, networks. Is it possible, does MCMC engage in anything like that before, may I ask? Or is it too sensitive a question?

1

2 **ZUL** No, I think it is for us, we are the technical agencies, technical in the
3 sense, we have a, we involved, for example, in the area of Ops Pangea,
4 that is related to pharmaceutical products, be it illegal or counterfeits.
5 So that is, that is an area, but mostly commercial crime or scams and
6 whatnot are being conducted by PDRM, the police.

7

8 **PK** Do you have a task force or common committee where regularly these
9 issues with PDRM is being discussed so that, I mean, give the example
10 of a scamming, alright. It is so rampant, the financial institutions are
11 very, very concern because it touches the integrity of electronic banking
12 and give vain (02:50:00) to anxiety on that area, are there regular
13 meetings, policies and processes where your agency, MCMC deals with
14 the PDRM to improve and enhance such thing?

15

16 **ZUL** Yes, we do. We do have in terms of as we know criminals move their
17 modus operandi more often than not and even faster, they always
18 change the script or they always change the technique of to reach their
19 victim so we also have regular meetings to understand what are the
20 changes, what are the trends and what are, what we can do at the
21 network level, in which area that we regulate. What we can facilitate in
22 terms of intervention, in terms of setting up rules, what are numbers that
23 could not come into the network and these have actually eliminate
24 some, or mitigate risks to Malaysians in terms of being victim of scams,
25 to have a, blocked millions of numbers from coming into the country. So
26 that's why they have many ways to get to their, to the victims but we are
27 also looking at ways and means together with the internet banking task
28 force or PDRM to look into addressing this concern.

29

30 **PK** En Zulkarnain –

31

32 **CHM** That will be all, that will be all, Mr Koh.

33

34 **PK** Yes.

35

36 **CHM** Another eight minutes to 01:00PM, kita nak stop. Can you wrap up by
37 01:00PM? Can you finish off your questions?

1
2 **PK** I can, I can wrap up.
3
4 **CHM** Yes.
5
6 **PK** Yes, alright. The Section 265 of the Act says that you can intercept,
7 network interception capability. They used the word 'intercept'. Now this
8 is relevant, we are not digressing over financial thing because part of
9 our terms of reference is to recommend to, you know, agencies or law
10 enforcement agencies if gaps are there in, resulting in a potential crime
11 being committed, alright. So network interception is part of the capability
12 of MCMC, yes, ok.
13
14 **ZUL** If I may, Dato' Seri Pengerusi.
15
16 **PK** Yes.
17
18 **ZUL** That is just... we don't have that capability.
19
20 **PK** Yet.
21
22 **ZUL** Yet.
23
24 **PK** Just an aspirational statement.
25
26 **ZUL** Ok.
27
28 **PK** Alright.
29
30 **ZUL** Just to clarify upon that we don't have that capabilities.
31
32 **PK** Ok I have completed my round of question, Dato' Seri. I'm not sure my
33 co-counsel want to add, one or two things and we can wrap up or not,
34 but, could you... Audrey, do you, would you like to follow up one or two
35 questions? Can we finish by 01:00PM? Can we try?
36
37 **AP** Will, yes, we'll try.

1
2 **PK** Thank you.
3
4 **AP** Thank you so much, panel members. En Zul, if we could just, just kindly
5 seek (02:53:45 inaudible) question.
6
7 **ZUL** You dropped. You are dropping, I couldn't hear.
8
9 **AP** (02:53:52 inaudible), and email address, how is that... ok, I will try to
10 turn off my video. Yes, the question is could you assist us, to tell us how
11 does an email (02:54:14 inaudible) that registered ending with (02:54:18
12 inaudible).
13
14 **ZUL** Sorry, I can't hear the question.
15
16 **CHM** Counsel, why don't you show yourself? I can't see you.
17
18 **AP** Yes. Dato' Seri, I do –
19
20 **PK** We can't hear you, Audrey.
21
22 **AP** Apologise, my internet connection is giving me trouble. Ok can I be
23 heard now?
24
25 **PK** I know you are calling in from Seremban, it's that poor? Cyrus, can you
26 take over the questioning of the same question?
27
28 **TFW** Hi, so yes, if Audrey, the question that you want to ask is from the list
29 of questioning so I will, I will ask on behalf of Audrey.
30
31 **PK** Thank you. Quickly, Cyrus, yes, you try.
32
33 **TFW** Alright.
34
35 **PK** Thank you, Audrey. I apologise that we asked Mr Cyrus Tiu.
36
37 **TFW** Alright, I'm also not sure what she wants to ask actually.

1
2 **PK** It's ok. Just ask it. Just ask.
3
4 **TFW** I just ask all the question that I have, that she has posted up. You see,
5 as in relation to the response from the letter by SUHAKAM, so other
6 than the letter from dated September 17th, did the MCMC receive any
7 other letter requesting on information for this case of Hilmy and this
8 Ruth?
9
10 **ZUL** No.
11
12 **CHM** From whom, Cyrus? From whom? PDRM or from SUHAKAM or from
13 both?
14
15 **TFW** From SUHAKAM. From...
16
17 **CHM** SUHAKAM?
18
19 **ZUL** SUHAKAM.
20
21 **TFW** 17th September.
22
23 **ZUL** 17th September.
24
25 **TFW** 2020.
26
27 **ZUL** That is the letter that we, I've –
28
29 **TFW** No, maybe I just put it this way lah.
30
31 **ZUL** Ok.
32
33 **TFW** Is there a request from SUHAKAM or PDRM in relation to this case,
34 request for siasatanlah.
35
36 **ZUL** Request for siasatan, no.
37

1 TFW Berkenaan –
2
3 ZUL But request for assistance.
4
5 TFW Yes, request for assistance.
6
7 ZUL Yes; yes, both. I received both from, we received from SUHAKAM and
8 PDRM.
9
10 TFW Yes, in relation to PDRM, when did the MCMC receive the request?
11
12 ZUL Just we have, I think I have answered that.
13
14 TFW Alright.
15
16 ZUL That question has been answered.
17
18 TFW Yes, that's the only time that the request by the PDRM, right?
19
20 ZUL Yes, yes.
21
22 TFW Alright. Other than that, any other request from PDRM?
23
24 ZUL No.
25
26 TFW Has the PDRM, other than the letter, has the PDRM came to the office
27 to ask for further assistance?
28
29 ZUL No.
30
31 TFW And in relation to this email, email, the Wifiguri email, so En Zul pernah
32 menerima apa-apa aduan berkenaan dengan penyalahgunaan alamat
33 emel tersebut?
34
35 ZUL Tak ada.
36
37 TFW Do you receive... tak ada?

1
2 **ZUL** Tak ada.
3
4 **TFW** In relation to, in relation to fake email or imposter email address, did, I
5 mean, how do the Commission deal with this kind of matter in general?
6 Adakah Commission ada team yang screen through fake account,
7 scammer account, whether they have a list? Tak ada?
8
9 **ZUL** No.
10
11 **TFW** Tak ada list yang –
12
13 **ZUL** We don't monitor.
14
15 **TFW** Alright. Dalam kes ini, ada tak laporan dibuat oleh mana-mana pihak
16 berkenaan penyalahgunaan emel kakitangan kerajaan atau ahli
17 kabinet?
18
19 **ZUL** That one, saya tak ada maklumat tersebut so saya tak boleh nak bagi
20 keterangan tentang sesuatu yang saya tidak pasti atau tidak ada
21 pengetahuan. So to my knowledge, tak ada.
22
23 **TFW** Ok, Ok I think, I think that's all for the moment lah.
24
25 **CHM** Thank you, thank you, Mr Cyrus.
26
27 **PK** Mr Panel Chairman, just one, one very simple question.
28
29 [03:00:00]
30
31 **CHM** Yes, please, only simple question, yes.
32
33 **PK** Very simple.
34
35 **CHM** It is 01:00PM.
36
37 **PK** En Zulkarnain.

1
2 **CHM** Ok.
3
4 **PK** En Zulkarnain, the Yahoo server, alright, I understand that it could also
5 be located in Singapore?
6
7 **ZUL** Possible, that one I have no knowledge, no information, no... possible.
8 It can be anywhere, now with Cloud.
9
10 **PK** Ok if it is Singapore, would it be easier to find out the details?
11
12 **ZUL** I, because it has to go back to the US.
13
14 **PK** Not MLA? You don't have an MLA with Singapore?
15
16 **ZUL** The MLA is with the, where is the country, the company.
17
18 **PK** Ok. We will, we need to ascertain that. Thank you, Mr Chairman for
19 indulging.
20
21 **CHM** Thank you, so it's 01:01PM now, time to take a break. Shall we proceed
22 after, after the lunch break?
23
24 **TFW** Yes.
25
26 **CHM** Proceed, yes.
27
28 **TFW** Alright.
29
30 **CHM** Yes.
31
32 **PK** Thank you, Dato' –
33
34 **CHM** What about 02:30PM, is it alright? Is it too soon? 02:30PM?
35
36 **PM2** Yes, 02:30PM.
37

1 **CHM** 02:30PM is fine, yes? Ok, ok. We'll see everyone at 02.30PM then, yes.

2

3 **ZUL** Terima kasih.

4

5

END

6

7 **TIME :** [03:01:29]

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1 **DATE** : **16.07.2021**
2 **VIDEO TITLE:** **Sesi Petang**

3

4

START

5

6 **SK** Good afternoon, Dato' Seri, members, observers, colleague and
7 members from media and public. Dato' Seri, can we resume the
8 hearing?

9

10 **CHM** Yes.

11

12 **SK** Just now we stopped at the counsel for family. Ms Audrey said she may
13 have some questions. So, Ms Audrey, do you have any more
14 questions?

15

16 **AP** No. Mr Cyrus Tui has already asked the questions on my behalf and I
17 thank him for it. Thank you so much Panel Members for the indulgence.

18

19 **SK** Thank you, Ms Audrey. So, Dato' Seri, may I invite the representative
20 from PDRM to ask questions?

21

22 **CHM** Yes. PDRM?

23

24 **MSR** Dengan izin, Dato' Seri. Saya DSP Muhammad Sabri bin Mohd Raziff
25 sebagai pemerhati PDRM. Ok. Tn Zul, saya ingin bertanyakan
26 berkenaan dengan maklum balas yang diberi oleh SKMM pada tahun
27 2020, yang permohonan tersebut dibuat oleh Inspektor Zulfadhly bin
28 Yaacob OC balai ketika itu. Dan maklum balas yang diberikan oleh
29 SKMM adalah, 'SKMM meminta salinan asal emel tersebut disebabkan
30 salinan yang dihantar tidak jelas.' Boleh Tn Zul berikan penerangan
31 berkaitan maklum balas tersebut?

32

33 **ZUL** Ok. Maklum balas yang diberikan kerana, apa ini, attachment itu kita
34 tak boleh nak baca. Jadi, bila kita bercakap tentang keterangan
35 elektronik, apa ini, kita harus dapatkan butiran, apa ini, yang boleh
36 dibacalah. Kalau tak boleh nak baca, kitapun tak, apa ini, satu

1 perkataan ataupun simbol yang hilang, dia tak, apa ini, akan tidak
2 mencapai maksud ataupun akan, apa, perkara yang samalah, dapat
3 benda yang sama. So –
4
5 **CHM** Sebentar. Our team boleh paparkan emel itu?
6
7 **SK** Boleh, Dato' Seri.
8
9 **CHM** Tunjuk balik emel. Ya, yang kabur itu ya?
10
11 **MFR** Zaidi, Exhibit 76A.
12
13 **AZB** Sebentar, Faiz.
14
15 **MFR** Just to remind, Dato' Seri, this exhibit tendered in close session.
16
17 **CHM** Yes?
18
19 **AZB** Perluke saya papar sekarang, Tuan?
20
21 **CHM** Earlier it was in closed, can we refer to it? I suppose we can, isn't it? It's
22 the subject matter of the testimony of this witness. Ok.
23
24 **AZB** Saya paparkan sekarang, ya, Dato'?
25
26 **CHM** Ya. En Zulkarnain?
27
28 **ZUL** Ya. Ya, Dato' Pengerusi, ya.
29
30 **CHM** Kabur ya?
31
32 **ZUL** Adalah kabur, memang seperti yang, setiap maklumat itu adalah
33 penting dari segi, apa ini, untuk kita, kalau tengokpun tak boleh nak
34 baca wifigur! itu, setiap satu, apa ini, saya nampak 2376.yahoo.com.
35 Tetapi yang, apa ini, yang itu tak boleh nak baca. Sebab itu kami, apa,
36 perlukan salinan asal dokumen tersebut.
37

1 CHM Ya.
2
3 ZUL Untuk supaya –
4
5 CHM Ya?
6
7 ZUL Maklumat yang kami berikan ataupun kongsiakan menepati. Otherwise,
8 we will be giving wrong information or wrong lead. So, itu yang, apa ini,
9 biasanya kami, kami amat berhati-hati supaya we take this information
10 as lead for further leads for the IO to take next action. Tapi kalau kita
11 profilkan, apa ini, orang yang salah, jadi, apa ini, itu satu yang tak, apa,
12 bertanggungjawablah. Jadi, kita amat berhati-hatilah dalam perkara ini.
13
14 CHM En Zulkarnain, ya, memang kabur, ya?
15
16 ZUL Ya, kabur.
17
18 CHM Yang tak kabur, itu sahaja, tarikh tak kabur, ya?
19
20 ZUL Ya, tarikh tak kabur.
21
22 CHM It's Monday, 23.11.2015, 12:17PM. We'll try to make best of this date.
23 Ini tarikh apa ini Encik, boleh *diinterpret* tarikh apa ini, tarikh dihantar
24 atau tarikh diterima?
25
26 ZUL Tarikh dihantar. Tetapi format diapun saya tidak pasti itu. Sebab itu kita
27 nak dapatkan yang original.
28
29 CHM Ok.
30
31 ZUL Sebab yang lain itu, semuanya kabur. So, that gives us some flag lah
32 tentang, apa ini, tarikh itu. It's very critical. Yang lain, kalau kita
33 tengokkan, semuanya kabur kecuali tarikh.
34
35 CHM Ok. Proceed, Mr Simon.
36
37 PK Dato' Seri, sorry.

1
2 **CHM** Yes?
3
4 **PK** Since we are in this exhibit, rather than going back again, is it possible
5 for me to just interject a question?
6
7 **CHM** Sure, yes.
8
9 **PK** Sorry, I don't mean to interrupt, Mr Simon or the PDRM. Mr Zulkarnain,
10 I understand what you say. But, to be fair to all of us here, we can read
11 one of the sentence very clearly. It's not kaburlah. 'Jangan salahkan diri
12 saya jika anda ditahan oleh mereka.' Very clear, the sentence. Alright.
13 Now, this is relevant because, Mr Chairman, as I've indicated I, there's
14 no desire to prolong the hearing and I actually loath to write an official
15 letter over 211. Since the senior member of the MCMC is here, now, if
16 we now write a letter, either directly or through SUHAKAM because we
17 may be considered third party, that if a document like this in an email
18 have this sentence, do not fault me, I translate in English. 'Jangan
19 salahkan saya jika anda ditahan oleh mereka', there is a threat, a
20 menacing threat to detain someone. Now, you cannot say it's kabur, En
21 Zulkarnain, with respect.
22
23 **ZUL** Ok. Boleh saya jelaskan? Let me clarify.
24
25 **PK** Yes.
26
27 **ZUL** In reference, in terms of relevancy to this question of this exhibit –
28
29 **PK** Yes.
30
31 **ZUL** The question is on the identifying wifigurl. That is the technical
32 assistance that we are providing. We are looking, not looking into the
33 case. Our role as a technical agency in identifying wifigurl, not more
34 than that. So that is our role in assisting any law enforcement agencies.
35 Because the IO looks into the content, the threat. For us, the technical
36 agency, this exhibit was referred to us for the purposes of identifying
37 wifigurl. Not more than that.

1
2 **PK** I understand, Zulkarnain.
3
4 **ZUL** Yes.
5
6 **PK** When you refer to word 'IO', is it an IO from PDRM or you all have IO?
7
8 **ZUL** IO from PDRM.
9
10 **PK** You have no IO in your MCMC?
11
12 **ZUL** We have our IO.
13
14 **PK** So, wouldn't this merit an IO of MCMC to say, now, we take your
15 testimony earlier this morning regarding elevating it to MLA if a report is
16 made on this. I understand your distinction and I appreciate and respect
17 the distinction you are making. You are now trying to be evasive. You
18 now will answer this question. If a report, and it's not hypothetical, it's
19 coming, the letter, if a report is made based on this sentence in this
20 email and there are other emails that has language amounting to this,
21 a threat, will you in MCMC, will your division look at the enforcement,
22 look at this and say, yes, this merit a very deep probing as to who
23 wifigurl is who issued such a menacing threat? Would you? Can you
24 give us an opinion now?
25
26 **ZUL** I would have to evaluate the overall content of the email, whether there
27 is a threat or not. Whether it constitutes, fulfil the provisions of 211.
28
29 **PK** What is the criteria that will fulfil it?
30
31 **ZUL** Whether it's a menacing threat. So, different perspective or
32 contextually, it has to be taken into consideration.
33
34 **PK** I understand that. Sorry, to interrupt your response.
35
36 **ZUL** Because each content have to be evaluated. So, because many
37 perspectives to a content, when you look at the context.

1

2 **PK** Yes. But, 'jika anda ditahan oleh mereka', is it not a threat?

3

4 **ZUL** It's not a threat to me. The way I interpret it is that, it's just a alert. It's
5 not a threat. So, it depends, as I have said, I am, I interpreting in my
6 personal capacity.

7

8 **PK** Ok. Never mind.

9

10 **ZUL** Yes. That's what I said –

11

12 **PK** It's alright. I don't want to –

13

14 **ZUL** So, there's the IO or probably the AG might have different
15 interpretations. So, what we will look at whether it fulfils 211 or not. So,
16 contextually, not at the, not verbatim. So, contextually, it may, in your
17 perspective or in the, but for objectively, we have to evaluate it
18 according to what is provided for under 211.

19

20 **PK** We do appreciate that you have an objective view. What we are saying
21 is part of your duty, as we read out to you earlier, is to have the
22 flourishing of a civil society where people live in harmony. But there is
23 now a serious threat on a pastor, alright. And you are saying that
24 objectively, I don't think so this is so. I mean, anyway, we rest out. We
25 will deal with it when we write you the letter. Yes, thank you.

26

27 **AAA** (00:13:30) If I may, Mr Phillip, Mr Panel, if I may ask, just a short one?
28 So, En Zulkarnain, just now you mentioned that you personally think,
29 that objectively think that it is not a threat. Although you may think or I
30 may think that is not a threat or anything, but looking in a context where
31 now we have a person, the police investigating whether the person is
32 involved or it is involved in the case of enforced disappearance or some
33 serious criminal case, would it merit a case for this MCMC to do
34 anything further or do something extra to see whether this amount to
35 something that may consist of a lead for the police of the MCMC to work
36 on further investigation. I am not saying that, I am not judging that
37 whether this is a threat or not. Because just now you were saying that,

1 you know, personally, I think that is not a threat, AGC may think
2 otherwise or anything. But, would this merit further investigation lah,
3 looking at the context where we are looking at, enforced, a possible
4 enforced disappearance, I am not saying that it's confirmed, a possible
5 enforced disappearance or a possible criminal case that is, which merits
6 the police to come in to the matter. Will it merit the MCMC to take a step
7 further?

8
9 [00:15:00]

10
11 **ZUL** I wouldn't want to make any comments on the subject matter because
12 I was, there is a potentially because I was put to notice that an official
13 complaint will be coming. So, in my position, that will be conflict of
14 interest and if I were to make some comments now. I will take that
15 position, Dato' Seri Pengerusi.

16
17 **AAA** Ok. Thank you.

18
19 **CHM** Ok. But who was asking question tadi? Yes, PDRM. Yes, En Sabri.

20
21 **MSR** Dengan izin, Dato' Seri. Tn Zul, adakah SKMM tertakluk di bawah Akta
22 Rahsia Rasmi 1972, Akta 88?

23
24 **ZUL** Ya.

25
26 **MSR** Bagaimana pula Akta Perlindungan Data Peribadi 2010, Akta 709?

27
28 **ZUL** Ya.

29
30 **MSR** Itu sahaja daripada PDRM, Dato' Seri.

31
32 **CHM** Terima kasih, En Sabri, Bar Council?

33
34 **AK** Thank you, honourable chairman. En Zulkarnain, my name is Andrew
35 Khoo. I am one of the observers on behalf of the Bar Council, assisting
36 the inquiry in this regard. I have a few clarification questions to ask you
37 based on what you have, very helpfully, shared with the Panel today.

1 The first thing is just to pin point a date of a letter. I believe you did say
2 that PDRM had written to you in 2020. But, did they also write to you,
3 you as in, to MCMC, in 2017?
4

5 **ZUL** There is a letter, there is a request, I was informed, ok, in mid-2017. But
6 I was informed, it is similar in nature. The same information in terms of
7 what has been requested.
8

9 **AK** Would you be able to recall the date of that letter, in 2017?
10

11 **ZUL** 2017, I wouldn't be able to recall.
12

13 **AK** Ok.
14

15 **CHM** En Zulkarnain, was there any response from MCMC to that 2017 letter?
16

17 **ZUL** I wouldn't, I need to check my record because the operation guy will
18 respond to it, not necessarily coming from me. So, I need to check my
19 records.
20

21 **AK** En Zulkarnain, it will be useful if you could check your records because
22 it follows on to my next question which is, how long does it take,
23 normally, for MCMC to respond to a request for assistance, in this case
24 by PDRM?
25

26 **ZUL** It depends very much on what type of information that has been
27 requested by PDRM. If the information is related to subscriber's
28 information, then, it depends very much from the service provider or the
29 telcos. But even if, if it relates to call data records, for example, it may
30 take time. In terms of email addresses, that is it depends very much on
31 the type of information available in the public domain. So, it depends. It
32 can be within an hour, within one week, two weeks. Depends very much
33 on each cases. There's no fixed time for us to respond, depends very
34 much, how much information we can gather.
35

36 **AK** Thank you, En Zulkarnain. One of the things that you've said earlier
37 intrigued me a little bit. You said that, you know, law enforcement

1 agencies in general and in this case, the PDRM, would write to you,
2 MCMC, for assistance. But you would still have to go to the service
3 provider to get that whatever information is required. And then, perhaps
4 respond to the original inquiry. Would that be correct?
5
6 **ZUL** Yes, that is correct.
7
8 **AK** Yes. And you raised the observation that actually, you know, law
9 enforcement agencies could write directly to the service provider. They
10 need not go through you. Is that correct?
11
12 **ZUL** That's correct.
13
14 **AK** And I think, you speculated a couple of reasons why law enforcement
15 agencies might choose to write to you rather than to go directly to the
16 service provider. I think, you said things like perhaps, they don't know
17 the position or they don't understand the powers or the role of MCMC.
18 Again, would that be a correct summary of what you said?
19
20 **ZUL** Yes.
21
22 **AK** Ok. So, my question to you is then this, is there a perception, I mean,
23 given that you dealt with service providers for quite some time now, is
24 there a perception that a request for information coming from MCMC is
25 more important or has greater priority than a letter coming from law
26 enforcement agencies?
27
28 **ZUL** No. There's no such thing.
29
30 **AK** No?
31
32 **ZUL** There's no such perception.
33
34 **AK** Ok.
35
36 **ZUL** We will not be given priority.
37

1 **AK** So, MCMC is not held in higher regard by the service providers because
2 it's the regulatory authority?

3

4 **ZUL** No.

5

6 **AK** As opposed to the law enforcement agency?

7

8 **ZUL** Not necessarily. Because I believe, what the importance will be the type
9 of cases. So, for example, kidnapping and whatnot, that will be given
10 higher priority. I supposed. So, I think, the priority will be on the
11 importance of the case and it depends on the working relations for, it
12 depends very much on the cases that the police are investigating.

13

14 **AK** Ok. I mean, again, it's interesting that you should say that because in
15 the PDRM, if there are cases, there would be different IOs, depending
16 where the incident took place. And so, there may be no relationship, as
17 you say, between a service provider and the LEA because, you know,
18 it's far too many people. But there might be a relationship, wouldn't
19 there, between the service provider and MCMC as the regulator? So, I
20 am still a little puzzled that they would not look upon a letter or a request
21 for assistance from MCMC with more priority, given that you are the
22 regulator of the industry.

23

24 **ZUL** I doubt that is the situation. That is not the, they don't place, I wouldn't
25 say that they, what I am saying is that it depends very much on the
26 volume. It's not about because I am the regulator, you must not ask,
27 and I have powers over to regulate you, so you should give me priority.
28 I think, that is not the situation.

29

30 **AK** Ok. Thank you very much. I want to move on to the next question. But,
31 unfortunately, it does kind of repeat what Mr Phillip Koh and Mr Cyrus
32 Tui have already put to you. But I want to put it in a different way. You
33 know, I go back to the letter asking for assistance by PDRM to MCMC
34 in relation to the emails. And the response was that, please can you let
35 us have the original. I think, that was, that was really the response from
36 MCMC, 'can you let us have the original email'. I don't think there was
37 any mentioned of the fact that it's not clear or it was blur.

1
2 **ZUL** Ok.
3
4 **AK** The response was just, 'can you give us the original'. Would that be
5 correct?
6
7 **ZUL** Let me just try to take out the... let me try to get the information. But if
8 the letter is not signed by me, so I cannot give evidence to that effect
9 that reason behind it. But, as of now, as I can see it, it's not clear. Ok.
10 Alright. The other reason is that we would want to see the original email
11 so that we can read the email header.
12
13 **AK** Thank you, En Zulkarnain. So, my question to you is this, given the
14 nature of this email and the circumstances surrounding it, were you
15 familiar with the background to this email or were you just sent this, a
16 request to assist without any background, context or explanation?
17
18 **ZUL** Ok. For us, what we are looking at is that the request that are coming
19 in, what is the role that we have to play, the role that we need to
20 undertake. In this instance, to analyse and profile the email address.
21 That's all.
22
23 **AK** I understand that, En Zulkarnain. But my question is slightly different.
24 Given the fact that you were asked or the request was to help in
25 identifying the email, but still, did you, were you made aware of the
26 reason why this inquiry was being made, the context in which this
27 document had appeared and so, why was the PDRM looking for
28 information regarding the email and the addresses?
29
30 **ZUL** Normally, we don't get the detailed information on what is required
31 except for the cases that they –
32
33 **CHM** En Zulkarnain?
34
35 **ZUL** Ya?
36
37

[00:30:00]

1

2 **CHM** En Zulkarnain, just answer the question. Did PDRM brief or make you
3 know about the context in which the request was made, the context,
4 why they were interested for you to have a look at the email? Did PDRM,
5 you know, yes, educate MCMC on that?
6

7 **ZUL** No.
8

9 **CHM** Itu sahaja. Yes or no sahaja.
10

11 **ZUL** No. They just sent in, it's just a letter and then, that's it. There's no
12 briefing or, no, the answer is no.
13

14 **CHM** Ok. Yes.
15

16 **AK** And just let me explain, En Zulkarnain, the reason I asked you this
17 question is because the idea is that if you had known that this email had
18 some connection with a possible enforced disappearance or but
19 certainly, a disappearance of an individual and that it could have some
20 connection with that, would MCMC still have just said, well, you know,
21 if you can't provide us with the original email, we can't help you or would
22 you have been a little bit more proactive in your response?
23

24 **ZUL** We will be, we will be performing what has been tasked, not more than
25 that.
26

27 **AK** So, in the case where, as we have seen, the email itself is perhaps not
28 100% clear. But that certain characters could be made out and things
29 like that. Would it not be possible for MCMC to nonetheless proceed on,
30 what we can call a lead in a sense? We have this but let's look around
31 it. I mean, let me give you an example. Let's just say that's you. Let's
32 just say that, you know, I have, you know, some digits of a license plate
33 for a car that's involved in a crime. But I don't have all the digits. So, I
34 can't give you a complete car registration plate. But I can give you some
35 numbers. Would MCMC be able to nonetheless say, ok, let's work on
36 the numbers that we have, and in this case, let's work on what we can
37 make out with some degree of clarity, and let us do some investigation

1 on that and let's see what happens or, does it say no, unless you can
2 give me the thing that we actually want, we can't help you?
3

4 **ZUL** No. The challenge for us is that, there is no, without, that's why we need
5 the, because of insufficient information, like let's say, for example, what
6 you are saying is a broken plate number. At least, we can work, instead
7 of having what you are trying to allude is that, if we have some evidence
8 in the form of broken plate number –
9

10 **AK** Partial information.
11

12 **ZUL** Yes, partial information. But the challenge is the partial information is
13 the wifigurl, the email address. But what to, in a digital world, we need
14 the email header to understand, to get furtherly. So, the content doesn't
15 help in technical analysis. Ok. But the email header would certainly help
16 us because that will give us more information in terms of who the sender
17 are, where it is originated from, where the servers are located. So, a
18 whole lot of information. So, that's why we asked for that information.
19 Not that, you know, we stop short where we asked. But if there is no
20 information coming to us, that is the best that we can do, based on the
21 available information that was given to us.
22

23 **AK** So, having other information, I think, Mr Phillip Koh said, you know, that
24 the date is clear, for example. It may not be information from the header
25 but there's other information that can be gleaned from other parts of the
26 email. Would that not be able to assist you in some way?
27

28 **ZUL** In terms of, it has to be some information. But I believe, from the
29 information that we have, we don't have that enough information to get
30 further, to probe further. That's why we asked for the email header.
31

32 **AK** And then just, En Zulkarnain, just a last question arising from your
33 answer to my learned friend from PDRM. You said that the Personal
34 Data Protection Act provisions bind MCMC. Is that correct?
35

36 **ZUL** Just hold on, yes. Ok, pardon, sorry? Can you repeat the question,
37 please?

1

2 **AK** So, DSP Sabri asked you a question earlier. He asked you whether the
3 Official Secrets Act applied to MCMC and you said yes. And then, he
4 asked you whether the PDPA, the Personal Data Privacy Act applies to
5 MCMC.

6

7 **ZUL** Yes.

8

9 **AK** And I believe, your response was also yes.

10

11 **ZUL** Yes.

12

13 **AK** My understanding is that there is a specific provision in MCMC that
14 basically says that the provisions of, sorry, in the PDPA, that the
15 provisions of the PDPA don't apply to Federal and State governments.
16 Would you not consider that MCMC is an agency or a commission that
17 comes from the Federal government and it's therefore, not bound by
18 the PDPA?

19

20 **ZUL** We are bound by PDPA as long as, because we are not Federal and
21 State government. We are statutory bodies. So –

22

23 **AK** So, you, sorry, I didn't mean to interrupt you. Go ahead.

24

25 **ZUL** So, we are bound because we are statutory body, because the proviso
26 is related to, the exception is related to State and Federal government,

27

28 **AK** But, so, even in your law enforcement activities under the CMA, the
29 MCMC is still bound by the PDPA, in your view?

30

31 **ZUL** It is more towards the, we have to look at the context of the PDPA.
32 PDPA in relations to collection of, processing of information, collection
33 of information. So, a personal information especially.

34

35 **AK** Ok. So, you would draw a –

36

1 **ZUL** May be not be required to register but I am not, I couldn't comment
2 much on the PDPA. But if we don't comply, we can be, you know, it is
3 an offence under PDPA for agency, statutory bodies that collect data.
4

5 **AK** Ok. Thank you very much, En Zulkarnain for being very helpful. Thank
6 you.
7

8 **SPC** Mr Chairman, I have just one question from Bar Council Observer.
9

10 **CHM** Yes?
11

12 **SPC** May I ask him? En Zulkarnain, I just have one question to ask you. From
13 what you have given so far, the evidence, are you saying that MCMC is
14 unable to identify the owner of the email if you do not have a header or
15 the contents?
16

17 **ZUL** I didn't say that, no. What I am saying is that, it is, even if you, the email,
18 with the email header and the, even if we have the email header, email
19 header will give us further leads. It is, it does not necessarily be able in
20 certainty that with the email header we can identify the owner of the
21 email. It's just a lead. There are many more little steps that we need to
22 do to identify the person. And in most, ok, in most likely, we have to
23 either, for example, if the suspect can, if the owner of that email can be
24 identified, and there is an arrest or there is, ok, there's an arrest and
25 evidence of that identity can be proved via forensic, forensically by
26 examining the devices that are being used based on the information
27 that we have. So, there's a lot of small steps that need to be taken.
28 Email header is just a lead.
29

30 **CHM** Ok, En Zulkarnain. Ok. I have got a question to ask you. In our case, in
31 the email that we've shown on the screen just now, is it a case of a
32 header that is blurred, illegible or is it a case of there is no header at
33 all? Which is which, En Zulkarnain, dia tak ada header langsung atau –
34

35 **ZUL** Dia tak ada header langsung.
36

37 **CHM** Header nya ada, tapi kabur? Ya?

1
2 **ZUL** Dia tak ada header langsung.
3
4 **CHM** Tak ada header langsung, ya?
5
6 **ZUL** Tak ada header langsung.
7
8 **CHM** Must all email carry a header?
9
10 **ZUL** Dia, it is, you need to click somewhere to find the email header. It's
11 hidden.
12
13 **CHM** I see. I am learning. Normally, what does a header reads? What will it
14 reads? Contolah?
15
16 **ZUL** What will it reads? Ok. Just hold on.
17
18 **CHM** Yang tepi, tepi tarikh November itu, it's not the header, bukan, ya?
19
20 **ZUL** Bukan. Just hold on.
21
22 **PM1** Is it, Dato' Seri, is it here, the full header itu, is that there, Dato' Seri?
23 Full header, is it supposed to be there?
24
25 **ZUL** Yes. If you click there, then there will be some –
26
27 **CHM** Full header. Thanks. I am obliged Dr Madeline. Tulis situ ya, full header
28 printable, ya?
29
30 **PM1** Yes, full header.
31
32 **CHM** Got to click on that one, yes? Kita kena click, baru dia keluarlah?
33
34 **PM1** But this case, this is a printed.
35
36 **CHM** Yalah.
37

1 **PM1** So, they can't, I mean...

2

3 **CHM** So, En Zulkarnain, di situ letaknya, ya, full header?

4

5 **ZUL** Ya.

6

7 **CHM** Ok.

8

9 **ZUL** Not necessarily there but there will be more information lah.

10

11 **CHM** Ok. Thank you. Yes, Ms Chanra, proceed with your question.

12

13 **SPC** I have, I just have another two more questions. En Zulkarnain, you said

14 that, am I correct to understand that you are saying that even without

15 the header and the contents, you can still identify the owner of the email

16 with the email address? Are you saying that?

17

18 **ZUL** No. I didn't say that. What I am saying –

19

20 **SPC** So, what are you saying?

21

22 **ZUL** What I am saying is that even if I have the email header, I wouldn't be

23 able for certainty identified the person that owns the email address or,

24 yes, belongs to who. I wouldn't. It's just –

25

26 **SPC** No. My question to you is you have the email address.

27

28 **ZUL** Yes.

29

30 **SPC** Right? With that, could you have gone and got the information of the

31 owner, just with that email address?

32

33 **ZUL** You have –

34

35 **SPC** By doing the steps that you said you need to do?

36

1 **ZUL** Ok. One way, as I've mentioned, I have testified earlier that you have
2 to go to yahoo and get that information, either MLA or Court Order.
3 That's it. That's the fastest way.
4

5 **SPC** And what stopped you from going there?
6

7 **ZUL** Because we are not the investigate, we are not investigating the case.
8

9 **SPC** So, what you are saying is the PDRM should have done that, get the
10 order?
11

12 **ZUL** Yes.
13

14 **SPC** Ok.
15

16 **ZUL** I would say the IO, yes, the IO. For MLA, IO will have to request that,
17 who will need to take the process through lah.
18

19 [00:45:00]
20

21 **SPC** Ok. Just one other question. You said just now that in relation to the
22 2017 request from the PDRM –
23

24 **ZUL** Ok. Sorry.
25

26 **SPC** Yes, you said something about, 'I was informed'. So, it was not directed
27 to you directly?
28

29 **ZUL** Yes.
30

31 **SPC** And who informed you?
32

33 **ZUL** Yes.
34

35 **SPC** Who informed you?
36

37 **ZUL** My officer.

1

2 **SPC** So, your officers informed you?

3

4 **ZUL** Actually, yes, my officers informed me. Actually, he just clarified with
5 me the report was in 2017. The request was made in 2020. So –

6

7 **SPC** So –

8

9 **ZUL** That means it's clarified.

10

11 **SPC** So, basically you only had a request in 2020?

12

13 **ZUL** Yes.

14

15 **SPC** Correct?

16

17 **ZUL** Yes, that's correct.

18

19 **SPC** Ok. Alright. Thanks. That's all my question, Panel Members.

20

21 **Masa : 00:45:51**

22

23 **PK** Dato' Seri, may I have a chance to question the witness?

24

25 **CHM** Later, Mr Koh. I think, we go to Kontra dulu ya. Kontra?

26

27 **SB** Ok.

28

29 **CHM** Any question?

30

31 **SB** Yes, thank you.

32

33 **CHM** Yes.

34

35 **SB** Yes, I have one. Thank you, Panel Members and also Mr Zulkarnain for
36 the information that you've provided. Just a couple of quick questions. I
37 want to ask you, before this case, based on your experience, have the

1 police ever asked MCMC's help for missing persons cases? And if yes,
2 on those other case, what did you do to help, what did MCMC do to help
3 track these missing people?
4

5 **ZUL** Missing, missing person, not, we have not that experience in this. I think
6 this is the first one that is coming to us. Missing person normally we
7 deal with child. But that one is to alert the telco about missing children.
8 But not into assisting in investigations. As I said, some, the police, the
9 IO can go directly to the PDRM so, it is very much depend where they
10 have channelled their information.
11

12 **SB** Ok. Thank you. So, this is the first case –
13

14 **ZUL** Right.
15

16 **SB** This is the first case about missing person –
17

18 **ZUL** Yes.
19

20 **SB** That have been asked to MCMC.
21

22 **ZUL** That's correct.
23

24 **SB** So, my second question is, you said earlier that MCMC provide the
25 information based on MCMC asked for. So, in this case, in Joshua Hilmy
26 and Ruth Sitepu's case, does the, did the police ask MCMC's help for
27 tracking the last location that access those emails or something like
28 that?
29

30 **ZUL** No. The request specifically asked for the pemilik akaun emel, content
31 of the posting. It is, it's related to the email addresses. Not on the looking
32 for the missing person type of investigation. So, it's profiling. Not
33 tracking or finding missing person.
34

35 **SB** Ok. So, that is also at the letter that the police sent to MCMC also did
36 not give information that, we would like to know about this kind of

1 information based on police report number blah, blah, blah for missing
2 person case or the police letter did not give that kind of information?
3
4 **ZUL** They give the detailed information about the police report, the cases,
5 the provision in which they are investigating. That's all.
6
7 **SB** Ok. So, but not, but not about the last location to access those emails,
8 etc.?
9
10 **ZUL** No.
11
12 **SB** Alright. Ok. So, and then my last question is, does MCMC have the
13 power to request directly the information needed to yahoo based on the
14 MLA, legal assistance, something like that?
15
16 **ZUL** Malaysia Legal Assistance, yes. Yes.
17
18 **SB** Does MCMC have that kind of power?
19
20 **ZUL** If we need to investigate a case and there is a requirement for MLA, we
21 will certainly process the request. But in terms of whether it will be
22 approved or not, it is, we can only as IOs, as investigating officers, we
23 can only will make a request. Request can be made.
24
25 **SB** Ok. Thank you. That's all my questions for now. Thank you for the Panel
26 members.
27
28 **CHM** Mr Phillip Koh, yes, you may proceed now.
29
30 **PK** Thank you, Dato' Seri. Can you hear me, En Zulkarnain?
31
32 **ZUL** Yes, Mr Phillip.
33
34 **PK** Thank you, En Zulkarnain. I want to, I need to clarify very substantively
35 because in a way, your answers so far, with respect, will result in a
36 situation where even if we write in a formal complaint, you will come
37 back with the same answers and we are going to waste our time. So,

1 since you are on the stand, we now, I have to put it to you quite bluntly,
2 yes, and if we can avoid writing further letter and waiting for some reply
3 that means nothing, then we might as well avoid it. Alright. So, now,
4 with permission, Dato' Seri, I am going to be quite direct. Under Section
5 68 of the 588 Act, alright –

6

7 **ZUL** Yes.

8

9 **PK** Can we put that up, SUHAKAM officers? Section 68 of 588. It's a very
10 important section. I want to draw your attention to it. It will provide the
11 legislative framework for me to ask my follow up questions that came
12 out from the clarifications sought by you by other observers. Under
13 Section 68, 6-8, of the Multimedia Commission Act, I read,
14 'Notwithstanding the provisions of any other written law', and since you
15 are legally trained, it suggests that the powers are wide ranging that will
16 include perhaps even the Police Act, perhaps your Official Secrets Act
17 or Personal Data Protection, which our DSP seems to want to draw you
18 into, therefore, you ought to be careful not to disclose things.
19 'Notwithstanding provisions any written law, the Commission shall',
20 now, as a legally trained person, would you, how would you interpret a
21 legislative word called 'shall'? Is it mandatory or is it discretionary?

22

23 **ZUL** Ok. It is mandatory but we need to also look at other provisions to have
24 a –

25

26 **PK** Yes. Ok. I will ask you about the other provisions. Don't worry. You can
27 explain later. Just answer 'shall', yes.

28

29 **ZUL** Right.

30

31 **PK** That means it's mandatory. It is not you can mengabaikan and send
32 back a very general reply and say, don't know lah, I can't find anything
33 here and sorry, ya. I am not saying you did that. I don't want to be too
34 harsh about that. 'Any matter pertaining to the administration of this Act
35 (a) when a Minister directs', in this case we don't have a Minister's
36 directive but there is a 'or', 'or' in statutory interpretation and Dato' Seri

1 will appreciate this, suggests that it has to be read, is it conjunctively or
2 disjunctively?
3

4 **ZUL** Disjunctively.

5

6 **PK** Disjunctively. Very important. That means it stands alone. Section 68(b)
7 stands alone. So, if you read it, 'the Commission is mandatorily
8 commanded by the legislature to investigate any matter', alright, 'the
9 Commission has grounds to believe that a civil or criminal offence under
10 this Act was, is or will be committed'. Don't you agree those are very
11 strong words?
12

13 **ZUL** Yes.

14

15 **PK** Thank you. Now, we take our case before you. Alright. The PDRM has
16 provided inquiry from their view point, they need guidance from the
17 Commission. On their own, you seem to suggest that they should have
18 gone and do their work with MLA and with all that. But they are guided
19 by their own limits. They came to you, your department, your division
20 and showed to you a bundle of emails of which one of the documents
21 was read out to you. You then answered that we need the header. And
22 Dr Madeline helpfully pointed out the header, full headers printable
23 view. Alright. Now, unless the document, even if I get the original of this
24 document, can I clarify, Mr Zulkarnain, when you said the original email,
25 what do you mean by that?
26

27 **ZUL** Original email could mean the electronic forms.

28

29 **PK** I know. The point is the maker of this email is a Yahoo, which you earlier
30 testified it's somewhere based in America, the platform. The recipient
31 equally use a yahoo.com email.
32

33 **ZUL** Ok.

34

35 **PK** Both, I mean the recipient and her spouse, Ruth Sitepu, has, is missing.
36 We have no way of accessing their emails anymore, except if Yahoo

1 use to it. And wifigurl is also not available for us on the original email.
2 We can only have at best –
3
4 **CHM** Mr Koh –
5
6 **PK** A photocopy.
7
8 **CHM** Mr Koh –
9
10 **PK** Yes.
11
12 **CHM** Mr Koh?
13
14 **PK** Yes.
15
16 **CHM** You may proceed with your questions but I just like to interject, just to
17 be fair to Mr Zulkarnain, yes, because you are reliance is on (b) kan?
18
19 **PK** Yes.
20
21 **CHM** And the issue is whether (b), limb (b) was triggered, yes?
22
23 **PK** Ok. Good point.
24
25 **CHM** Yes. No.1 is the Commission has grounds to believe. So –
26
27 **PK** Alright.
28
29 **CHM** It must be –
30
31 **PK** Related –
32
33 **CHM** The grounds.
34
35 **PK** Related to that. Thank you for your –
36
37 **CHM** Not mere suspicion, yes.

1
2 **PK** Ok.
3
4 **CHM** Lepas itu, criminal offence under this Act. It's a must be a criminal
5 offence under the MCMC Act, for example, an offence under what, 223
6 is it?
7
8 **ZUL** 211, 233, Dato' Seri.
9
10 **CHM** 233, yes, 233, yes, annoying or threatening, annoying, threatening. So,
11 it is not something an offence, if it's an offence under the Penal Code,
12 then it is not an offence under this Act because it's an offence under
13 another law. So, itu sahaja, Mr Koh.
14
15 **PK** Thank you, Dato' Seri.
16
17 **CHM** I would like to bring to your attention, to be fair to Mr Zulkarnain lah.
18
19 **PK** I agree. I shall not visit the whole Penal Code on him. That's the PDRM
20 lah. Alright. With that, I will bring you back to the, can I ask the help of
21 the SUHAKAM to the exhibits and noted earlier we read out one about
22 you akan ditahan. I just want to point out two others and then I will relate
23 it back to Dato' Seri's very kindly draw your attention that whether the
24 Commissions has grounds to believe an offence, like for example, 211,
25 a menacing threat has been issued. Alright. Let me give you example
26 now. Document 76(6). Can we pull that out, SUHAKAM officers?
27 Document 76(6), yes.
28
29 **AZB** Dokumen apa, ya, Tuan, exhibit ke?
30
31 **PK** Exhibit itu dari emel Joshua Hilmy punya.
32
33 **AZB** Ok. Baik, Tuan.
34
35 **PK** Exhibit 15A. 76(6).
36
37 **AZB** Ok. Yang emel ke, Tuan?

1
2 **PK** Yes, email.
3
4 **AZB** Ok.
5
6 **PK** Emel itu di bawah 76(6). We need the 76(6) one.
7
8 **[01:00:00]**
9
10 **AZB** Ok.
11
12 **PK** We've already read the earlier one. I want to draw two more sentences
13 to the attention of the witness.
14
15 **AZB** This one ke, Tuan?
16
17 **PK** Yes. No, you have to go on a bit more, 76, oh you don't have a number
18 there?
19
20 **AZB** Ini 76(a), Tuan.
21
22 **PK** Ok. I need to, or maybe 76(b).
23
24 **AZB** (b), Tuan, ya?
25
26 **PK** Oh, 76(b).
27
28 **AZB** (b), ya?
29
30 **PK** (b), (b), not 6. (b).
31
32 **AZB** Ok, ok. Sebentar, Tuan.
33
34 **PK** Have you found it?
35
36 **AZB** Sekejap, Tuan.
37

1 **PK** Thank you.
2
3 **AZB** Saya kena buka yang lain. Ok.
4
5 **PK** Maybe as you look for it. En Zulkarnain.
6
7 **ZUL** Right.
8
9 **PK** When this was tendered to you through the PDRM, ok.
10
11 **AZB** Ok, Tuan, yang ini yang 76(b), Tuan.
12
13 **PK** Yes, thank you. Ok, maybe since we have it. Yes, scroll down, please.
14
15 **AZB** Ok.
16
17 **PK** To the bottom side. Down, down some more. All the way down. Ok,
18 here. Thank you. En Zulkarnain, I'm going to read to you a sentence
19 from the documents that was written to, was given to your division, your
20 department, your agency. 'Pastor, please read and think properly before
21 you regret your current negative attitude has threatened your lives and
22 bring dark future.' Ok? And then we turn the page, the next page of this
23 email. 'Let us both think', and then written in loud bold capitals, 'How
24 could we tolerate someone like you? Just answer this email
25 immediately' in red, 'just to me. We need to talk informally', as it were
26 there was a formal communication somewhere, and the email again is
27 reiterated, wifigur! I give you at least one week to answer, to answer
28 me and reply me. Khairy Jamaluddin.' Alright? One more document
29 from this cache. Can we turn to 76(d)(1)? 76(d)(1), or the officer.
30 76(d)(1), but the next page going down all the way.
31
32 **AZB** Yang ini ke, Tuan?
33
34 **PK** Ok, yes. Ok, the last paragraph. 'We are monitoring you', ok. Here we
35 are. En Zulkarnain, I draw attention to this sentence. 'We'll monitoring
36 you. As Jesus asked people like me to monitor and rate all the false
37 prophets, false teachings and false doctrines, I don't care Islam,

1 Christian, Buddha, whatever faith, come to ruin Malaysia and
2 Malaysians, all under my authority and my responsibility.' Ok? That
3 when you received these set of documents, may I ask you or your
4 department or your officers, at the end we hold you to be responsible in
5 a way, did your department or agency review these emails with care?
6 Can you answer yes or no?

7

8 **ZUL** Yes.

9

10 **PK** When you see such content, 'you akan ditahan', 'we are monitoring
11 you', 'your life is', there is reference to life and dark future, does that not
12 provide enough grounds for you that a criminal offense is committed
13 under Act 588 of Section 211, menacing and threatening?

14

15 **ZUL** Ok. We are looking at it, looking at, one, there must be some valid
16 ground for us to further, we look at, as I've mentioned, the request is,
17 for example, to get the identity. Content-wise, it may be relevant
18 because there are trails of emails, maybe we need to preserve
19 evidence, that is the technical part of it that we are interested in. If you're
20 looking at, because Penal Code sufficiently covered matters raised in
21 the content of the email. So why, our task is we stick to our technical
22 assistance. The investigation into criminal offence related to the matter,
23 if there is any, looking at the context. Objectively, at the point of receipt,
24 as I mentioned, objectively what we are interested is assisting in finding
25 the person. So our focus will be the, on the finding that email, that will
26 be our focus, not on the content. The content probably comes in play if
27 somewhere during our technical analysis we found similar content
28 posted somewhere else. So that becomes relevant. So not the content,
29 but the appearance of the same content, similar content, similar email
30 was shared with another people. So, or carbon copied or shared or
31 forwarded, so then we can make further steps. So it is, the step that,
32 the technical analysis of finding it is the focus. And this lands in our
33 technical team, not the complaint that comes through our channel. If it
34 comes through our channel, the IO will make assessment on the
35 content. This comes through the technical channel. So the focus will be
36 on the technical aspect of the task that needs to be performed.

37

1 **PK** Well, in relationship to these emails, the first blast content is it was
2 purportedly from Khairy Jamaluddin. Are you saying that MCMC,
3 looking at the name, will not also investigate, let's look at whether Khairy
4 Jamaluddin, as what email addresses or personal email addresses, that
5 may have registered, would you have done that, too? Surely you don't
6 just surrender and abdicate and say 'That's not my business, it's
7 PDRM'?

8

9 **ZUL** I would say that it is PDRM.

10

11 **PK** You would say? But PDRM comes to you and say 'Please help us.'
12 Then you say it's PDRM. Then who is responsible?

13

14 **ZUL** The PDRM only, we look at the request. So the 'Khairy Jamaluddin', we
15 can sign off, signing off at the bottom as Khairy Jamaluddin or
16 Zulkarnain Mohd Yasin, that is, for the technical team it doesn't give a
17 value, not doesn't give a value, that is least of the focus. Probably for
18 later on, for once we have the information and then validation. So
19 signing will be last in terms of validation with the email address that we
20 got.

21

22 **PK** Ok.

23

24 **ZUL** So because anybody can, we are –

25

26 **PK** I understand that.

27

28 **ZUL** On the premise that you can sign-off in the, in the email you can sign-
29 off as anyone.

30

31 **PK** We understand that. In fact, it is not –

32

33 **ZUL** (01:09:32 inaudible) signed or digitally signed.

34

35 **PK** Thank you. Thank you, En Zulkarnain. It is not necessarily our case, in
36 fact, it's not our case that the person is Khairy Jamaluddin. But what we
37 are now in focusing on is the process issue of MCMC approaching this.

1 Alright? When a document comes in in that manner, you are saying that
2 it is purely technical. And then your next ground is that if there is no
3 email header. Now much as we keep on asking you, what is the email
4 header that will allow you to do more? Because even if we write to you
5 now a formal complaint which now you are using, with respect, to say
6 'Well, I cannot answer now because it'll be conflict', but you're on the
7 stand, I want, we would like you to answer, ok. That here is a set of
8 documents, we don't have any other clearer sets because these are
9 photocopies that we found and was given to SUHAKAM, and
10 SUHAKAM passed a set to the police. The police comes to you on this.
11 And now you are saying that 'Without the header we can't do anything',
12 and you replied to the police. And then you come to us saying that. So
13 it would be a futile exercise if we continue to make this complaint you
14 may still say 'There's nothing we can do and we won't do anything. It's
15 up to PDRM to escalate it to AGC and MLA, not our business.' Would
16 you be giving us that answer if we write to you with the same set of
17 documents?

18
19 **ZUL** Ok. In the first exercise, with the email, that's a question on the, with the
20 email address, can we, that is the lead, for example. So with the email
21 address, we make a search. Whether with the email address, you have
22 the person has applied for a job, for example, or shared any, shared
23 any postings, we couldn't find anything.

24
25 **PK** So you did try?

26
27 **ZUL** Yes, we did try.

28
29 **PK** You did try to look at the wifigurl?

30
31 **ZUL** Yes.

32
33 **PK** You did?

34
35 **ZUL** Yes, we did try. That's why we asked for the header.

36
37 **PK** But did you tell, did you tell the PDRM –

1

2 **ZUL** Yes.

3

4 **PK** In reply?

5

6 **ZUL** Yes.

7

8 **PK** You did? Did you tell the PDRM that the only way is to escalate it to
9 Yahoo USA invoking the MLA?

10

11 **ZUL** We are not in the business of teaching, it is disrespect to my fellow
12 investigator to tell how to do their job.

13

14 **PK** But they came to you seeking your guidance.

15

16 **ZUL** Guidance in terms of information, not for advice how to proceed with
17 investigation. It's just for information.

18

19 **PK** So what information did you supply the police in this instance about the
20 process of which you tried to find out wifigurl?

21

22 **ZUL** Yes, we have detailed out the analysis that we have made on the
23 wifigurl emails.

24

25 **PK** Is it possible for that information to be shared with us now?

26

27 **ZUL** That one is confidential. It is, as I mentioned, we are subject to Akta
28 Rahsia Rasmi. I need to get a legal advice from my legal team.

29

30 **PK** But notwithstanding any other law, your duty is to investigate. Now you
31 are on oath in front of SUHAKAM, which you recognise is a
32 parliamentary legislative body, alright, given a mandate to find out the
33 truth of what happened, you are a senior legal member, you're head of
34 enforcement, you're going to ask your juniors for advice on this?

35

36 **ZUL** No, no. What I'm saying is that my technical team if the same
37 information the analysis we have conducted the same analysis on the

1 email. But as I said, probably there is, there are changes. Maybe people
2 make mistakes. It can be done.
3
4 **PK** No, no, ok, ok, don't give us the conjecture on that. Alright. Actually what
5 you just said is very significant. You now have disclosed to the panel of
6 this inquiry that you, there is a full-blown process whereupon the
7 technical team did do a search on wifigurl, whether it's found in social
8 media, whether there are other, the emails applications for job etc,
9 alright? And you did suggest, and you did say, I mean, not suggest,
10 enough for us, you all found, you found nothing.
11
12 **ZUL** Yes.
13
14 **PK** And this is what you reported –
15
16 **ZUL** Ok.
17
18 **PK** This is what you reported to the PDRM?
19
20 **ZUL** Yes. Except for one article that reports about the missing, the Free
21 Malaysia Today reports that have citations of the email address. So
22 other than that, it doesn't appear anywhere. The email address.
23
24 [01:15:00]
25
26 **PK** And you drew the attention of that to the PDRM?
27
28 **ZUL** Yes.
29
30 **PK** In writing?
31
32 **ZUL** Yes.
33
34 **PK** As part of the report?
35
36 **ZUL** Yes.
37

1 **PK** Is there anything else helpful rather than negotiating Ops Rahsia Act
2 and all that? Then you could help this inquiry?
3

4 **ZUL** I would say that what we have, we, there is no further lead except if we
5 can get the original email. That is what I'm saying.
6

7 **PK** Mr Zulkarnain –
8

9 **ZUL** That's, we have done the, this is the best that we make our analysis
10 based on the information made available to us but if there is other
11 information that the police can give us, we will continue to assist.
12

13 **PK** Ok. Original emails, I mean, this trace, what do you mean by 'original
14 emails'? As we said, both the person's emails cannot be accessed
15 anymore because they are missing. And wifigurl is a mysterious entity.
16 So we can never get an original email, it would be a photocopy that you
17 are having in front of you and you have seen it, that's all. Are you saying
18 therefore, even if we make a formal complaint, it will yield no further
19 information from you?
20

21 **ZUL** I, what I'm saying, when we talk about original email in the context of
22 digital evidence, we don't know what, as I said, the, we don't know the
23 what evidence police will give us. For example, if they found a device
24 and they can extract forensically can extract that information, so then
25 you can get the email, the detail of electronic evidence to that.
26

27 **PK** I see. So if there's a handphone –
28

29 **ZUL** Yes, because –
30

31 **PK** Or a laptop, or a laptop –
32

33 **ZUL** That's the kind of direction we are giving to the police.
34

35 **PK** Thank you. That's very helpful.
36

37 **ZUL** Yes.

1

2 **PK** Just to back-off, I'm closing up my questions, Dato' Seri, thank you for
3 the indulgence. You mentioned that the experience MCMC is about
4 missing children or teenagers, alright, where concerned parents or
5 relatives come asking, alright? Now when you read, when your agency
6 read these emails given to you, there is clearly a missing person report,
7 alright? Did you follow the same urgency and protocol to deal with this
8 as you do about missing children and teenagers?
9

10 **ZUL** It's a different channel. Because the complaint, the request or coming
11 from what we call a 'Nur Alert', so it's a dedicated kind of a platform or
12 agencies to get information across about missing persons. So that is a
13 dedicated channel that law enforcement agencies as well as regulators
14 work together for a specific purpose of protecting children. So this is a
15 different route that –
16

17 **PK** So in other words, a missing adult will not merit the same urgency of
18 coming under this channel?
19

20 **ZUL** Because it is specific channel for, as Mr Philip, I, as I mentioned, the
21 focus is on, our focus is on the technical assistance. So that will be our
22 focus. That is our forte.
23

24 **PK** Ok, Alright, no further –
25

26 **ZUL** So we will do –
27

28 **PK** I have no further questions, Dato' Seri, thank you for according us the
29 additional time to ask the supplemental.
30

31 **CHM** Ok. Ok, to wrap it up, Mr Simon, you have follow-up questions arising
32 from questions by observers?
33

34 **SK** Dato' Seri, I see DSP from PDRM raised his hand.
35

36 **CHM** Ah, En Sabri.
37

1 **SK** Yes, En Sabri.
2

3 **MSR** Dengan izin, Dato' Seri, saya ada soalan, satu soalan kepada Tn Zul.
4 Berkenaan tadi ada statement yang diberikan berkaitan dengan surat
5 tahun 2017.
6

7 **CHM** Ok.
8

9 **MSR** Tn Zul, untuk makluman Tn Zul, Inspektor Zulfadhly Bin Yaacob ada
10 menyatakan dalam keterangannya bahawa pada 11.04.2017, Sarjan
11 Ahmad Sibee Bin Nordin, iaitu IO asal, ada menghantar permohonan
12 semakan kepada SKMM untuk semakan rekod panggilan keluar dan
13 masuk. Tadi keterangan yang diberikan oleh Tn Zul tadi mengatakan
14 bahawa tidak terima. Tidak menerima ke ataupun Tn Zul perlu
15 membuat pemeriksaan semula ia melibatkan rekod empat tahun lepas?
16

17 **ZUL** Ok. Saya kena buat rekod, semakan semula.
18

19 **MSR** Bukan tidak diterima, ya? Cuma pihak Tuan perlu buat semakan
20 semula?
21

22 **ZUL** Ya, semakan semula.
23

24 **MSR** Itu saja, Dato' Seri.
25

26 **PM2** Thank you, Dato' Seri. Tn Zul, thank you for patiently helping us
27 understand the mechanics of MCMC. Just to follow-up from DSP's
28 question, I think there was one I wanted to ask. I think we would
29 definitely need this information, Simon, for MCMC to give us more info.
30 Because Tn Zul, the letter by our IO, Sarjan Sibee, dated 11.04.2017 –
31

32 **ZUL** Ok.
33

34 **PM2** Actually submitted to you at that period means from what we were made
35 to understand by Maxis, we've got the reply from Maxis which I'm sure
36 we can share with you the copy, the deactivation date is within that
37 period when the letter was sent. I think within the three months, three

1 months the period for prepaid before data is lost. So I think when you
2 are seeking that information sought by the police, PDRM on
3 11.04.2017, that period is the most crucial time for us, if at all, any
4 information is available that three months before the information lapses.
5 We were made to understand by Maxis that after three months
6 deactivation, then totally everything wiped out and no more data is kept.

7

8 **ZUL** Right –

9

10 **PM2** So maybe that is something you're familiar. If you know, you can also
11 let us understand if that's the system of telcos operating. Would you
12 have any knowledge on that, Mr –

13

14 **ZUL** Ok. In terms of data retention, we have currently it is up to the service
15 providers to have their data retention policy in terms of, in terms of their
16 obligations to probably contract and whatnot. So that is each operator
17 has different sets of rules in terms of retaining data. So why in the some
18 operators they have longer retention time for postpaid, because of
19 contract dispute. But for prepaid, normally in many instances they just
20 churn the numbers, so as and when or fit for purpose type of activities,
21 or if there is new package is available in the market that is cheaper,
22 then they will just switch. So that kind of the rate of churn does not
23 warrant, I believe, for the operators to retain call data records.

24

25 **PM2** Ok. So I think that's what my understanding generally, we will get more
26 information from the telco provider.

27

28 **ZUL** Yes.

29

30 **PM2** But as a regulator, you would be in the know of whatever programmes
31 they have for prepaid, you will be made aware, maybe Maxis has 10
32 types of prepaid systems in place at a particular date and time. Is that
33 correct?

34

35 **ZUL** We, I think a system in terms of the packages available.

36

37 **PM2** Yes. Yes.

1
2 **ZUL** Yes, packages, yes, yes. They will inform us how many packages that
3 Maxis has on offer.
4
5 **PM2** Ok.
6
7 **ZUL** So there's many packages that they offer to suit the needs of the, their
8 customers.
9
10 **PM2** Ok. So I think we will request the SUHAKAM officers to write-up to get
11 this information from you with more detail, because you seem to know
12 to connect the dots for us on this data retention policy, and we're also
13 getting direct information from the telco. Now linked to this data
14 retention and data wipe-out, I want to bring back to the investigation
15 capabilities that MCMC has, and this links to your forensic department.
16
17 **CHM** Mr Jerald.
18
19 **PM2** Yes, Sir.
20
21 **CHM** Before you move to that area, I have an add-on question about this data
22 retention. Yes. We have been given, En Zulkarnain, we have been
23 given to understand by MCMC, kalau prepaid rekod itu dia simpan
24 untuk selama tiga bulan, only for three months?
25
26 **ZUL** Depends on the –
27
28 **CHM** And then the record –
29
30 **ZUL** Operator, yes.
31
32 **CHM** Is deleted?
33
34 **ZUL** The policy, yes. Yes.
35
36 **CHM** Yes. So, yes, you mentioned, rightly, policy, but MCMC would have the,
37 would be the supervisory authority, kan?

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ZUL Yes.

CHM And people might use prepaid, you know, to do, you know, to do bad things, you know, because difficult to trace, kan?

ZUL Betul.

CHM And when it is three months, lagi susah nak trace. Three months, all wiped off. Didn't MCMC consider this thing whether the three months itu is too short a period of record retention? It should be one year or so, barulah boleh wipe out, because yang, you know? Is three months, isn't that not too short a period?

ZUL We, Dato' Seri Pengerusi, perkara ini dalam perhatian kami dan telah di, data retention provisions will be a part of the amendment to the legislation. So that would be looked into.

CHM Ok. Ok, yes, thank you. Yes, Mr Jerald?

PM2 Thank you. Tn Zul, I was just continuing with the capacity and capabilities that you have in terms of your own forensic team or equipment. So I wanted to find out does that forensic capability can also retrieve data that has been wiped out? And just a question if you know where the wipe out has happened, if the server is in a Malaysian site, not overseas, yes, is there something that there is some possibility of retrieving this data DNA that has been wiped out?

ZUL That part I would, as far as we are, we can do the imaging of the server, but that one I, I'm not in a position to answer because I need to ask my people in terms of whether they have that capabilities. But the equipment that we have relates to imaging and data forensic on devices, so on a network part I need to get more details on, because this is not my expert area to answer, so in terms of capabilities, that one I need to revert back.

1 **PM2** Thank you. Thank you, Tn Zul, I think we will also add that to our follow-
2 up information from your commission to help us understand that. That
3 is then followed-up with this question which probably would be in the
4 similar answer but you did mention in the early part today of the
5 difference between your investigation power in the public domain and
6 in the private domain. And the private domain is like an email user, and
7 then it's different if I put my comments on Facebook, social media, you
8 can capture, you can use the powers of the act to come after me, for
9 example. But in the private domain, the reason you are not able to get
10 in is because of privacy concerns and there are protocols against you
11 going into the email. Is that the reason that you cannot get into
12 somebody's email, because of also data privacy and other protection
13 acts? For example, if I, example, Mr Zul, if this week I know there is an
14 email address of say Mr Philip, and I say, I put a complaint to you, Mr
15 Philip at whatever email is doing these bad things, for example, and
16 then would you be able to knowingly go into that email at this present
17 moment, while although it's in the private domain? I just want to
18 understand the public domain and private domain.

19
20 [01:30:00]

21
22 **ZUL** Oh no, no. Ok. The private domain, ok, no, we don't, we don't, that is,
23 that is a question about intersection.

24
25 **PM2** Yes.

26
27 **ZUL** So that, we don't do that.

28
29 **PM2** Ok.

30
31 **ZUL** We don't do that. We don't have that capabilities. Public domain simply
32 means whatever available information in the public associated to your
33 email. So it will point out to a lead, for example you have advertised
34 your house or your car somewhere, and you know, and there's a
35 company email. So at least there will be leads. But we are not going to
36 probe into your email. So that's, we don't have that capabilities.

37

1 **PM2** Capabilities, as well as no legal provisions to do that, am I right?
2

3 **ZUL** We need to get the AG, one, we don't have the capabilities, secondly,
4 to do that we need to get consent from the AGC.
5

6 **PM2** Ok, ok.
7

8 **ZUL** To do intersection.
9

10 **PM2** Thank you. Thank you for that. The next question is, when PDRM has
11 sent the 11.04.2017 first request for seeking the email address, is that
12 after you have done your checking, like PDRM, does that mean your
13 case for that particular request, well, I use the word 'file', is it closed file
14 or it remains open if you get more information later?
15

16 **ZUL** If we got information later, we will process it based on the newly
17 available information.
18

19 **PM2** Ok. So I can say that although you have sent the reply letter to a request
20 from PDRM or any other agency, you will still have the file in your work
21 for any future updates to that particular case?
22

23 **ZUL** Yes, depends on the creation of data that whether we have for, when
24 we migrate to digitalisations of our work process. So it's digitally
25 available, if I'm not mistaken, in for 2000 we started in 2017. But I will
26 need to check our records.
27

28 **PM2** Ok. And, thank you, thank you, yes. And my final question, just to
29 reaffirm that maybe, I'm not sure whether you made the point, but when
30 a request is made for you to verify an email address given, however
31 badly printed and email is, your investigating officers will look not only
32 at that one line but will look at the body and everything that comes with
33 the document that was sent to you. Am I safe to assume as an
34 investigating officer you will have to look left, right, up, down of the full
35 document, which means your officers will also be reading any other
36 content that may be within that email, not linked particularly to that email
37 address?

1

2 **ZUL** I think the focus will be on the email, the electronic, as I mentioned, the
3 concern is any leads, technical or digital leads that can be used for
4 investigation. So that will be if the contents have some link, for example,
5 a link, then we will look for the link. So, through the searches in the
6 internet, for that link, where does it lead to. But if there's no link to it,
7 then we will, the technical team will just focus on the electronic evidence
8 or electronic means of getting information.

9

10 **PM2** Ok. That is very clear for me to understand. But in a situation where
11 your technical officers while looking only for technical support to that
12 question on the email link, finds other content that may be of concern,
13 vis-à-vis the powers of the commission, for the content that may be
14 dangerous to society or brings disrepute or whatever, would that officer
15 then be compelled to inform yourself or another division that this email
16 while it's about the technical part about the email address, it also has
17 something more, and does a file then open up that, in that area? I'm
18 asking this, Tn Zul, because this is sometimes how our SUHAKAM also
19 does our investigation, it's sort of you start at A, but as you start working
20 other things open up and you are compelled to look at it. But I don't
21 know the mechanics in the commission. Thank you, Tn Zul.

22

23 **ZUL** No, we don't really look into the content because purely, otherwise we
24 can be very selective because cases coming to us then that it will be,
25 you know, why people will question us. So, because that is
26 discretionary. When you exercise discretions, you're subject to public
27 scrutiny. So that's why we always base on complaints. Because the
28 challenge for us, I would say this content is offensive. My, our, my team
29 assessment, I'm offended by this content. But the person affected by
30 that content, I don't feel anything. So how do you reconcile that? So we
31 don't make that judgment call.

32

33 **PM2** Ok.

34

35 **ZUL** This is dangerous because I see the content as investigator is offensive,
36 but to the person, affected person, 'No, I'm not offended by this content.
37 I'm ok, I'm happy, it gives me publicity.' So –

1
2 **PM2** Ok.
3
4 **ZUL** How do you reconcile that?
5
6 **PM2** So I'm understanding –
7
8 **ZUL** For us to play that role.
9
10 **PM2** Yes. So Zul, I understand yours is a complaints-based system, right?
11
12 **ZUL** Yes.
13
14 **PM2** You don't, you don't have the powers or motor to generate your own
15 investigation, it has to come via a complaint. Am I right?
16
17 **ZUL** That's right.
18
19 **PM2** Ok. Thank you. I've finished my line of questions. Thank you, Dato' Seri.
20
21 **CHM** Thank you. Thank you, Mr Jerald. I suppose we have come to the end
22 of our work today. Yes? Taking the evidence from you, En Zulkarnain,
23
24 **PM2** Dato' Seri, Dato' Seri.
25
26 **CHM** Yes?
27
28 **PM2** DSP has his hand up, Dato' Seri. DSP –
29
30 **CHM** Oh, I see, En Sabri, ya?
31
32 **MSR** Ya, betul, Dato' Seri. Saya bukan nak bertanyakan soalan, cuma saya
33 nak tekankan sekali lagi, tahun 2017 permohonan untuk rekod
34 panggilan keluar masuk, bukan pemeriksaan emel. Sebab tadi –
35
36 **PM2** Ok, ok.
37

1 **MSR** Hanya tahun 2020 saja yang kita buat permohonan kepada SKMM
2 untuk pemeriksaan emel disebabkan emel tersebut telah dikemukakan
3 dalam sesi SUHAKAM ini oleh Joshua, melalui Joshua ini melalui Philip
4 Koh, peguamnya. Itu saja, Dato' Seri. Untuk diperbetulkan. Itu saja,
5 Dato' Seri.
6

7 **CHM** Terima kasih, En Sabri, for that additional information. So with that we
8 have come to the end of today's hearing. En Zulkarnain.
9

10 **ZUL** Ya, Dato' Seri.
11

12 **CHM** Bagi pihak panel mengucapkan ribuan terima kasih, ya, di atas
13 kerjasama En Zulkarnain. Your evidence before us today is indeed very
14 helpful. So thank you once again, and you are released.
15

16 **ZUL** Terima kasih, Dato' Pengerusi dan ahli panel, dan ahli-ahli semua.
17 Thank you.
18

19 **CHM** So Simon.
20

21 **SK** Yes, Dato' Seri. So –
22

23 **CHM** Are the panel equally released?
24

25 **SK** Yes, in two minutes, Dato' Seri. Just to say that, yes, we've concluded
26 the hearing today. The next session will be on 21st of July at 09:30AM,
27 21st, next Wednesday, 09:30AM.
28

29 **CHM** Observers, take note, yes. 21st July, yes, 09:30AM, yes. Ok.
30

31 **AP** Thank you.
32

33 **CHM** What will that be, Simon?
34

35 **SK** Most likely we will be calling the witness from Maxis.
36

37 **CHM** Yes, yes.

1
2 **SK** And updates from our correspondence with the follow-up, our
3 correspondence, we will be calling (01:40:34) [REDACTED] and Maybank.
4
5 **CHM** And Peguam Negara, ya?
6
7 **SK** Ah, yes, Peguam Negara as well.
8
9 **PM2** Dato' Seri, I think, Mr Simon, also maybe if the time permits to also
10 extend that letter for more information from En Zul from MCMC that we
11 had requested earlier, you know. Some he could not provide the
12 information as he was not ready with the info.
13
14 **CHM** Ok.
15
16 **SK** Will do, panel members. Just to point out that today is Friday, then
17 between Monday and Wednesday there's just one working day because
18 of Raya Haji in-between, but we'll try our best to get as much
19 information.
20
21 **SABRI** Dengan izin, Dato' Seri, boleh tak dibuat pada bukan minggu depan?
22 Pada minggu satu lagi? Disebabkan kami PDRM tengah cram dengan
23 jadual penugasan lain.
24
25 **CHM** Oh, I see. So 21st, ya, 21st tak sesuai, ya?
26
27 **SABRI** Betul Dato' Seri, sebab kami –
28
29 **CHM** 21st tak sesuai, ya?
30
31 **SABRI** Kami ada banya program lain melibatkan mesyuarat visi (01:41:46) lain.
32
33 **CHM** Saya tengok ASP Dzaffir tak datang minggu ini.
34
35 **SABRI** Sebab dia terlibat dengan mesyuarat dengan menteri.
36
37 **CHM** I see, I see. Hopefully dia boleh datangnya, ya.

1
2 **SABRI** Kalau, dengan izin, kalau minggu satu lagi, bukan minggu depan.
3
4 **CHM** Ok, shall we give another date? Instead of 21st? Panel members? Nak
5 buat sekarang or later?
6
7 **PM2** I think maybe we can check the dates later and then get back –
8
9 **CHM** Text me later, ya. Text me later. Ya.
10
11 **SABRI** Terima kasih, Dato' Seri.
12
13 **CHM** Ok. Ok. A week later, ya, alright. Ok. So that is about all for today's
14 session. So I thank everyone, and so panel comes to a close, yes. Ok.
15
16 **TFW** Thank you, thank you panel.
17
18 **CHM** Yes.
19
20 **PM2** Thank you.
21
22 **SK** Thank you, Dato' Seri.
23
24 **CHM** Have a good weekend, everyone, yes.
25
26 **SABRI** Terima kasih, Dato' Seri, Dato'.
27
28 **AP** Thank you, panel members.
29
30 **CHM** Thank you.
31
32 **PK** Thank you, honourable commissioners, thank you.
33
34 **AK** Thank you, Dato' Seri, thank you all.
35
36 **END**
37 **TIME :** [01:42:58]

**SUHAKAM PUBLIC INQUIRY OF
PASTOR JOSHUA HILMY
RUTH SITEPU**

DATE : 28.07.2021

VIDEO TITLE: GMT20210728-011548_Recording_1686x728

NOTES OF INQUIRY

Coram

Chairman Panel Member 1 Panel Member 2	Dato' Seri Hishamuddin Yunus Dr Madeline Berma Jerald Joseph	CHM PM1 PM2
PDRM Observer	SAC Ahmad Dzaffir Bin Mohd Youssof DSP Muhammad Sabri bin Mohd Raziff	ADY MSR
Family Observer	Philip Koh Cyrus Tiu Foo Woei Audrey Pillai	PK TFW AP
Bar Council Observer	Andrew Khoo Lim Heng Sen Roger Chan SP Chanra	AK LHS RC SPC
SUHAKAM Panel	Simon a/l Karunagaram Muhammad Faiz Bin Abd Rahman Puveethra Raja Segaran Aida Suraya Haron Ahmad Zaidi bin Baharuddin	SK MFR PRS ASH AZB
Indonesian Embassy	Tuan Junjungan Sigalingging Tuan Henry Dian Dwiharto	SJ HDD

KontraS	Syahr Banu Desmont Novira	SB DN
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2 **Witness**

1	Peter Pormannan a/l Annamalai	PETER
2	Grace Thangamalar a/p Peter Pormannan	GRACE
3	Josiahndan Emmanuel a/l Peter	JOSIAH
4	Ramanathan a/l Marickavasagan	RAMA
5	Selvakumar Peace John Harris	SELVA
6	Ram Ram Elisabeth	RAM
7	Iman Setiawan Sitepu	IMAN
8	[REDACTED]	
9	[REDACTED]	
10	Susandi Bin Basari	SUSANDI
11	ASP Shafiee Bin Marsidi	SHAFIEE
12	Insp Nurul Huda Bin Bustami	NURUL
13	ASP Hairol Azhar	HAIROL
14	Insp Zulfadhly Bin Yaacob	ZUL
15	DSP Supari Bin Muhammad	SUPARI

16	Iqbal Mirza Bin Mohd Jalaludin	MIRZA
17	DCP (B) Dato' Awaluddin Bin Jadid	AWAL
18	Fadzlina Binti Amran	FADZLINA
19	DSP (B) Omar bin Hassan	OMAR
20	Ahmad Sibee bin Nordin	SIBEE
21	Junainh Binti Dalugamin	JUNAINH
22	Zulkarnain Md Yasin	ZULMY
23	Azhar Baba	AZHAR

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1 **START**

2

3 **SK** Good morning, dear panel members, Dato' Seri, Mr Jerald, Dr
4 Madeline, the observers, legal counsel for family, DSP Sabri, Andrew
5 Khoo for Bar Council, observer for Bar Council, and also for KontraS,
6 colleagues from SUHAKAM. Today is the 18th day of the hearing and
7 we will be calling witness No.23. Before we proceed, today's open
8 hearing session, the members of media and public has been invited. So
9 before we begin can I invite all the parties to introduce themselves. Let
10 me begin, I'm Simon, Assisting Officer from SUHAKAM. Together with
11 me today is Mr Faiz. Thank you. So may I invite the counsel from the
12 family?

13

14 **PK** Good morning, honourable members of the panel, may good health be
15 with all of us. My name is Philip Koh, I'm the lead counsel for the Sitepu
16 family, the wife of the alleged missing pastor and she is also missing.
17 Together with me is my team, Ms Audrey Pillai, who is calling in from
18 Seremban and there could be some weakness in the Wi-Fi we hope
19 that it will maintain well, Ms Pillai, and we can hear from you today. Mr
20 Cyrus Foo is ably assisting us also, so we have a team of three. Thank
21 you very much.

22

23 **SK** Thank you, Mr Philip. I invite representative from PDRM.

24

25 **MSR** Bismillahirrahmanirrahim. Assalamualaikum warahmatullahi
26 wabarokatuh dan salam sejahtera. Yang Berbahagia Dato' Seri, Doktor,
27 Tuan, Tuan-Tuan dan Puan-Puan. Saya DSP Muhammad Sabri
28 daripada, sebagai pegawai pemerhati PDRM. Hari ini SAC Ahmad
29 Dzaffir tidak dapat hadir disebabkan terdapat urusan rasmi. Itu saja.

30

31 **SK** Terima kasih, DSP. May I invite the observers from Bar Council.

32

33 **AK** Good morning, honourable Commissioners, ladies and gentlemen. My
34 name is Andrew Khoo, I'm representing Bar Council of Malaysia. My
35 colleague, Ms Chanra Ponnudurai, is slightly delayed, may be joining
36 us later. Apologies for that.

37

1 **SK** Ok. Thank you, Andrew. The representative from KontraS.
2
3 **DN** Good morning, my name is Desmont Novira. I am from KontraS.
4
5 **SK** Thank you, Ibu Desmont. Ok. So we are ready to call the witness for
6 today, witness No.23, En Azhar Baba from Maxis Telecommunications.
7 Please let him in.
8
9 **CHM** Mr Simon, now we are at close session or open session?
10
11 **SK** It's open session.
12
13 **CHM** Open session ya?
14
15 **SK** Open session. Boleh spotlight saksi ke?
16
17 **ASH** En Azhar, boleh on video?
18
19 **AZHAR** On video? Sebentar ya.
20
21 **SK** Selamat pagi, En Azhar.
22
23 **AZHAR** Selamat pagi, Tuan.
24
25 **SK** Ok. Saya Simon daripada SUHAKAM.
26
27 **AZHAR** Ya, Tuan.
28
29 **SK** Terima kasih kerana menghadiri siasatan awam SUHAKAM pada pagi
30 ini.
31
32 **AZHAR** Ok,
33
34 **SK** Saya ingin perkenalkan, ya. Bersama kita pada hari ini kita ada tiga
35 orang panel, dipengerusikan oleh Dato' Seri Hishamuddin Yunus.
36
37 **AZHAR** Assalamualaikum, Dato'.

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SK Dan dua orang lagi panel, En Jerald Joseph dan Dato' Madeline.

AZHAR Salam sejahtera, Tn Jerald dan juga Dato' Madeline.

SK Dan turut hadir sebagai observer, ya, ini adalah pihak-pihak yang datang membantu siasatan SUHAKAM adalah counsel kepada famili, En Philip Koh, kita juga ada, dan rakan-rakan beliau. Dan kita juga ada PDRM, DSP Sabri –

AZHAR Ok.

SK Wakil Bar Council, Mr Andrew dan rakan beliau. Kita juga ada seorang observer daripada Indonesia, ya, KontraS, (00:07:46 inaudible). Dan turut hadir pada hari ini adalah media dan (00:07:51 inaudible). Ok, En Azhar kita akan teruskan dengan En Azhar perlu membaca sumpah dengan mengangkat tangan kanan ya.

AZHAR Ya.

SK Akan share screen sumpah itu dan tolong bacakan.

AZHAR Saya tak nampak.

SK Ya, saya pun tak. Zaidi, tak nampak, Zaidi. Ok.

CW23

Name : Mohd Azhar bin Baba

Affirms and states in Malay

Time : 00:08:27

Examination-in-chief of Mohd Azhar Baba by Simon a/l Karunagaram

Time : 00:08:27

AZHAR Bismillahirrahmanirrahim. Bahawasanya saya Mohd Azhar bin Baba dengan sesungguhnya dan suci hati mengaku dan berikrar bahawa segala keterangan yang akan saya berikan dalam siasatan terbuka ini

1 adalah benar, tiadalah apa-apa yang tidak benar melainkan benar
2 belaka.
3
4 **SK** Terima kasih, En Azhar. En Azhar, sebelum kita teruskan, En Azhar
5 lebih selesa menjawab dalam Bahasa Malaysia atau Bahasa Inggeris?
6
7 **AZHAR** Saya selesa menjawab dalam Bahasa Malaysia, Tn Simon.
8
9 **SK** Ok, terima kasih. En Azhar, boleh perkenalkan diri dengan
10 memberitahu nama penuh dan nombor kad pengenalan.
11
12 **AZHAR** Boleh, Tuan. Nama saya Mohd Azhar bin Baba. Nombor kad
13 pengenalan saya [REDACTED]
14
15 **SK** Terima kasih. Berapa umur Tuan ketika ini?
16
17 **AZHAR** 49 tahun.
18
19 **SK** Terima kasih, En Azhar. Boleh En Azhar nyatakan tempat bertugas
20 dengan jawatan pada masa ini.
21
22 **AZHAR** Saya bertugas di Jabatan Keselamatan Maxis Broadband Sdn Bhd di
23 unit LEA atau dikenali sebagai Law Enforcement Agency Unit dan
24 jawatan saya sebagai Associate.
25
26 **SK** Boleh En Azhar terangkan... ok, sebelum itu. Boleh... sudah berapa
27 lama berkhidmat di Maxis ya?
28
29 **AZHAR** Ok. Saya sudah berkhidmat di Maxis selama 23 tahun. Minta maaf, 25
30 tahun tetapi untuk di unit LEA hampir lapan tahun.
31
32 **SK** Ok. Jadi sebelum menyertai unit Law Enforcement Agency ini, apakah
33 pengalaman, pernah bertugas di bahagian mana ya?
34
35 **AZHAR** Saya pernah bertugas di bank-in unit iaitu payment services.
36

1 **SK** Ok. Terima kasih, En Azhar. Boleh En Azhar terangkan skop jawatan
2 sekarang sebagai Associate di Jabatan Keselamatan. Apakah skop
3 tugas sekarang dan apakah peranan En Azhar?
4

5 **AZHAR** Ok. Skop tugas saya iaitu membantu agensi-agensi penguatkuasa
6 kerajaan di dalam menyediakan maklumat dan butiran bil terperinci
7 untuk siasatan rasmi seperti yang dipohon.
8

9 **SK** Jadi dalam pengalaman En Azhar, biasa ke agensi-agensi
10 penguatkuasaan meminta maklumat daripada Maxis?
11

12 **AZHAR** Ya.
13

14 **SK** Boleh Tuan, En Azhar namakan antara agensi yang biasa berurusan
15 dengan Maxis?
16

17 **AZHAR** Agensi-agensi yang biasa berurusan dengan Maxis adalah seperti
18 PDRM, SPRM, Imigresen, Kastam, SKMM, Kementerian Kesihatan
19 dan lain-lain agensi yang lain.
20

21 **SK** Terima kasih, En Azhar. En Azhar, kita... soalan saya yang berikut
22 adalah berkenaan dengan beberapa perkhidmatan yang diberikan oleh
23 Maxis ya.
24

25 **AZHAR** Ok.
26

27 **SK** Ok. Kami difahamkan ya, Maxis ada menawarkan pelan kepada
28 pelanggan yang dikenali sebagai post-paid dan prepaid plan. Betul ke?
29

30 **AZHAR** Betul.
31

32 **SK** Adakah ia dua jenis pelan saja yang ditawarkan?
33

34 **AZHAR** Ya.
35

36 **SK** Jadi boleh tak En Azhar jelaskan mengenai dua pelan ini, bermula
37 dengan post-paid dahulu diikuti dengan preplan.

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37

AZHAR Ok.

SK Tak apa, Tuan teruskan dulu.

AZHAR Dengan izin, post-paid adalah bayar untuk perkhidmatan mudah alih berdasarkan penggunaan. Manakala pelan prepaid membayar perkhidmatan mudah alih melalui kredit tambah nilai ataupun dikenali sebagai top-up.

SK Ok. Apakah perbezaan yang utama antara kedua-dua pelan ini?

AZHAR Perbezaan ketara kalau post-paid kita guna dulu bayar kemudian. Untuk prepaid kita bayar dulu guna kemudian. Secara amnya.

SK Ok. Terima kasih, En Azhar. Jadi dari segi... soalan saya seterusnya adalah berkenaan dengan maklumat yang disimpan dalam sistem Maxis, I'm referring to data retention ya. Jadi apakah jenis maklumat yang akan disimpan oleh Maxis kepada pelanggan yang menggunakan kedua-dua pelan ini bermula, Tuan boleh jelaskan dengan post-paid dan kemudian dengan, untuk prepaid. Apakah jenis data yang akan disimpan oleh Maxis?

AZHAR Ok. Data yang disimpan oleh pihak Maxis kedua-duanya adalah pasca bayar dan prabayar. Ok yang pertama nombor telefon. Yang keduanya butiran pelanggan seperti alamat, kad pengenalan, nombor pasport, kewarganegaraan, nombor ID yang lain, nombor pendaftaran perniagaan, jenis perkhidmatan sama ada pelan itu jenis prabayar ataupun pasca bayar iaitu post-paid, nombor siri SIM card, lokasi, nombor IMSI, nombor IMEI, serta model ataupun jenis telefon.

[00:15:00]

SK Terima kasih, En Azhar. Adakah kedua-dua pelan ini... maaf, ya. Adakah data ini adalah sama, jenis data yang disimpan oleh Maxis adalah sama untuk kedua-dua jenis pelan, prepaid dan post-paid?

1 **AZHAR** Ya.

2

3 **SK** Ok, terima kasih. En Azhar, soalan saya selernya. Berapa lama pihak

4 Maxis akan menyimpan semua maklumat yang diberikan tadi di dalam

5 sistem Maxis?

6

7 **AZHAR** Maaf, Tn Simon, saya tidak dapat menjawab soalan ini, saya tak tahu.

8

9 **SK** Ok. Mungkin... maksud saya, berapa lama Maxis akan menyimpan

10 semua maklumat yang... kalau ada pelanggan Maxis kan, dan Maxis

11 akan menyimpan contohnya nombor telefon, alamat dia, nombor IC,

12 jenis, apa, nombor SIM kad dia, location semua itu, berapa lamakah

13 Maxis akan menyimpan maklumat tersebut? In your –

14

15 **AZHAR** Saya tak tahu, Tn Simon, sebab di luar pengetahuan dan bidang tugas

16 saya.

17

18 **SK** Rasanya siapa yang akan mengetahui maklumat seperti ini?

19

20 **AZHAR** Saya tak tahu, Tn Simon.

21

22 **SK** Boleh macam, kalau... ok. Kalau... saya ingin tanya sekali lagi, kalau

23 katakan untuk pelan prepaid katakan, ok, jadi adakah Tn Azhar untuk

24 tujuan saya minta penjelasan ya, kalau saya tanya En Azhar berapakah

25 lama satu data untuk, akan disimpan untuk pelan prepaid.

26

27 **AZHAR** Saya tidak tahu, Tn Simon.

28

29 **SK** Tak tahu?

30

31 **AZHAR** Saya tidak tahu.

32

33 **SK** Ok.

34

35 **PM2** En Azhar?

36

37 **AZHAR** Saya, Tuan?

- 1
- 2 **PM2** Ya. En Azhar adalah menolong dalam penyiasatan banyak kes. So
- 3 biasa permohonan daripada pihak-pihak agensi kerajaan itu dia minta
- 4 untuk data atau for a phone log atau siapa membuat telefon. So tanpa
- 5 pengetahuan berapa lama boleh cari ke, tak boleh cari phone log itu,
- 6 macam mana nak bagi jawapan? Contohnya kalau satu jenayah telah
- 7 dilakukan setahun lalu, diminta, contohlah oleh SUHAKAM ke PDRM,
- 8 jawapan En Azhar itu takkan saya tak tahu, mesti ada jawapan yang
- 9 lebih halus kan, disebabkan waktu tempohnya sudah tamat, saya tak
- 10 dapat data. So, saya pun agak terkejut yang dah 25 tahun di Maxis tapi
- 11 soalan asas sebegini, berapa lama data disimpan dalam phone, dalam
- 12 sistem Maxis ini, En Azhar tak dapat jawab.
- 13
- 14 **AZHAR** Ok, Tuan. Berdasar... saya akan memproses permohonan daripada
- 15 pegawai penyiasat berdasarkan maklumat yang dipohon. Selalunya
- 16 pegawai siasat memohon maklumat seperti butiran pemilik dan juga
- 17 butiran bil sahaja. Bermakna apabila saya check dalam sistem,
- 18 sekiranya ada butiran pemilik dan butiran bil, saya akan memberi
- 19 jawapan balas kepada pihak ataupun pegawai penyiasat. Sama ada
- 20 line itu aktif atau tidak, saya ekstrak dalam sistem, sekiranya ada, saya
- 21 akan terus memberi jawapan balas kepada pihak, pegawai penyiasat.
- 22
- 23 **SK** Jadi En Azhar, jika data itu sudah tidak ada bila En Azhar, jika ada
- 24 sesuatu agensi ya, minta satu maklumat dan data itu tidak ada dalam
- 25 simpanan, apakah jawapan yang akan diberikan oleh En Azhar?
- 26
- 27 **AZHAR** Jika tiada, saya tiada maklumat dijumpai.
- 28
- 29 **SK** Dan apa sebabnya?
- 30
- 31 **AZHAR** Saya tak tahu. Sebab saya punya bidang tugas, menerima permohonan
- 32 daripada pihak agensi dan saya menjawab balas, dah ekstrak dalam
- 33 sistem, saya dah menjawab balas kepada pegawai penyiasat.
- 34
- 35 **CHM** En Azhar?
- 36
- 37 **AZHAR** Ya, Dato'?

1
2 **CHM** Kalau En Azhar check dalam sistem, maklumat itu dah tak ada ya, kan,
3 ya?
4
5 **AZHAR** Ya.
6
7 **CHM** Bukankah En Azhar akan tanya bahagian teknikal, 'Hai, bagaimana ini,
8 maklumat ini tidak ada?' Bukankah begitu? En Azhar akan tanya kan?
9 Takkan nak terus jawab kepada orang yang bertanya, 'Tak ada'.
10 Takkan macam itu kan? How it works, you will ask the technical side,
11 'You know, we have got this important query from this government
12 department, they need these particulars and I find it is not dalam sistem
13 kita. Saya dapati tak ada.' Tentu En Azhar akan bertanya dari bahagian
14 teknikal kan?
15
16 **AZHAR** Ya, Dato', tapi saya punya skop kerja, since, setakat itu saja. Saya
17 macam end user, Dato', itu saja.
18
19 **CHM** Macam itu ke En Azhar menjalankan tugas? Saya untuk end user, lepas
20 itu yang lain-lain saya tak nak tahu?
21
22 **AZHAR** Tidak, Dato', maksud saya apa saja permohonan yang dibuat saya
23 check dalam sistem, sekiranya tak ada, itulah jawapan balas saya
24 kepada pihak pemohon.
25
26 **CHM** Pernah tak bahagian pemohon akan bertanya bagaimana data ini dah
27 tak ada dalam sistem? Pernah tak?
28
29 **AZHAR** Tidak, Dato'.
30
31 **CHM** Ok, En Simon.
32
33 **SK** En Azhar, untuk memudahkan siasatan awam ini, kita sebenarnya telah
34 pun menghantar apakah soalan-soalan yang mungkin akan ditanya,
35 sebab semua ini adalah berkenaan dengan isu-isu teknikal. Dan
36 soalan-soalan yang akan ditanya pun telah, sebenarnya telah pun
37 dihantar kepada pihak Maxis supaya orang yang, wakil yang dihantar

1 itu boleh menjawab soalan itu. Ini antara soalan-soalan yang basic yang
2 perlu di establish dalam siasatan awam ini. Adakah Tuan tahu
3 mengenai perkara tersebut?
4
5 **AZHAR** Saya tidak tahu, Tn Simon, saya dikehendaki hadir untuk memberi
6 keterangan sahaja.
7
8 **SK** Jadi siapa yang mengarahkan Tuan hadir pada hari ini?
9
10 **AZHAR** Saya punya penyelia iaitu Tn Adrian.
11
12 **SK** Nama penuh dia?
13
14 **AZHAR** Tn Adrian.
15
16 **SK** Nama penuh?
17
18 **AZHAR** Devendra Adrian... sebentar, Tn Simon, Tn Devendra Adrian S
19 Mahendra (00:22:35).
20
21 **SK** Jawatan dia?
22
23 **AZHAR** Specialist, Tn Simon.
24
25 **SK** So, bermaksud En Adrian tidak memberikan apa-apa latar belakang
26 atau penjelasan sebelum En Azhar diminta hadir pada pagi ini sebagai
27 saksi?
28
29 **AZHAR** Saya punya penyelia ada memberitahu saya kena hadir berdasarkan
30 apa pengetahuan saya di dalam soalan yang ini.
31
32 **CHM** Mr Simon?
33
34 **SK** Ya, Dato' Seri?
35
36 **CHM** We did earlier send a letter to...
37

1 **SK** Maxis.

2

3 **CHM** Maxis kan? We did earlier hantar and set it all kita punya soalan kan?
4 What are the information that we require, is it, from Maxis?
5

6 **SK** Yes. Ada.

7

8 **CHM** Ok. So that letter with our question is in the possession knowledge of
9 Maxis, is it, right?
10

11 **SK** Yes. And they promised they will send someone who can answer those
12 question that we have listed down.
13

14 **CHM** En Azhar –

15

16 **AZHAR** Ya, Dato'?

17

18 **CHM** Before datang hari ini –

19

20 **AZHAR** Ya?

21

22 **CHM** Pihak pengurusan Maxis ada tak tunjuk surat kami, ya, dan pertanyaan-
23 pertanyaan kami, apakah maklumat yang kami perlukan daripada
24 Maxis, ada tak tengok surat itu?
25

26 **AZHAR** Surat itu saya merujuk kepada penyelia saya iaitu Tn Adrian.

27

28 **CHM** Tn Adrian ada pass tak, tunjukkan kepada En Azhar 'Ini ada soalan, ini
29 yang, you know, siasatan, inquiry, interested to know kan, these are the
30 question', dan tunjukkan surat itu. Ada tak ini berlaku, pegawai atasan
31 dengan En Azhar?
32

33 **AZHAR** Ada, Dato', tetapi saya tak tahu perbincangan di antara Tn Adrian
34 bersama dengan Tn Simon.
35

36 **CHM** Tak, ada tak tengok surat itu dan... ada tak tengok surat itu?
37

1 **AZHAR** Surat itu ada, saya terus bagi kepada penyelia saya, Dato'.
2
3 **CHM** Tak, ada tak tengok dan perhatikan soalan-soalan dalam surat itu?
4
5 **AZHAR** Ada, Dato'.
6
7 **CHM** Jadi En Azhar tahulah ya, maklumat-maklumat yang diperlukan kan?
8
9 **AZHAR** Tapi surat itu saya terus bagi kepada... saya terima, saya tengok, saya
10 terus bagi kepada penyelia saya, Dato'.
11
12 **CHM** Memanglah, tak apalah, terus, tapi En Azhar dah tahu dah kan apa
13 maklumat yang diperlukan dari surat itu kan?
14
15 **AZHAR** Ya, Dato'.
16
17 **CHM** Jadi tentu En Azhar dah tengok soalan-soalan itu kan? Akan
18 menyediakan jawapan-jawapan kepada soalan itu kan, dan kalau ada
19 antara soalan-soalan itu di luar bidang tugas En Azhar, En Azhar akan
20 merujuk kepada pegawai yang boleh membantu En Azhar, memberi
21 jawapan kepada maklumat-maklumat itu. Bukankah sepatutnya begitu?
22
23 **AZHAR** Saya hanya diarah untuk menghadiri pada hari ini, sidang pada hari ini,
24 Dato'.
25
26 **CHM** Memang diarah tapi bukan En Azhar dah tahu dah inilah jawapan-
27 jawapan yang diperlukan, ini soalnya, ini jawapan yang diperlukan
28 daripada saya sebagai saksi. Bukankah begitu?
29
30 **AZHAR** Saya tak berapa pasti, Dato', sebab saya diarahkan untuk hadir saja
31 dalam sidang ini.
32
33 **CHM** Ok, getting nowhere.
34
35 **AZHAR** Untuk menjawab soalan.
36

1 **CHM** We're getting nowhere. Alright, ok, En Simon. Maybe we have to call
2 another officer on the technical side. Yes.
3
4 **SK** Jadi, En Azhar, siapakah boleh menjawab soalan-soalan seperti yang
5 saya tanya tadi, tentang data penyimpanan, berapa lama Maxis boleh
6 simpan?
7
8 **AZHAR** Saya tak pasti, Tn Simon, Tn Simon perlu berurusan dengan En Adrian.
9
10 **SK** So kena berurusan banyak kali baru kita akan dihantar oleh semua
11 bahagian, adakah semua bahagian akan hantar saksi nanti? Siapakah
12 –
13
14 **AZHAR** Saya –
15
16 **SK** Seseorang yang menjawab soalan ini nanti?
17
18 **AZHAR** Saya tak pasti, Tn Simon.
19
20 **SK** Kita teruskan.
21
22 **PM1** Can I ask one question, Simon?
23
24 **SK** Yes, Dato'.
25
26 **PM1** Ok. Terima kasih, thank you very much, En Azhar, terima kasih.
27
28 **AZHAR** Saya.
29
30 **PM1** En Azhar, semasa En Azhar nak hadir ke sesi hari ini –
31
32 **AZHAR** Ya?
33
34 **PM1** Adakah En Azhar diminta untuk memberitahu kepada your penyelia,
35 yang siapa nama, En Devendra, apa jawapan yang nak diberikan?
36 Sebab selalunya sebagai wakil kepada Maxis, adakah En Azhar perlu
37 memberitahu 'Inilah jawapan yang akan diberikan kepada' yang

1 bertanya, dalam konteks ini SUHAKAM ya, inquiry ini. Ada tak En
2 Azhar beritahu? Sebab kalau En Azhar beritahu, bagi saya ini bukan
3 jawapan yang diharapkan ya, untuk hadir pada hari ini –
4
5 **AZHAR** Ya.
6
7 **PM1** Dan kata 'Tidak tahu'. Boleh En Azhar just jelaskan sebab kami ini nak
8 mencari penyelesaian kepada persoalan-persoalan yang perlu dijawab
9 ya, En Azhar. Ok, terima kasih.
10
11 **AZHAR** Ok, Dato', saya, berdasarkan soalan ini, saya diminta untuk menjawab
12 apa saja yang dalam pengetahuan saya.
13
14 **SK** Siapa memberitahu arahan tersebut?
15
16 **AZHAR** Sebelum ini sepatutnya ada, saya pun berdasarkan soalan yang diberi,
17 Dato', jawab berdasarkan apa yang saya tahu. Untuk bahagian teknikal
18 perlu dirujuk kepada –
19
20 **SK** En Azhar, soalan saya, siapakah yang memberikan arahan tersebut
21 kepada En Azhar?
22
23 **AZHAR** Saya punya penyelia, Tn Adrian.
24
25 **CHM** Nama penuh dia, please? Adrian?
26
27 **AZHAR** Devendra Adrian.
28
29 **CHM** Devendra –
30
31 **AZHAR** S Mahendra.
32
33 **CHM** Devendra Adrian... En Simon, have we ever communicated with Mr
34 Devendra?
35
36 **SK** Yes, he's the person that I have personally communicated, explained
37 the purpose of the inquiry, and why we need witness to be present

1 despite the two letters from Maxis, and I said we'll send him a list of
2 question and he said after... because they requested for the list of
3 questions, and they said after review the question they will send the
4 right person to answer, to be witness today. That is the promise by Mr
5 Adrian Devendra.
6
7 **CHM** The witness has been 25 years with Maxis, and witness can't answer a
8 basic question. Adakah En Azhar beritahu En Adrian bahawa 'Separuh-
9 separuh soalan itu saya tak boleh jawab, saya kena tanya bahagian
10 teknikal', ada tak beritahu dia?
11
12 **AZHAR** Ada, Dato', saya punya portion iaitu yang soalan yang ke-13 sahaja,
13 Dato'.
14
15 [00:30:00]
16
17 **CHM** Ya?
18
19 **AZHAR** Saya ada beritahu, Dato'.
20
21 **CHM** Soalan yang 13 saja?
22
23 **AZHAR** Ya.
24
25 **CHM** Itu sahaja yang En Azhar tahu jawab?
26
27 **AZHAR** Benar, Dato'.
28
29 **CHM** Yang lain-lain, Soalan 1 ke No.12, tak tahu jawapannya?
30
31 **AZHAR** No.1 yang saya cakap tadi, basic knowledge saya tahu, Dato'.
32
33 **CHM** Dan En Adrian... En Azhar, ada bagi tahu tak En Adrian 'Banyak soalan
34 itu yang saya tak boleh jawab. Kena hantar orang lain.' Beritahu tak En
35 Adrian? Beritahu tak?
36
37 **AZHAR** Ada, ya, Dato'.

1
2 **CHM** Ada beritahu?
3
4 **AZHAR** Ada.
5
6 **CHM** Apa jawapan En Adrian?
7
8 **AZHAR** Dia suruh saya hadir dan mewakili. Itu saja.
9
10 **CHM** Ok. En Simon, over to you.
11
12 **PM2** Dato' Seri, can we take a five minute stand down for a while for panel
13 members to confer?
14
15 **CHM** Sure, yes.
16
17 **PK** Mr Chairman, could we say something before that? Just a little
18 observation or we wait for you all to reconvene? Totally up to you.
19
20 **CHM** Ok, we'll hear you. Is it –
21
22 **PK** It's a short –
23
24 **CHM** Is it... how, it will going to take long or sekejap saja?
25
26 **PK** No, a short comment.
27
28 **CHM** Ok, we'll hear you before we take a short break, yes,
29
30 **PK** Thank you, Dato' Seri. En Azhar, this statement is not meant to criticise
31 you. We thank you for coming and trying to corporate. Mr Chairman, as
32 we listen to this, on behalf of the family, we are very dismayed. The
33 statement could mean from the witness, that the senior management of
34 Maxis misunderstood the letter but from what Mr Simon and explanation
35 and the letter, it is specific and very clear. So whoever in the senior
36 management whether it's the Mr Adrian Devender, and we don't want
37 to presume on that, would have understood that the witness should

1 come prepared to answer this question. The right person would be sent.
2 Mr Simon has made it very clear too as I understood Mr Simon. So we
3 want to record on behalf of the family our deep unhappiness that a
4 responsible telco, Maxis, licensed under the government of Malaysia
5 law, choose to disregard or diminish a formal request from a constituted
6 legislative body by Parliament and sent someone middle or junior who's
7 scarcely could explain anything to help us, thereby wasting the time of
8 everyone this morning. En Azhar, it's not meant that you wasted our
9 time, it is your senior management, alright. So we would like to record
10 our sadness and on behalf, of course we can't speak on behalf on
11 SUHAKAM, on behalf of the Sitepu family, alright, this is unacceptable,
12 the disregard and disrespect shown to this panel. Dato' Seri, if this is a
13 Court and you are presiding, I think somebody will have to pay for this,
14 alright. But Dato' Seri you are now a gracious panel Chairman and I
15 certainly respectfully hope that SUHAKAM will do the necessary thing
16 to record our displeasure. Thank you very much for the opportunity.

17
18 **CHM** Thank you, counsel, we're going to take a break. But before we do so,
19 tadi En Azhar kata En Azhar datang ini nak jawab Soalan 13 lah ya?
20

21 **AZHAR** Ya, Dato'.

22
23 **CHM** Apa soalan 13 itu? Apa dia? Macam mana berbunyiya?
24

25 **AZHAR** Berkenaan permohonan daripada pihak polis, Dato'.

26
27 **CHM** Pihak polis? En Simon, can you help us. What, how does question
28 No.13 sound?
29

30 **SK** Dato' Seri, the question that we send has been divided to a few parts.
31 The question that I asked just now is, are all the basic questions about
32 the post-paid plan and the prepaid plan and the data retention. Then my
33 question will that be sent to, raises about the first reply from Maxis
34 providing the details on the three phone numbers, when it was
35 deactivated. So that was first reply. So questions surrounding that first
36 reply then the another part is questions surrounds the second reply from
37 Maxis which was tendered the last hearing. Then only the last part is

1 how, is Maxis correspondence with other enforcement agencies, that
2 was the last question. So I think Mr Azhar is here just to ask, to answer
3 the last part and most substantial part, I don't think he's prepared to
4 answer.
5
6 **CHM** Your sound, dah hilang dah.
7
8 **SK** My sound is it?
9
10 **CHM** Ok. Alright, ok. Shall we take the break now?
11
12 **SK** Ok. Dear panel members, we'll move into the breakup rooms. Panel
13 members. The officer will know... yes, move it into the breakup rooms.
14 Just accept it.
15
16 **CHM** Ok, I will click on what itu?
17
18 **PM2** Join.
19
20 **SK** Join, please press Join.
21
22 **CHM** Ok, I'm doing it now.
23
24 **SK** En Azhar?
25
26 **AZHAR** Saya, Tuan?
27
28 **SK** Ok. Boleh saya dapatkan kepastian daripada En Azhar, En Azhar
29 hanya boleh menjawab soalan berkenaan dengan proses ataupun
30 hubungan dengan agensi penguatkuasa apabila mereka bertanyakan
31 maklumat daripada Maxis?
32
33 **AZHAR** Ya.
34
35 **SK** Dan Tuan tidak boleh menjawab apa-apa soalan teknikal seperti
36 penyimpanan data, berapa lama nombor itu akan aktif, semua
37 maklumat tersebut itu Tuan tidak boleh menjawab?

1

2 **AZHAR** Benar, Tuan.

3

4 **SK** Benar ya? Ok. Jadi pihak panel telah bersetuju untuk hanya
5 memfokuskan soalan bahagian yang En Azhar boleh menjawab dan
6 kita akan memanggil seorang lagi saksi daripada Maxis untuk
7 menjawab soalan-soalan yang lain. Ok. Jadi En Azhar?

8

9 **AZHAR** Saya, Tuan.

10

11 **SK** Boleh jelaskan apakah proses atau prosedur bagi agensi penguatkuasa
12 undang-undang untuk mendapatkan maklumat daripada Maxis?
13 Berkaitan penyiasatan mereka.

14

15 **AZHAR** Yang pertama perlu menggunakan emel rasmi agensi yang di maksud,
16 agensi penguatkuasa yang dimaksudkan. Emel rasmi perlu dihantar ke
17 saluran grpmaxislea@maxis.com.my agar permintaan dapat diproses.
18 Surat permohonan rasmi perlu menggunakan surat berkepala setiap
19 agensi yang memohon dan ditujukan kepada alamat dan entiti Maxis
20 yang betul. Semua surat permintaan, permohonan rasmi daripada
21 agensi-agensi penguatkuasa perlu ditandatangani oleh pegawai
22 penyiasat yang memohon. Sekiranya cop rasmi itu datangnya dari
23 pihak PDRM, pegawai penyiasat perlu menandatangani surat
24 berkenaan bermakna pegawai Inspektor dan ke atas sahaja. Surat
25 rasmi perlu dinyatakan nombor rujukan, nombor repot, akta ataupun
26 seksyen yang diguna pakai untuk siasatan, dan manakala untuk agensi
27 yang lain hanya pegawai penyiasat sahaja yang perlu menandatangani
28 surat itu dan juga mereka perlu menyertakan akta dan seksyen yang
29 diguna pakai untuk siasatan.

30

31 **SK** Ok. Biasanya kepada siapa... ok. Biasanya kepada siapa, mungkin En
32 Azhar telah menjawab tadi tapi untuk clarification purposes, siapakah,
33 kepada siapakah pertanyaan itu ditujukan?

34

35 **AZHAR** Kepada emel, ditujukan ke emel rasmi iaitu
36 grpmaxislea@maxis.com.my.

37

1 **SK** Ok. Siapa yang akan menerima emel... siapakah penerima emel
2 tersebut? Siapakah yang akan receive that questions?
3

4 **AZHAR** Saya, Tn Simon.
5

6 **SK** Ok. Jadi sekiranya... jadi apakah proses selepas itu? Boleh En Azhar
7 jelaskan?
8

9 **AZHAR** Sekiranya permohonan rasmi itu mengikut format ataupun kriteria yang
10 telah ditetapkan, saya akan memproses permohonan tersebut
11 berdasarkan butiran maklumat yang dipohon oleh pegawai penyiasat.
12

13 **SK** Dan siapakah yang akan menyediakan maklum balas?
14

15 **AZHAR** Saya, Tn Simon.
16

17 **SK** Ok. Sekiranya ada maklumat yang diminta oleh mana-mana agensi
18 yang Tuan tiada maklumat, apakah yang Tuan akan buat?
19

20 **AZHAR** Saya akan merujuk kepada jabatan yang lain sekiranya maklumat itu
21 terlalu urgent ataupun memang diperlukan.
22

23 **SK** Ok. Dan jawapan itu akan diberikan kepada En Azhar oleh bahagian
24 lain?
25

26 **AZHAR** Ya.
27

28 **SK** Ok. Jawapan yang diberikan oleh bahagian lain itu Encik, apa En Azhar
29 akan buat?
30

31 **AZHAR** Selepas saya menerima, saya akan menjawab balas segala
32 permohonan rasmi daripada pihak pegawai penyiasat.
33

34 **SK** Adakah En Azhar akan membaca apakah maklum balas yang diberikan
35 oleh bahagian lain?
36

1 **AZHAR** Ya, bergantung kepada permohonan. Basically, permohonan yang
2 dipohon oleh pihak agensi, basic yang dia orang pohon adalah seperti
3 butiran pemilik dan butiran bil sahaja.
4

5 **SK** Bermaksud butiran itu perlu diminta daripada bahagian lain ke?
6

7 **AZHAR** Ya, butiran bil dan butiran... butiran pemilik dan butiran bil boleh
8 memohon kepada saya.
9

10 **SK** Ok. Jadi dalam urusan biasa ini, adakah En Azhar selalu berurusan
11 dengan bahagian lain di Maxis untuk mendapatkan maklumat?
12

13 **AZHAR** Sekiranya ada permohonan yang memerlukan bantuan daripada
14 department ataupun jabatan yang lain.
15

16 **SK** Kerap atau jarang?
17

18 **AZHAR** Bergantung kepada permohonan daripada pegawai penyiasat, Tn
19 Simon,
20

21 **SK** Bermaksud Tuan ada berhubung dengan bahagian lain dan juga ada
22 menerima maklumat dan ada membaca maklumat yang diberikan oleh
23 bahagian lain. Setuju?
24

25 **AZHAR** Ya.
26

27 **SK** Tapi Tuan masih tidak dapat menjawab soalan yang saya kemukakan
28 tadi?
29

30 **AZHAR** Tadi sebab saya punya basically tugas saya terima, proses, jawab.
31

32 **SK** Ok, terima kasih. Adakah untuk kes siasatan awam ini berkenaan
33 kehilangan dua orang individu bernama Joshua Hilmy dan Ruth Sitepu,
34 adakah pihak PDRM telah menghubungi Maxis?
35

36 **AZHAR** Ada, Tn Simon.
37

- 1 **SK** Ok. Bilakah pihak PDRM menghubungi pihak Maxis?
2
- 3 **AZHAR** Pihak Maxis ada menerima permohonan yang pertama pada
4 23.10.2018 yang iaitu dipohon oleh pegawai penyiasat ketika itu iaitu
5 ASP Hairol Azhar bin Abdul Aziz. Dan yang kedua permohonan yang
6 diterima pada tarikh 8 April. Dan permohonan yang ketiga –
7
- 8 **SK** Sebentar ya. En Azhar, sebentar ya, ini isu recording... apa... tadi tak
9 dengar sangat. Boleh Tuan, En Azhar ulang semula yang surat kedua
10 tadi daripada PDRM, 8 April tahun?
11
- 12 **AZHAR** 08.04.2019 daripada pegawai pemohon iaitu Tn Insp Zulfadhly bin
13 Yaacob. Dan permohonan yang ketiga iaitu 24.06.2019 daripada
14 pegawai penyiasat yang sama iaitu Insp Zulfadhly bin Yaacob.
15
- 16 **SK** Terima kasih, En Azhar. Apakah jenis maklumat yang diberikan kepada
17 pihak PDRM oleh Maxis?
18
- 19 **AZHAR** Maklumat asas bergantung permohonan ketika itu. Permohonan untuk
20 ketiga... yang pertama, emel yang pertama dan kedua permohonan
21 ditolak kerana tidak lengkap. Dan permohonan daripada, yang ketiga
22 daripada Tn Insp Zulfadhly, permohonan yang, maklumat yang saya
23 beri adalah nama, alamat, nombor kad, nombor IC, nombor pasport,
24 jenis pelan iaitu pelan prepaid, tarikh aktif dan juga tarikh penamatan.
25
- 26 **SK** Jadi Tuan, En Azhar, ini bermaksud dua permohonan awal daripada
27 pihak PDRM yang bertarikh 23.10.2018 dan 04.04.2019 itu tidak
28 dijawab oleh pihak Maxis kerana permohonan tidak lengkap?
29
- 30 **AZHAR** Ya.
31
- 32 **SK** So hanya satu maklum balas sahaja diberikan kepada pihak PDRM
33 iaitu pada, iaitu permohonan yang dibuat pada 24.06.2019. Betul?
34
- 35 [00:45:00]
36
- 37 **AZHAR** Benar, Tuan.

1
2 **SK** Bilakah Maxis memberikan jawapan kepada pihak PDRM?
3
4 **AZHAR** Pada hari yang... jawab balas daripada pihak Maxis pada hari yang
5 sama, Tn Simon.
6
7 **CHM** Iaitu, bila itu? Hari yang sama?
8
9 **AZHAR** 24.06.2019.
10
11 **CHM** Ok.
12
13 **MFR** Simon, boleh saya mencelah?
14
15 **SK** Ya.
16
17 **MFR** Ok. En Azhar, assalamualaikum, selamat pagi.
18
19 **AZHAR** Waalaikumsalam.
20
21 **MFR** Saya Faiz daripada SUHAKAM.
22
23 **AZHAR** Ya.
24
25 **MFR** Saya nak tanya soalan satu tadi berkaitan dengan maklum balas yang
26 dikemukakan oleh Maxis pada 24 Jun kepada Insp Zulfadhly.
27
28 **AZHAR** Ok.
29
30 **MFR** Maklum balas yang dikemukakan dalam bentuk apa, En Azhar?
31
32 **AZHAR** Dalam bentuk fail Excel, untuk itu untuk IP dan saya ada menyediakan
33 perakuan Sijil 90A.
34
35 **MFR** Boleh Encik jelaskan perakuan?
36
37 **AZHAR** Perakuan itu adalah untuk –

1
2 **CHM** Sebentar. Ulang lagi perakuan itu. Tak clear.
3
4 **AZHAR** Perakuan Sijil 90A.
5
6 **CHM** Perakuan Sijil 90A ya, A besar?
7
8 **AZHAR** Ya, Dato'.
9
10 **CHM** Terima kasih. Yes, En Faiz.
11
12 **MFR** En Azhar, perakuan Sijil 90A ini adalah polisi ataupun sebahagian
13 daripada akta ke?
14
15 **AZHAR** Selalunya sijil perakuan 90A ini dipohon oleh pegawai penyiasat untuk
16 ditender di Mahkamah.
17
18 **MFR** Baik. En Azhar, tambahan lagi satu soalan. Memang kebiasaan
19 maklum balas yang diberikan kepada agensi penguatkuasa, termasuk
20 PDRM, adakah dalam bentuk Excel?
21
22 **AZHAR** Ya.
23
24 **MFR** Ada covering letter?
25
26 **AZHAR** Semua ada.
27
28 **MFR** Semua ada. Alright. Terima kasih, En Azhar.
29
30 **AZHAR** Sama-sama.
31
32 **CHM** Saya rasalah 90A ini merujuk kepada Seksyen 90A Evidence Act.
33
34 **AZHAR** Ya.
35
36 **CHM** Ya? Betul, En Azhar? Seksyen –
37

1 **AZHAR** Yang saya tahu sijil... selalu pegawai penyiasat memohon sijil
2 perakuan 90A, Akta Keterangan.
3
4 **CHM** Itulah, I suspect so. It refers to Section 90A of the Evidence Act
5 regarding the admissibility of computer-generated document. Right, ok.
6 Right. Carry on, yes.
7
8 **SK** Faiz, itu saja ke?
9
10 **MFR** Itu saja, Mr Simon, thank you.
11
12 **SK** Ok. En Azhar, selain daripada PDRM, adakah mana-mana agensi lain
13 telah berhubung dengan Maxis berkaitan isu kehilangan Joshua Hilmy
14 dan Ruth Sitepu?
15
16 **AZHAR** Setahu saya, tidak, Tn Simon.
17
18 **SK** Hanya PDRM sahaja?
19
20 **AZHAR** Ya.
21
22 **SK** En Azhar ada apa-apa maklumat lain yang boleh membantu siasatan
23 awam ini?
24
25 **AZHAR** Tiada, En Simon, itu saja yang saya boleh membantu pihak SUHAKAM.
26
27 **SK** Ok. Terima kasih, En Azhar. Dear panel members have no further
28 question?
29
30 **CHM** No. Let members from the observer, please. Yes.
31
32 **PK** Dato' Seri, thank you very much. Thank you, Mr Simon, for helping us
33 to frame the issues this morning and how we try to now makes sense
34 of this witness. Dato' Seri, with permission, I will be asking some general
35 questions but my colleague from the Bar, Ms Audrey Pillai, and perhaps
36 even Mr Cyrus Foo, might follow up with some more specific ones

1 relating to this gentleman's, this witness testimony. With permission. En
2 Azhar –
3
4 **PM2** Mr Philip?
5
6 **PK** Yes?
7
8 **PM2** Mr Philip, maybe, Dato' Seri, we can share our proposal on how to move
9 forward with this witness and the subsequent Maxis witness, Dato' Seri,
10 so that observers can also follow through with our reference.
11
12 **CHM** Yes. In our brief discussion it is decided that Mr Simon will get in touch
13 with Maxis, ya, and with Mr Adrian or any other relevant officer and we'll
14 get the clarification who are the officers from Maxis who are in the
15 position to answer our queries. It could be one officer, it could be more
16 than one officer. So when we have identified the officers, the relevant
17 officers with the assistance of Mr Adrian, and then we'll issue a
18 subpoena, to subpoena the relevant officers to appear before this panel
19 and to give evidence. That is what we have decided earlier, yes.
20 Anything else, Jerald?
21
22 **PM2** And Dato' Seri, also for the benefit of the observers, I think it's our
23 proposal as Mr Simon has alluded to that the witness has come
24 prepared to answer the Question 13 as he mentioned, so we thought to
25 focus on that question for this witness now and all other points I think
26 have been made by Mr Philip and panel members that we cannot
27 stretch the time with other questions because we need other competent
28 officers to answer them. Thank you.
29
30 **CHM** So observers, please take note. Please take note witness is capable of
31 answering one particular issue, ya, so let's confine your questions to
32 that issue. Ok, right, yes. So Mr Koh, Philip Koh, you'd like to begin?
33
34 **PK** Understood, Dato' Seri. Of course it's not I'll remit to admit for what the
35 SUHAKAM would write to the Maxis but we would respectfully ask that
36 there is a gentle note of remark why the request was not treated with
37 sufficient weight, alright, to the right authority in SUHAKAM. If not we

1 would have to write ourselves but I don't think we want to belabour the
2 point. I understand that Dato' Seri will remit and we will not tread, we
3 will not go beyond. If it is beyond Encik... the witness will then tell me.
4 Can I ask you in English and you can answer in Malay if you like, is it
5 possible?
6
7 **AZHAR** I will try my level best.
8
9 **PK** Yes. You can speak in English if you can, you can explain in Malay. It's
10 easier for me in English. Thank you so much for accommodating, right.
11 You mention earlier this morning that there is, you're also liaise and you
12 gave testimony with relevant law enforcement agencies and other
13 bodies. Is that correct?
14
15 **AZHAR** Boleh perelaskan makna...
16
17 **PK** Adakah saksi berhubungan dengan law enforcement agency seperti
18 PDRM dan juga Multimedia Commission? Dua body ini.
19
20 **AZHAR** Ada.
21
22 **PK** Ada. So MCMC pun ada pernah dan berhubungan dengan division
23 Encik. Ada?
24
25 **AZHAR** Ya.
26
27 **PK** Ok. Kalau MCMC membuat saluran yang saksi sudah menjelaskan,
28 alright, saluran emel dan dengan surat yang rasmi dan juga jawatan
29 yang sempurna, dan, Encik dan akan berhubungan dengan itu,
30 penjelasan yang dibuat oleh MCMC. Saya bagi satu contoh, MCMC.
31 Memang?
32
33 **AZHAR** Untuk agensi –
34
35 **PK** Kalau –
36

1 **AZHAR** Untuk agensi SKMM, saya tidak membuat, apa, saya tidak, bukan
2 portfolio saya.
3

4 **PK** Tidak?
5

6 **AZHAR** Ya.
7

8 **PK** Siapa buat portfolio SKMM?
9

10 **AZHAR** Untuk tahun yang dimaksudkan adalah En Zulkarnain.
11

12 **PK** So yang lain buat MCMC, SKMM?
13

14 **AZHAR** Ya.
15

16 **PK** So saudara buat berhubung dengan PDRM saja?
17

18 **AZHAR** Ada a few permohonan yang saya, di dalam, di bawah portfolio saya
19 seperti PDRM, separuh daripadanya, daripada SKMM, sorry, SPRM,
20 Imigresen, Kastam, KKM.
21

22 **PK** Kalau ada –
23

24 **AZHAR** Kementerian Kesihatan Malaysia.
25

26 **PK** Ok. Kalau ada sesuatu jenayah yang diancam bukan dibuat, mungkin
27 ada buat dan juga memang ancam kepada orang awam, alright, dan
28 ancaman itu disalurkan seperti sesuatu rayuan kepada Maxis. Ok, saya
29 contoh kidnap, alright, kidnap. You understand the word kidnap?
30

31 **AZHAR** Ya.
32

33 **PK** Kidnap, alright, The child kidnapped, missing child, alright. Or adult has
34 been kidnapped, alright. Then a text comes in to the family demanding
35 a ransom, ransom, ancaman, ok, sila you tak bayar kita RM2 juta kita
36 membunuh orang ini orang, right, di bawah Kanun Keseksaan. Adakah
37 saudara dapat rayuan seperti itu?

1
2 **AZHAR** Selalunya kita menunggu permohonan rasmi daripada pihak agensi
3 yang terbabit.
4
5 **PK** So dalam pengalaman saudara, adakah PDRM investigaling,
6 menyiasatkan kidnapping, menyerahkan, pertolongan dari saudara
7 division. Adakah?
8
9 **AZHAR** Ya.
10
11 **PK** Ada?
12
13 **AZHAR** Sekiranya permohonan ada dibuat, kita akan menyalurkan maklumat
14 seperti yang dipohon.
15
16 **PK** Adakah satu emergency task force, right, saya, kita dengar dari
17 regulatory agency yang lain, kalau ada task force seperti orang kanan
18 telah diculik, ok, adakah saudara participate di dalam task force seperti
19 itu?
20
21 **AZHAR** Tidak. Saya hanya menerima, memproses permohonan sahaja
22 daripada pihak-pihak agensi.
23
24 **PK** So, saudara sahaja ambil dari data dan menyalurkan and then sudah
25 habis jawatan... sudah habis duty.
26
27 **AZHAR** Berdasarkan butiran permohonan daripada pegawai penyiasat.
28
29 **PK** Itulah saja?
30
31 **AZHAR** Ya.
32
33 **PK** Selepas itu saudara tidak ada apa-apa peranan lagi?
34
35 **AZHAR** Ya.
36
37 **PK** Saudara tidak –

1
2 **AZHAR** Berdasarkan bidang tugas saya.
3
4 **PK** Saudara tidak participate dalam polisi ke atau menguatkan monitoring
5 seperti... ok, contoh yang lain saya bagi ialah anti money laundering,
6 ok, atau scammers. Banyak orang guna scamming, alright. Berjuta-juta
7 Ringgit, alright, sengsara orang awam, alright. Bank Negara pun tak
8 ada task force, alright. Ok. Adakah saudara pernah mengetahui seperti
9 scammers, ok, scammers, kita bagi contoh. Scammers.
10
11 **AZHAR** Untuk pengetahuan, saya ada mengetahuilah melalui media masa.
12 Tapi untuk terlibat, tidak.
13
14 **PK** So kalau ada orang yang dapat teks, alright, WhatsApp atau SMS
15 menggunakan saluran Maxis, ok, dan kata 'Silalah share OTP', you
16 tahu apa OTP ya, OTP ialah perkataan yang... kalau orang yang tak
17 faham, mereka share OTP dan wang akan dikeluarkan, alright, dari
18 bank. Adakah saudara pernah jumpa rayuan dari Bank Negara ke atau
19 orang awam ke yang sudah dihilangkan berjuta, beribu-ribu Ringgit.
20 Adakah saudara dapat rayuan seperti itu di dalam law enforcement
21 division saudara?
22
23 **AZHAR** Bergantung kepada... seperti saya nyatakan tadi, saya hanya
24 memproses bergantung kepada permohonan daripada pihak pegawai
25 penyiasat.
26
27 **PK** Tahu, saya tahu. Tetapi adakah dalam pengalaman saudara dapat kes
28 seperti ini? Scamming?
29
30 **AZHAR** Ya, ada.
31
32 **PK** Ada? Contoh itu bukanlah di dalam kes ini tetapi kita now bagi satu
33 contoh lagi and then saya akan tamatkan soalan-soalan saya. Alright.
34 Adakah ancaman untuk menculik orang atau membunuh orang, alright,
35 so keluarga rayu kepada PDRM mungkin tetapi dia juga merayu kepada
36 Maxis, kata kita menerima ancaman ini, alright. Apakah Maxis buat,

1 pada pengetahuan saudara, apakah Maxis buat apabila dapat rayuan
2 seperti itu?
3
4 [01:00:00]
5
6 **AZHAR** Saya –
7
8 **CHM** Hold on, Mr Koh?
9
10 **PK** Yes.
11
12 **CHM** Dapat rayuan seperti itu melalui PDRM ataupun terus kepada Maxis?
13
14 **PK** Ok.
15
16 **CHM** Not very clear.
17
18 **PK** Thank you, Dato' Chairman, I wasn't clear. I think my example is very
19 straightforward then. Dari orang awam, alright, ada seorang ibu atau,
20 you know, dia kata, you know, anak saya telah diculik, ada kita
21 menerima ini. Dia datang ke Maxis. Dia belum pergi PDRM. Dia sangat
22 hangat, dia rasa. Ok. Adakah, apakah Maxis akan buat kalau mendapat
23 rayuan seperti itu?
24
25 **AZHAR** Saya tak tahu sebab di luar bidang tugas saya. Saya hanya memproses
26 semua permohonan berdasarkan daripada pihak agensi sahaja. Tidak
27 orang awam.
28
29 **PK** So, if a public makes a complaint to Maxis, she is receiving threatening
30 texts, SMS, through Maxis, you do not know what Maxis do at all? You
31 don't? You tak tahu apakah Maxis akan buat. Bukan PDRM, ya. Orang
32 awam. Dia kata saya sentiasa ada banyak teks ini, alright. Dia nak
33 ancam keluarga saya. Dia datang ke Maxis. You tak tahu Maxis buat,
34 tidak ada prosedur atau protokol?
35
36 **AZHAR** Saya tak tahu. Selalunya bila macam itu dirujuk kepada pihak
37 penguatkuasa.

1
2 **PK** Ok. One more last question. MCMC, SKMM you called it, MCMC,
3 Multimedia Commission, ok, dia tak ada hubungan dengan saudara
4 division (01:02:20) MCMC. Kalau MCMC buat laporan atau nak
5 mendapat data, adakah saudara kata, dulu ada ya. MCMC –
6
7 **AZHAR** Ada menerima permohonan daripada MCMC.
8
9 **PK** Ada, ya?
10
11 **AZHAR** Ya.
12
13 **PK** Bagi satu contoh, bukan yang terperinci. Apa yang buat kalau MCMC
14 memohon? Seperti apa?
15
16 **AZHAR** Bergantung kepada, seperti saya katakan tadi, bergantung kepada
17 permintaan pegawai penyiasat tersebut.
18
19 **PK** Ok.
20
21 **CHM** Ya, memanglah bergantung. Tapi, peguam En Koh minta contoh. Bagi
22 contoh.
23
24 **AZHAR** Ok. Selalunya seperti –
25
26 **CHM** Apa bantuan diminta itu?
27
28 **AZHAR** Diminta seperti butiran pemilik dan juga butiran bil terperinci.
29
30 **PK** So, kalau dia memohon terperinci, Encik boleh beri data itu atau Encik
31 menyalurkan yang division yang lain untuk release data itu kepada
32 MCMC? You terus bagi tahu atau you akan menyalurkan kepada satu
33 jawatankuasa?
34
35 **AZHAR** Ok. Saya akan terus menyalurkan, apa, maklumat berkenaan kepada
36 pegawai yang memohon.
37

1 **PK** So, seperti, sebab pegawai itu satisfies semua itu protokollah, ya, itu
2 surat and rasmi, ya, memang?
3
4 **AZHAR** Ya.
5
6 **PK** Ok. So, Tuan, saudara tidak tahu bagaimana kalau forensic
7 investigation, you faham phrase itu, forensik?
8
9 **AZHAR** Ya.
10
11 **PK** Adakah Encik ada pengalaman PDRM atau MCMC kata kita nak mesti
12 dapat data mengikut forensik dan forensik, pakar-pakar forensik
13 datang ke Maxis kah, adakah saudara pernah pengalaman ini?
14
15 **AZHAR** Tidak. Semua berdasarkan –
16
17 **PK** Tapi –
18
19 **AZHAR** Tidak.
20
21 **PK** Ya.
22
23 **AZHAR** Kesemuanya berdasarkan permohonan rasmi sahaja.
24
25 **CHM** En Koh?
26
27 **PK** Yes.
28
29 **CHM** I think we have already warned you kan that –
30
31 **PK** Ok. That's not the right question to ask him.
32
33 **CHM** The witness come here, so, let's not waste time. Yes.
34
35 **PK** Thank you.
36
37 **CHM** Alright.

1
2 **PK** I think I should pause here. I should stop here.
3
4 **CHM** Thank you.
5
6 **PK** Basically, will go for the more specific question on –
7
8 **CHM** Yes.
9
10 **PK** 13.
11
12 **CHM** Yes and the appropriate moment –
13
14 **PK** Thank you for the reminder.
15
16 **CHM** At the appropriate moment, when the relevant officer comes, yes.
17 Alright.
18
19 **PK** Apologies. Thank you.
20
21 **CHM** Yes.
22
23 **PK** Ms Audrey, over to you.
24
25 **AP** Good morning, Panel members.
26
27 **SB** Can I ask question?
28
29 **CHM** I can't see you.
30
31 **SB** Can I ask question?
32
33 **CHM** Yes, I can see you now. Is it Chanra, no?
34
35 **SB** No. It's Syahar Banu from KontraS.
36
37 **CHM** I see, from KontraS?

1
2 **SB** Yes.
3
4 **SPC** No, it's not me.
5
6 **CHM** Yes.
7
8 **SB** Can I ask the question in English? If the, if En Azhar cannot understand,
9 someone will translate to Malaysia? Ok. My first question is what
10 consequence do you face in Maxis if you answer the question outside
11 your division? For example, maybe when I work from office, I know the
12 answer from other division but this is not my division. Do you face any
13 consequence from the office if you answer outside your division? But
14 you know the knowledge, but it is outside your division.
15
16 **CHM** Ok. En Azhar –
17
18 **AZHAR** Saya.
19
20 **CHM** En Azhar faham soalan pasal Bahasa Inggeris, faham tak, it's a simple
21 question, faham tak? Faham?
22
23 **AZHAR** Saya tak berapa dapat dia punya, ini, ayat, Dato' Seri.
24
25 **CHM** Puan dari Kontras ini bertanyakan –
26
27 **AZHAR** Ya?
28
29 **CHM** Kalau En Azhar kan, menerima satu persoalan kan, tetapi perkara yang
30 ditanya itu adalah di luar bidang kuasa En Azhar kan –
31
32 **AZHAR** Ya?
33
34 **CHM** Itu untuk division lain yang jawab kan –
35
36 **AZHAR** Ya?
37

1 **CHM** Tetapi En Azhar tahu jawapannya dan dengan budi bicara, baik hati En
2 Azhar sendiri En Azhar yang menjawabnya kan, walaupun En Azhar
3 tahu soalan itu adalah bagi division yang lainkan. Ya. Ok, dan En Azhar
4 yang menjawabnya. Adakah En Azhar akan menerima teguran atau –
5
6 **SB** Punishment.
7
8 **CHM** Hukuman kan daripada orang, pihak atasan ya, hukuman, teguran
9 kerana menjawab sesuatu yang bukan di dalam bidang tugas En
10 Azhar? Ok, faham tak?
11
12 **AZHAR** Ya.
13
14 **CHM** Ya, ok.
15
16 **SB** Thank you.
17
18 **AZHAR** Saya hanya menjawab –
19
20 **CHM** Ya.
21
22 **AZHAR** Berdasarkan bidang tugas saya sahaja. Jika di luar bidang tugas, saya
23 tidak akan menjawab, Dato' Seri.
24
25 **CHM** Tak. Memang En Azhar dah cakap, beritahu itu beberapa kali dah. Tapi,
26 sekarang ini, andaianlah, andainya, andainya kan berlaku En Azhar
27 dengan baik hati ingin menjawabnya because En Azhar tahu
28 jawapannya senang sahajakan, jawapannya senang sahaja dan En
29 Azhar nak membantu, tetapi benda ini adalah di luar bidang tugaskan,
30 ini andaian ya, adakah En Azhar melakukan satu kesalahan ke atau
31 tindakan tatatertib akan diambil oleh orang atasan, pegawai atasan? Itu
32 sahaja soalan, itu soalan dia.
33
34 **AZHAR** Tak ada, Tan Sri, sebab saya, tugas saya, ekstrak, bagi. So far,
35 memang tak ada apa-apa tindakan yang ataupun andaian yang seperti
36 yang ditanya oleh pihak yang bertanya tadilah.
37

1 **CHM** Ok. Dalam 25 tahun bertugas dengan Maxis, pernah tak En Azhar
2 dapat soalan kan, soalan daripada orang awam kan, minta bantuan,
3 jawapan ya, dan En Azhar dengan baik hati nak membantu, dengan
4 semangat nak membantu, memberi jawapannya dengan tujuan untuk
5 membantu walaupun En Azhar tahu itu bukan bidang tugas En Azhar,
6 pernah berlaku tak dalam pengalaman, pernah berlaku?
7
8 **AZHAR** Tan Sri, sepanjang saya berkhidmat, saya hanya di unit back end
9 sahaja. Saya tidak –
10
11 **CHM** Back end?
12
13 **AZHAR** Ya, back end sahaja, Tan Sri, Dato' Seri.
14
15 **CHM** Ok. That's the answer to your question, Puan.
16
17 **SB** Yes. So, you are always in back end for 25 years, right?
18
19 **PM2** Pn Syahar –
20
21 **AZHAR** Yes.
22
23 **SB** From the first year, you –
24
25 **CHM** Sebentar.
26
27 **SB** Yes?
28
29 **CHM** Sebentar. Yes?
30
31 **PM2** Pn Syahar, yes. Tn Azhar, kalau Pn Syahar tanya soalan dalam Bahasa
32 Indonesia, boleh di faham ya?
33
34 **AZHAR** Saya cuba.
35
36 **PM2** I think it's easier Pn Syahar you just ask in Bahasa Indonesia. I think he
37 can manage it.

1
2 **SB** Ok. Thank you. Anda bekerja selama 25 tahun, sejak tahun pertama
3 berada di posisi back end?
4
5 **AZHAR** Ya.
6
7 **SB** Sejak tahun pertama, tidak pernah naik jabatan atau kah naik menjadi
8 supervisor atau kah menjadi jabatan yang lain?
9
10 **AZHAR** Tidak.
11
12 **SB** Ok.
13
14 **CHM** How would you, bagaimana En Azhar describe your position now? You
15 are an executive level, ya?
16
17 **AZHAR** Saya associate, Dato' Seri.
18
19 **CHM** Apa maksud associate ini? You know, we have in any organisation, ada
20 that supervisory level –
21
22 **AZHAR** Bukan supervisor. Bukan supervisor –
23
24 **CHM** Kita ada the managerial level.
25
26 **AZHAR** Level.
27
28 **CHM** Yes?
29
30 **AZHAR** Dato' Seri.
31
32 **CHM** Are you?
33
34 **AZHAR** Bukan supervisor level.
35
36 **CHM** Atas, you atas, atas lagi?
37

1 **AZHAR** Tak. Bawah, Maknanya, non-executive.
2
3 **CHM** You are a non-executive officer?
4
5 **AZHAR** Ya.
6
7 **CHM** Ok. Thank you. Yes?
8
9 **SB** Ok. Probably, mungkin setelah kamu baru lulus kuliah, posisinya tetap
10 di sisi back end, tapi, di bawah lalu naiknya tetap di, naik posisinya tetap
11 di back end atau bagaimana? Kerana saat seseorang berada di dalam
12 jabatan yang kecil, seseorang itu menjadi lebih kluatir untuk menjawab
13 sesuatu di depan umum kerana takut tidak mula perasan polisi dalam
14 kantor, seperti itu? Jadi, kalau seandainya mungkin En Azhar bisa
15 menjelaskan posisi awal saat berkantor di Maxis dan sampai berkantor
16 di sekarang, mungkin kami bisa membayangkan bagaimana sulitnya
17 En Azhar menjawab ketika di luar kuasa En Azhar, kalau bisa
18 menyebutkan posisi di dalam kantornya kan lebih mudah untuk
19 memahami komplikasi dari –
20
21 **CHM** Pn Syahar dari Kontras, you are asking a question or just making a
22 comment? Buat komen sahaja, ya? Komen sahaja?
23
24 **SB** No. It's a question.
25
26 **CHM** It's a question –
27
28 **SB** Itu pertanyaan –
29
30 **CHM** Tolong buatkan soalan itu pendek dan senang di faham.
31
32 **SB** Ok.
33
34 **CHM** Saya rasa macam more of making a comment tadi. Ya.
35

1 **SB** Ok. Pertanyaannya adalah bisakah En Azhar mengatakan kepada kami
2 posisi di dalam di sisi back end, apa sahaja yang pernah En Azhar jabat,
3 En Azhar pegang, dari pertama kali bekerja di Maxis?
4

5 **AZHAR** Ok.
6

7 **SB** Selama 25 tahun, posisi apa sahaja yang sudah pernah dipegang oleh
8 En Azhar?
9

10 **AZHAR** Selama 25 tahun, posisi yang telah saya pegang –
11

12 **SB** Ya.
13

14 **AZHAR** Iaitu di back end, yang pertamanya, untuk check akaun dan check,
15 maknanya sama ada pembayaran customer itu tally dengan amaun,
16 dengan bil. Dan ini yang untuk ke LEA ini adalah jawatan kedua saya.
17

18 **SB** Baik. Untuk yang pertama –
19

20 **CHM** En Azhar?
21

22 **SB** Bererti *dicheck* akaun, kalau seandainya –
23

24 **CHM** Puan, sebentar, ya.
25

26 **SB** Ya.
27

28 **CHM** Yes, this is a follow up to your question. Jawatan, mula-mula jawatan,
29 bukan tugas, ya, jawatan yang En Azhar pegang di Maxis bila mula-
30 mula join Maxis, 25 tahun dulu, apa jawatan dia?
31

32 **AZHAR** Payment services, Dato' Seri.
33

34 **CHM** Payment?
35

36 **AZHAR** Services.
37

1 CHM Services, ya? This is, is this, this the name of your jawatan?
2
3 AZHAR Benar, Dato' Seri.
4
5 CHM Ok. Berapa tahun di payment services, berapa tahun?
6
7 AZHAR Saya tak ingat, Dato' Seri. Saya minta maaf.
8
9 CHM Roughly lah. You know, 4 atau 5 tahun –
10
11 AZHAR Lebih kurang 16 tahun, Dato' Seri.
12
13 CHM 16 tahun, ya –
14
15 AZHAR Ya.
16
17 CHM Under payment services ini, you check accounts and you checked bills,
18 begitu ya?
19
20 AZHAR Ya. Key in payment.
21
22 CHM Ok. Selepas, but your service with Maxis is 25 tahun, ya?
23
24 [01:15:00]
25
26 AZHAR Ya, benar.
27
28 CHM 25 tahun.
29
30 AZHAR Benar.
31
32 CHM Ok. Lepas itu, lepas itu ditukar ke bahagian mana pula itu, lepas itu?
33
34 AZHAR Bahagian, ke yang sekarang ini Dato' Seri.
35
36 CHM Bahagian sekarang, ya?
37

1 **AZHAR** Sekarang ini, ya.
2
3 **CHM** Dipanggil apa itu?
4
5 **AZHAR** Law enforcement agency unit.
6
7 **CHM** Law enforcement agency unit, ya?
8
9 **AZHAR** Ya, saya.
10
11 **CHM** Hingga sekarang, ya?
12
13 **AZHAR** Sehingga sekarang, Dato' Seri.
14
15 **CHM** Ok. Boleh tanya, En Azhar in the law enforcement, are you a lawyer,
16 legally qualified person?
17
18 **AZHAR** Tidak.
19
20 **CHM** Not a legally qualified person?
21
22 **AZHAR** Ya. Untuk saksi sahaja, sekiranya dipanggil untuk memberi keterangan.
23
24 **CHM** So, you are not a legally, I mean, you don't have a law degree?
25
26 **AZHAR** Tidak, Dato' Seri.
27
28 **CHM** Ok. Is it alright if I were to ask you, your qualifications?
29
30 **AZHAR** Saya hanya –
31
32 **CHM** Your qualification to date?
33
34 **AZHAR** Ada diploma sahaja, Dato' Seri.
35
36 **CHM** Diploma, you have a diploma in?
37

1 **AZHAR** Business study.

2

3 **CHM** In business study, ya?

4

5 **AZHAR** Ya.

6

7 **CHM** From which college is that?

8

9 **AZHAR** Kolej awam, Dato' Seri. Saya pun dah tak ingat, Dato' Seri.

10

11 **CHM** I see. Ok. Never mind. Ok. Thank you. Yes, Puan, dari Kontras,

12 teruskan dengan soalan. Ya.

13

14 **SB** Yes. Jika saya bertanya soal misalnya bahagian hal-hal menyangkut

15 payment service yang sudah di jabatan anda dulu, apakah anda akan

16 tetap menjawab atau kah tidak, jika itu menyangkut jabatan lama anda?

17

18 **AZHAR** Saya hanya –

19

20 **SB** Maksudnya –

21

22 **AZHAR** Memproses sahaja.

23

24 **CHM** Faham soalan, ya? Faham soalan, En Azhar?

25

26 **AZHAR** Saya tak berapa clear, Dato' Seri.

27

28 **SB** Yes, if the, jika Panel bertanya tentang sesuatu yang menyangkut divisi

29 payment and service, padahal itu, divisi tersebut sudah lama anda

30 tinggalkan dan sekarang di divisi law enforcement, apakah anda akan

31 tetap menjawab atau tidak?

32

33 **AZHAR** Tidak.

34

35 **SB** Tidak. Sekalipun sebenarnya anda mengetahui tentang payment and

36 service, segala persoalan payment and service, anda tetap tidak akan

37 menjawab?

1
2 **AZHAR** Ya, tidak, sebab di luar bidang kuasa saya pada ketika ini.
3
4 **SB** Baik. Terima kasih.
5
6 **CHM** Itu sahaja?
7
8 **SB** Ya.
9
10 **CHM** Ok. We move on to other observers. PDRM?
11
12 **PK** Dato' Seri, sorry. I think Ms Audrey Pillai was supposed to come on and
13 somehow, she is not able to be in the screen and then Puan came in
14 from Kontras, ibu. Can I ask permission that Audrey Pillai ask some
15 questions, to complete the family?
16
17 **CHM** Ok.
18
19 **PK** Thank you.
20
21 **CHM** Alright. Sure.
22
23 **PK** Much obliged. Audrey, please come on quickly.
24
25 **AP** Thank you, Panel members. Just a few questions for clarification. En
26 Azhar, boleh saya tanya, tadi –
27
28 **CHM** Hold on. I can't see Ms Audrey Pillai on the screen.
29
30 **AP** My camera is on and my –
31
32 **CHM** Yes, I can see you now, Ms Audrey, ok, yes.
33
34 **AP** Ok. Thank you, Panel Chairman. If I could be allowed to just a few
35 clarification questions to En Azhar? En Azhar, tadi En Azhar ada bagi
36 tahu, En Azhar boleh bagi tahu dan menjawab soalan berkenaan

1 dengan butiran bil dan juga butiran pemilik. Jadi, saya nak tanya,
2 adakah En Azhar mempunyai akses terus kepada sistem Maxis?
3
4 **AZHAR** Maknanya saya terima, saya proses, saya jawab (01:19:15 inaudible)
5
6 **AP** Jadi untuk menjawab soalan itu, En Azhar dapat akses terus kepada
7 sistem Maxis. Betul?
8
9 **AZHAR** Ya.
10
11 **AP** Ok. Berdasarkan pengalaman En Azhar, pengalaman sahaja ya,
12 secara am ya, berapa lama rekod itu En Azhar boleh trace, boleh akses
13 berapa lama, berdasarkan pengalaman En Azhar?
14
15 **AZHAR** Berdasarkan pengalaman saya, selalunya bergantung kepada
16 pemohon daripada pegawai penyiasat.
17
18 **AP** Jadi, kalau, maksud saya, kalau En Azhar terima request daripada
19 PDRM pada hari ini, ya, berdasarkan –
20
21 **AZHAR** Ok?
22
23 **AP** Pengalaman dan ini adalah soalan am, ya, jadi kalau En Azhar terima
24 request itu dan PDRM minta untuk trace tahun 2016, berdasarkan
25 pengalaman En Azhar dalam menjawab soalan itu, berapa lama En
26 Azhar dapat trace dalam sistem itu?
27
28 **AZHAR** Kalau katakan pihak PDRM memohon pada tarikh 2016 –
29
30 **AP** Ya?
31
32 **AZHAR** Kalau ada bil, saya akan bagi. Begitu juga untuk prepaid. Selalunya
33 prepaid, bila dia disconnected, memang bagi saya, check, memang tak
34 ada bil.
35
36 **AP** Ok. Itu yang saya nak minta En Azhar bagi keterangan sikit. Selama ini,
37 pengalaman lapan tahun dalam LEA, mengikut pengalaman En Azhar,

1 berapa lama yang paling lama yang kamu dapat trace dalam sistem,
2 paling lama, berapa lama? Faham soalan saya?
3
4 **AZHAR** Menurut pengalaman, selalu dalam lima tahun, begitu.
5
6 **AP** Ok. Jadi, berdasarkan pengalaman –
7
8 **AZHAR** Bergantung kepada permohonan yang dipohon oleh pegawai
9 penyiasat.
10
11 **AP** Maksud En Azhar, apakah maksud –
12
13 **AZHAR** Sekiranya –
14
15 **AP** Kamu bergantung kepada –
16
17 **AZHAR** Ya, bergantung kepada pemohon pegawai penyiasat.
18
19 **AP** Tolong terangkan apa maksud bergantung kepada permohonan?
20
21 **AZHAR** Ok. Maksud saya, permohonan rasmi yang dipohon oleh pegawai
22 penyiasat daripada, contoh daripada PDRM, selalunya ingin memohon
23 butiran pemilik dan juga butiran bil. Butiran bil –
24
25 **AP** Ya?
26
27 **AZHAR** Mesti ada tarikh bil yang dipohon.
28
29 **AP** Ok, saya faham. Jadi, berdasarkan pengalaman dan semua
30 permohonan yang telah diterima dalam tahun, lapan tahun ini,
31 berapakah paling lama yang En Azhar dapat trace dalam sistem?
32
33 **AZHAR** Seperti saya katakan tadi, saya, bergantung, saya tak pasti.
34
35 **AP** Ok. Tak dapat jawab, ya.
36
37 **AZHAR** Ya.

1
2 **AP** Ok. Bila En Azhar katakan butiran bil, maksud apakah, walaupun
3 prepaid ataupun post paid, asalkan butiran bil itu dapat akses dalam
4 sistem, En Azhar dapat bagi keterangan dan dapat respons kepada
5 PDRM. Betul?
6
7 **AZHAR** Maksud saya, kalau adapun ataupun tidak, saya akan terus respons.
8
9 **AP** Ok.
10
11 **AZHAR** Itu saya punya bidang tugas.
12
13 **AP** Ok, faham. Terima kasih. Butiran –
14
15 **CHM** Sebentar, ya. En Azhar –
16
17 **AZHAR** Ya, Dato' Seri.
18
19 **CHM** Ada sebut butiran bil, ya? Butiran bil, ya?
20
21 **AZHAR** Ok?
22
23 **CHM** Betul tak, kalau butiran bil, En Azhar juga maksud the number of calls
24 in the bill? Number of calls dan bila call itu dibuat?
25
26 **AZHAR** Ya.
27
28 **CHM** Dan berapa lama call itu mengambil masa, ya? Betulkan, itu kan, kalau
29 –
30
31 **AZHAR** Ya, itu yang dimaksudkan –
32
33 **CHM** Bil?
34
35 **AZHAR** Butiran bil terperinci, ya, Dato' Seri.
36
37 **CHM** Yes, ok, thank you. Yes, Audrey?

1
2 **AP** Much obliged, Panel Chairman. En Azhar, tadi En Azhar ada bagi
3 keterangan bahawa bila permohonan diterima daripada PDRM, emel
4 ataupun surat muka daripada PDRM akan memberikan report number
5 ataupun seksyen. Jadi, bila terima permohonan untuk kes yang ini, kes
6 kehilangan Joshua Hilmy dan Ruth Hilmy, apakah yang dimaklumkan
7 oleh PDRM? Apakah seksyen ataupun report number yang telah
8 dirujuk?
9
10 **AZHAR** Saya tak ingatlah, Dato' Seri.
11
12 **CHM** En Azhar tak bawa fail hari ini, ya, ke sini?
13
14 **AZHAR** Ada depan, ada nota, adalah Dato' Seri.
15
16 **CHM** Nota sahaja? The relevant document ada bawa tak hari ini?
17
18 **AZHAR** Tiada, Dato' Seri.
19
20 **CHM** Mengapa tak dibawa?
21
22 **AZHAR** Untuk yang saya katakan tadi yang Jawapan 15 itu, pada 15 Oktober,
23 report number semua ada dinyatakan Dato' Seri.
24
25 **CHM** Ada nombor repot polis?
26
27 **AZHAR** Ada, Dato' Seri.
28
29 **CHM** Tolong bacakan nombor repot polis itu.
30
31 **AZHAR** Ok. Yang pertama, saya katakan tadi, masa menerima permohonan
32 pertama pada 23.10.2018, nombor rujukan dia adalah Sg. Way repot
33 2249/17, Dato' Seri.
34
35 **CHM** Bertarikh?
36
37 **AZHAR** Bertarikh, ya, 23 Oktober, Dato' Seri.

1
2 **CHM** Tahun 2018?
3
4 **AZHAR** Ya.
5
6 **CHM** Ok. Lepas itu, apa lagi repot?
7
8 **AZHAR** Pada 08.04.2019, nombor repot yang sama, Sg Way, 2249/17, Dato'
9 Seri.
10
11 **CHM** Ok. Lepas itu, ada lagi?
12
13 **AZHAR** Dan yang terakhir, pada 24.06.2019, Sg Way repot 2249/17 dan Sg
14 Way repot 2209/18, Dato' Seri.
15
16 **CHM** Sekarang dah ada dua, ada dua nombor repot, ya, sekarang?
17
18 **AZHAR** Ya, Dato' Seri.
19
20 **CHM** Ok. Alright. Ok, Audrey?
21
22 **AP** Much obliged, Panel Chairman. En Azhar, terima kasih bagi kita
23 keterangan yang lanjut. Boleh saya tanya, selama ini berapa surat yang
24 telah dikeluarkan oleh pihak Maxis kepada pihak PDRM, semua sekali?
25
26 **AZHAR** Seperti saya katakan tadi, permohonan yang diproses iaitu pada
27 24.06.2019.
28
29 **AP** Ok. Jadi, boleh saya confirm, selama ini ada tiga surat yang telah
30 dikeluarkan oleh Maxis. Betul ke?
31
32 **AZHAR** Tiga surat, makna yang dua itu kita tak proses kerana tidak lengkap.
33
34 **AP** Ok.
35
36 **CHM** Sebentar. Bermakna yang dua surat yang awal itu, En Azhar –
37

1 **AZHAR** Ya.
2
3 **CHM** Bermakna Maxis tak jawab?
4
5 **AZHAR** Ditolak, permohonan ditolak, Dato' Seri.
6
7 **CHM** Ok. Tapi, ada jawab tak?
8
9 **AZHAR** Ada jawab.
10
11 **CHM** Minta maaf PDRM, permohonan kamu kita tolak.
12
13 **AZHAR** Ya.
14
15 **CHM** Ada tak?
16
17 **AZHAR** Ya.
18
19 **CHM** Ada jawab.
20
21 **AZHAR** Ada.
22
23 **CHM** Jawapan dia, permohonan, request ditolak?
24
25 **AZHAR** Ya, ada, Dato' Seri.
26
27 **CHM** Ok. Alright. Ya. Clear.
28
29 **AP** Thank you, Panel Chairman. Jadi En Azhar, boleh saya tanya, ada
30 bawa surat-surat yang telah dikeluarkan oleh Maxis? Adakah depan En
31 Azhar pagi ini?
32
33 **AZHAR** Tiada, Puan.
34
35 **AP** Tiada?
36
37 **AZHAR** Tiada.

1

2 **AP** Ok. Rujuk kembali kepada surat pertama yang dikeluarkan oleh pihak
3 Maxis yang mengatakan tidak dapat jawab kerana informasi ataupun
4 permohonan itu tidak lengkap, apakah sebab tidak lengkap? Boleh
5 tolong terangkan kepada Panel?

6

7 **AZHAR** Jawapan, permohonan balas pihak Maxis, saya kepada pegawai
8 pemohon, permohonan tidak lengkap iaitu tidak mengikut tatacara
9 seterusnya maklumat seperti yang dilampirkan di bawah, iaitu tidak
10 menyatakan tarikh bil yang dipohon.

11

12 **AP** Jadi, bila permohonan dibuat, perlu merujuk secara khusus kepada
13 tarikh bil untuk –

14

15 **AZHAR** Ya.

16

17 **AP** Mendapatkan rekod panggilan. Betul ke?

18

19 **AZHAR** Ya.

20

21 **AP** Jadi, sekali gus kita boleh buat kesimpulan bahawa apa yang diminta
22 oleh PDRM ialah untuk dapatkan rekod panggilan telefon tersebut.
23 Betul ke?

24

25 **AZHAR** Ya.

26

27 **AP** Ok. Dan permohonan kedua, adakah permohonan itu berbeza daripada
28 permohonan pertama?

29

30 **AZHAR** Sama juga. Permohonan tidak lengkap.

31

32 **AP** Jadi, permohonan kedua juga meminta rekod panggilan. Betul ke?

33

34 **AZHAR** Saya tak print surat itu. Saya hanya print untuk jawab balas daripada
35 pihak Maxis kepada pihak PDRM sahaja.

36

37 **AP** Jadi, apa yang telah diminta oleh PDRM, En Azhar kurang pasti ke?

1
2
3
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37

AZHAR Tidak. Maksud saya, yang permohonan kedua itu tidak lengkap, tidak dilampirkan dalam bentuk pdf.

AP Jadi kali kedua, tidak lengkap atas alasan lain. Betul?

[01:30:00]

AZHAR Ya.

AP Dan alasan tersebut adalah kerana format tidak betul?

AZHAR Format tidak betul dan tidak di nyata, format tidak betul.

AP Ok. Boleh saya tanya, permohonan yang kedua yang telah dibuat oleh PDRM, apakah yang telah diminta ataupun apa yang telah dipohon oleh mereka?

AZHAR Surat itu saya tak print. Saya minta maaf.

AP Tak bawa hari ini dan tidak berada dalam tangan En Azhar pagi ini, ya?

AZHAR Ya, saya.

AP Tapi memang berada dalam rekod jabatan LEA. Betul?

AZHAR Ya.

AP Jadi, kalau Panel memerlukan surat tersebut, En Azhar bolehlah bagi keterangan, ya?

AZHAR Ya, boleh.

AP Ok. Terima kasih banyak. Ok. Soalan saya seterusnya, yang kali ketiga PDRM memohon, boleh terangkan apa permohonan tersebut, apakah kandungan permohonan tersebut?

1 **AZHAR** Permohonan, kandungan permohonan tersebut adalah untuk butiran
2 pemilik dan juga butiran bil terperinci.
3
4 **AP** Ok. Dan apakah jawapan En Azhar kepada PDRM?
5
6 **AZHAR** Jawapan balas saya, saya memberi butiran pemilik dan juga, butiran
7 pemilik sahaja.
8
9 **AP** Butiran pemilik sahaja?
10
11 **AZHAR** Ya.
12
13 **AP** Dan apakah alasan yang terkandung dalam surat Maxis mengapakah
14 butiran bil tidak boleh diberi ataupun rekod panggilan?
15
16 **AZHAR** Rekod panggilan tidak dapat diberi kerana ketika itu talian telah
17 ditamatkan perkhidmatan.
18
19 **AP** Ok. Terima kasih. Jadi, surat Maxis berkenaan dengan permohonan
20 ketiga oleh PDRM bertarih 24.06.2019. Betul ke?
21
22 **AZHAR** Ya, betul.
23
24 **AP** Panel members, if I could just seek the indulgence of the SUHAKAM
25 officers as to whether this letter will be tendered now because if it is
26 marked as an exhibit, then the observers would have the advantage of
27 asking questions to the person who has signed the letter? Could I just
28 seek clarification administratively?
29
30 **CHM** Which letter, Ms Audrey?
31
32 **AP** This is the Maxis letter dated 24th of June. I understand that it was
33 actually referred by Inspektor Zulfadhly when he came on 11th of
34 January, but it has not been marked as an exhibit. But since the maker
35 is here, could we request that it be marked as an exhibit at this point?
36
37 **CHM** En Simon, could we? Shouldn't be any problem, isn't it?

1
2 **SK** Yes. But we don't have a copy of that. So –
3
4 **CHM** Witness has?
5
6 **SK** I request the –
7
8 **CHM** Witness.
9
10 **SK** Yes. Witness has it then we can ask the witness to lender it and we can
11 mark it as exhibit.
12
13 **CHM** Ok. Can it be done now, online, boleh ya?
14
15 **SK** En Azhar, boleh share dokumen itu, share screen ke?
16
17 **AZHAR** Saya, dokumen itu saya tak print out –
18
19 **SK** Rasanya En Azhar ada softcopy kan?
20
21 **AZHAR** Softcopy –
22
23 **SK** Tak ada print out, maksudnya En Azhar ada softcopy. Betul ke?
24
25 **AZHAR** Saya ada softcopy, tapi saya tak pasti macam mana.
26
27 **CHM** Do you have computer before you, En Azhar? You have a computer
28 before you?
29
30 **AZHAR** Saya kena –
31
32 **CHM** Of course, you have a computer because you are online dengan kita
33 kan. You have a computer kan?
34
35 **AZHAR** Ya.
36
37 **CHM** So, is that letter in your computer?

1
2 **AZHAR** Ok. Dato' Seri sebab permohonan itu telah pun dijawab pada 2019,
3 saya kena check dulu Dato' Seri. Takut dia telah *diarchived*.
4
5 **CHM** So, at the moment, you don't have access to that letter?
6
7 **AZHAR** Ya.
8
9 **CHM** So, can you try your best to retrieve that letter and pass to En Simon,
10 to us?
11
12 **AZHAR** Memohon Tn Simon memohon secara rasmi kepada pihak Maxis, Dato'
13 Seri.
14
15 **CHM** Tak perlulah. Sekarang ini, arahan daripada Panel, takkan nak –
16
17 **AZHAR** Ok.
18
19 **CHM** Banyak sangat red tape. Ya.
20
21 **AZHAR** Boleh, Dato' Seri.
22
23 **CHM** Yes. Ok. Yes. Alright. So, pass it to En Simon, ya. En Simon, any
24 comment? Would that be ok, that arrangement?
25
26 **SK** Ok. En Azhar –
27
28 **AZHAR** Ya.
29
30 **SK** Just untuk kepastian, En Azhar tak ada softcopy untuk *dishare*
31 sekarang?
32
33 **AZHAR** Ya.
34
35 **SK** En Azhar, apa sekarang, tengah merujuk apa ya?
36

1 **AZHAR** Memohon, jawab balas ataupun surat permohonan rasmi, saya tak
2 pasti.
3
4 **SK** Surat yang baru dirujuk oleh peguam Audrey tadi adalah berkenaan
5 dengan surat yang dijawab oleh pihak Maxis kepada PDRM. Betul?
6
7 **AZHAR** Ya.
8
9 **SK** Adakah En Azhar mempunyai salinan surat itu tersebut sekarang?
10
11 **AZHAR** Salinan bentuk fizikal, ya, ada.
12
13 **SK** Bentuk fizikal ada.
14
15 **AZHAR** Ya.
16
17 **SK** Itu yang sedang dirujuk oleh En Azhar, ya?
18
19 **AZHAR** Ya.
20
21 **SK** So, softcopy tidak ada?
22
23 **AZHAR** Ya, tak ada.
24
25 **SK** Ok. Jadi nanti, berikan saya salinan hardcopy itu.
26
27 **AZHAR** Ya. Ok.
28
29 **SK** Terima kasih.
30
31 **CHM** Ok.
32
33 **AP** Thank you. Thank you, Panel members and SUHAKAM officer, Mr
34 Simon, thank you for that. Just to ask, how we proceed from hereon
35 because in order for the observers to ask questions on that letter, we
36 would need for that to be produced and marked? Could I just seek
37 clarification on this?

1

2 **CHM** Any answer, En Simon?

3

4 **SK** Well, unless the witness can forward us the softcopy now because then
5 only we can share with everyone, if not, then we have to recall the
6 witness, then only he can answer the questions.

7

8 **CHM** Ms Audrey –

9

10 **AP** Yes.

11

12 **CHM** Were you already online with us when, you know, we informed
13 members of the Panel that we'll be calling other members, other officers
14 of Maxis?

15

16 **AP** Yes, I was, Dato' Seri.

17

18 **CHM** You heard kan? Yes?

19

20 **AP** Yes, I was. My only concern with this letter is that this is the maker of
21 the letter and so whether or not we would have any questions but I take
22 Mr Simon's point on this. And so perhaps, we could just reserve in the
23 event there are actually pertinent questions, then we would probably
24 need to recall. But if there are not, then we will just direct the questions
25 to the next Maxis witness that is coming, if that could be proposed?

26

27 **AK** Mr Chairman, this is Andrew Khoo. I have a suggestion.

28

29 **CHM** Yes, Mr Khoo.

30

31 **AK** Could En Azhar not take a photograph of the letter? He's got a hardcopy
32 in front of him. Can he not take a photograph of that letter and then send
33 it to Simon and for that to be shared? I am conscious to the fact that if
34 we let the witness go, it might be difficult to get him back again and the
35 questions that Ms Audrey might have, you know, will get delayed. I
36 mean, we have the technology to do that and he is the maker of the
37 letter. So, you know, he can confirm that the letter that he photographed

1 and send to us is indeed the letter and then we can proceed to view the
2 letter. And Ms Audrey and anybody else can ask questions based on it.
3
4 **CHM** Boleh, En Azhar, ambil gambar, snapshot?
5
6 **AZHAR** Saya perlu mendapat keizinan, Dato' Seri.
7
8 **CHM** Pasal apa pula?
9
10 **AZHAR** Saya kena –
11
12 **CHM** You are here to give evidence. Your boss has asked you to give
13 evidence, that including giving whatever documents you have to this
14 Panel.
15
16 **AZHAR** Ok.
17
18 **CHM** You have the implied authority to do that because it is relevant to your
19 presence here before us today. So, can you do it now and pass it to?
20
21 **SK** En Azhar, hantar kepada Pn Aida, ya.
22
23 **AZHAR** Pn Aida? Maknanya, Tn Simon, untuk jawapan balas ke daripada saya?
24
25 **SK** Ya, jawapan Maxis kepada pihak PDRM.
26
27 **AZHAR** Ok.
28
29 **CHM** Yes, please, ok, thank you, En Azhar, please do it now.
30
31 **AZHAR** Baik.
32
33 **CHM** And then pass it to our officers so that our officer can show it on screen.
34 Ok. And then, we can, based on that letter, which we are able to view
35 on screen, members of observers or members of the Panel might have
36 additional question to ask you, yes.
37

1 **AZHAR** Dato' Seri, dengan izin, saya nak minta break.
2
3 **CHM** Yes, of course. We'll take a break for that letter to be facilitated, right.
4 We'll take a break, say, what's the time now?
5
6 **PM2** 11:05AM.
7
8 **CHM** So, how long, how, shall we, we resume at 11:30AM ke, tak, 11:30AM?
9
10 **AZHAR** Ya.
11
12 **CHM** Ok?
13
14 **AZHAR** Ok.
15
16 **CHM** Ok. We'll resume at 11:30AM. So, En Simon, shall I, shall we click on
17 leave now? Boleh, ya?
18
19 **PM2** No, Dato' Seri, we just off our camera and mute.
20
21 **CHM** Ok. Off camera and mute, yes. We'll come back at 11:30AM, yes.
22
23 **AP** Much obliged.
24
25 **CHM** Ok, right, yes, ok.
26
27 **SK** Ms Audrey, before you proceed, I would like to go through the document
28 with the witness and to mark it as an exhibit.
29
30 **AP** Much obliged, Mr Simon.
31
32 **SK** Zaidi, tolong share dokumen yang telah diterima. En Azhar, kami
33 perlukan bantuan En Azhar untuk Menyusun, apa, surat-surat yang
34 diterima dari segi muka surat dia, ya, memastikan dia, susunan dia
35 betul, ya, sebelum *dimark*, di tanda sebagai exhibit. Kalau, En Azhar
36 ada menghantar empat dokumen, ya. Betul? En Azhar, unmute, please.
37 Ok.

1
2 **AZHAR** Ok.
3
4 **SK** So, kami akan tunjukkan satu per satu. En Azhar bagi tahu yang mana
5 satu yang pertama, kedua, ketiga dan keempat, ya.
6
7 **AZHAR** Ok. Tn Simon, ini adalah pembuka emel yang diterima, tidak termasuk
8 lampiran surat rasmi ya.
9
10 **SK** Ok. So, boleh kami anggap ini sebagai dokumen yang pertama?
11
12 **AZHAR** 23.10.2018, ya.
13
14 **SK** Boleh, ya. Ok
15
16 **AZHAR** Ya.
17
18 **SK** Ok. Terima kasih. Yang kedua, Zaidi.
19
20 **AZB** Nampak ke, Tuan?
21
22 **SK** Tak berubah. Dokumen yang masih sama.
23
24 **CHM** Have we marked this document, Simon?
25
26 **AZB** Ok. Sama ke, En Simon?
27
28 **SK** Sorry, tak perasan. En Azhar, sama ke tadi, yang ini dengan tadi?
29
30 **AZHAR** Ok. Saya nampak yang first ini sahaja. Yang second, saya tak nampak.
31
32 **SK** Ok. Masih sama. Zaidi, stop sharing dan share yang kedua. Ya, Dato'
33 Seri?
34
35 **CHM** We are going to mark kan the document as we go along, ya?
36

1 **SK** Yes, Dato' Seri, after we established the sequence of the, the order of
2 the documents.
3
4 **CHM** Ok. Yes, take your time, yes.
5
6 **AZB** Saya nak susun balik. Kejap ya. Ok, second letter.
7
8 **AZHAR** 08.04.2019, ya.
9
10 **SK** Betul, ya?
11
12 **AZHAR** Betul.
13
14 **SK** Ok. Terima kasih. Surat yang ketiga.
15
16 **AZHAR** Ini jawab balas saya. Dia sebelum, ada satu lagi.
17
18 **AZB** Ada satu lagi, ya?
19
20 **AZHAR** Ya. Setiap surat ada dua, dua, dua, dua. Maksudnya pemohon dan
21 jawapan balas daripada saya.
22
23 **AZB** Ok. Yang ini ke, Encik?
24
25 **AZHAR** Tidak. Ini jawapan balas daripada saya.
26
27 **AZB** Yang ini?
28
29 **AZHAR** 24 Jun, ya.
30
31 **[01:45:00]**
32
33 **SK** So, ini adalah dokumen yang ketiga. Ok. Saya dimaklumkan semuanya
34 ada enam, bukan empat, ya, semuanya ada enam muka surat.
35
36 **AZHAR** Ya.
37

1 **SK** Ini yang ketiga. Ok. Zaidi, ini yang ketiga, ya.
2
3 **AZB** Ok, sekejap. Bagi saya rename sekejap, En Simon –
4
5 **SK** Baik.
6
7 **AZB** Takut terlepas dia punya itu. Sekejap ya.
8
9 **SK** Ok, Zaidi.
10
11 **AZB** Ok. Surat keempat. En Azhar?
12
13 **AZHAR** Ini jawapan balas saya kepada surat yang ketiga tadi.
14
15 **SK** So, mengikut susunan betul ini dokumen yang keempat ke, susunan
16 dia?
17
18 **AZHAR** Ini yang dokumen yang ketiga last tadi. Ya, betul. Kalau boleh susun
19 ikut terima, dijawab balas, terima, dijawab balas.
20
21 **SK** Yang ini sudah, tadi dah dikongsi tadi ke?
22
23 **AZHAR** Ok. Yang last tadi, yang daripada emel 24.06.2019, inilah jawapan
24 balas saya.
25
26 **SK** So, kalau mengikut susunan, ini dokumen yang ke berapa, kalau Encik
27 –
28
29 **AZHAR** Ketiga.
30
31 **AZB** Keempat.
32
33 **SK** Ini yang –
34
35 **AZHAR** Ketiga, Tn Simon.
36

1 **SK** Zaidi, maksudnya ini sudah ditunjukkan tadi. Ini yang ketiga. Yang Zaidi
2 tunjuk sebelum ini adalah yang keempat.
3
4 **AZB** Ok. Sebelum yang, sekejap ya. Kalau saya tengok, ok, alright.
5
6 **AZHAR** Sepatutnya Tn Zaidi, mengikut susunan, saya terima emel daripada
7 PDRM, jawapan balas saya. Macam itu, mengikut tarikh.
8
9 **AZB** Ok. Tadi yang surat sebelum ini, En Azhar –
10
11 **AZHAR** Ya?
12
13 **AZB** Yang itu yang ketiga ke ataupun yang sekarang ini –
14
15 **AZHAR** Ok. Yang ketiga, yang terakhir tadi ialah emel yang kita terima, inilah
16 jawapan balas dia. Satu set, satu pair.
17
18 **AZB** Ok, kalau ikut sequence, yang surat yang saya, yang lampirkan
19 sekarang ini adalah yang keempat?
20
21 **AZHAR** Ya, betul.
22
23 **AZB** Betul?
24
25 **AZHAR** Betul.
26
27 **AZB** Ok. Ikut susunan ini, nombor empat ya?
28
29 **AZHAR** Ya.
30
31 **AZB** Ok, baik. Sekejap ya, Tuan.
32
33 **SK** Ok. Ada dua lagi.
34
35 **AZB** Ok. Surat yang kelima. Betul ke, Tuan?
36

1 **AZHAR** 24 Oktober, ini adalah even, surat di susun kelima, ini adalah jawapan
2 balas saya untuk permohonan yang pertama.
3
4 **SK** Jadi, dari segi susunan dia, ini yang kelima ke, En Azhar?
5
6 **AZHAR** Ya.
7
8 **SK** Ok. Dan surat terakhir, dokumen terakhir.
9
10 **AZB** Ok, Tuan.
11
12 **AZHAR** Ok. Dokumen yang nombor enam ini adalah jawab balas saya untuk
13 permohonan, surat yang, lampiran yang kedua.
14
15 **SK** Kalau mengikut susunan, ini dokumen yang keenam. Betul?
16
17 **AZHAR** Ya, betul.
18
19 **SK** Ok. En Azhar, kita akan tunjukkan semula dokumen ini mengikut
20 susunan dia dan kita akan tandakan sebagai exhibit, ya.
21
22 **AZB** Ok, Tuan –
23
24 **SK** Ya?
25
26 **AZB** Boleh tak saya *combinekan* dulu sebagai pdf?
27
28 **SK** Boleh buat cepat ke?
29
30 **AZB** Dia, kalau tak, dia buka satu satukan, kalau kita tak *combinekan*. Boleh
31 ke?
32
33 **SK** Ok, Zaidi, kalau boleh dipercepatkan?
34
35 **AZB** Ok, baik. Hello, Tuan? Hello?
36
37 **AZHAR** Ya.

1
2 **AZB** Ok, nampak?
3
4 **AZHAR** Ya, nampak.
5
6 **AZB** Ok, ini surat pertama, ok, ada enam semua, saya dah *attachkan* dalam
7 ini.
8
9 **AZHAR** Alright.
10
11 **SK** Ok, Zaidi. Saya akan go through dengan witness, ya. Ok, En Azhar, ini
12 surat yang pertama?
13
14 **AZHAR** Ya.
15
16 **SK** Ya, Panel members, we'll mark the document as exhibit as we, as I go
17 through with the witness. This will be Exhibit 117A. En Azhar, ini adalah
18 dokumen?
19
20 **AZHAR** Ini adalah emel yang kita terima daripada pegawai pemohonlah.
21
22 **SK** Ok, Rasanya permohonan pertama daripada PDRM. Betul?
23
24 **AZHAR** Ya, permohonan pertama, yang ini kita panggil, kotak ini kita panggil
25 muka emel.
26
27 **SK** Ok. Terima kasih. Next page, Zaidi. Susunan ini betul, En Azhar?
28
29 **AZHAR** Ya. Ini permohonan yang kedua, Tn Simon.
30
31 **SK** Ok. Kita akan tandakan sebagai Exhibit 117B. Boleh jelaskan –
32
33 **CHM** Hold on, Simon. Hold on.
34
35 **SK** Yes, Dato' Seri.
36
37 **CHM** Tadi, police request kan? Tadi?

1
2 **SK** The first, yes, first letter. En Azhar, boleh jawab?
3
4 **CHM** Police request –
5
6 **AZHAR** Ya.
7
8 **CHM** Lepas police request itu, the next document should be Maxis punya
9 respons kan?
10
11 **AZHAR** Ya. Betul, Dato' Seri.
12
13 **CHM** So, is this the response from Maxis?
14
15 **AZHAR** No, this is request from the requester, PDRM, Dato' Seri.
16
17 **CHM** First request or second request?
18
19 **AZHAR** Second request, Dato' Seri.
20
21 **CHM** Sebelum kita datang ke second request, kita kena selesaikan first
22 request dulu.
23
24 **AZHAR** Ya, sebab itu saya dah –
25
26 **CHM** We have the request, 117A, so, there should be 117B, which should be
27 –
28
29 **AZHAR** Jawapan balas, Dato' Seri.
30
31 **CHM** Maxis punya maklum balas kan?
32
33 **AZHAR** Ya, betul, Dato' Seri.
34
35 **CHM** So –
36
37 **SK** So, maksudnya, susunan ini salah ke En Azhar?

1
2 **AZHAR** Salah, Tuan Simon, sebab saya dah kata tadi, kita terima dan jawapan
3 balas saya, kita terima dan jawapan balas saya.
4
5 **CHM** It should be in that pattern, that sequence, ya?
6
7 **AZHAR** Ya, Dato' Seri.
8
9 **CHM** It comes in pairs, ya.
10
11 **SK** Zaidi, susunan dia adalah pertanyaan dari PDRM, jawapan daripada
12 Maxis, pertanyaan dari PDRM, jawapan daripada Maxis, itu susunan
13 dia, mengikut tarikh.
14
15 **AZB** Sekejap. So, macam mana nak susun ini, Tuan, sekejap. Ok. Yang ini,
16 tadi yang pertama –
17
18 **AZHAR** Ok. Jawapan, itu permohonan pertama.
19
20 **AZB** Ok.
21
22 **AZHAR** Tn Zaidi kena ikut, apa, jawapan balas saya.
23
24 **AZB** Sekejap, ya, Tuan.
25
26 **AZHAR** Ya.
27
28 **AZB** Bagi saya, apa ini dulu, saya open balik untuk attachment. Sekejap, ya.
29
30 **AZHAR** Boleh, Tn Zaidi.
31
32 **AZB** Ok, Tuan. Ok, yang untuk yang pertama, emel yang diterima daripada
33 ketua balai polis ini, ya, Tuan?
34
35 **AZHAR** Ya.
36
37 **AZB** Yang ini yang pertama, ya. Betul, ya?

1
2 **AZHAR** Ya.
3
4 **AZB** Ok. Yang seperti dekat layar ini, sekarang ini, ya, Tuan?
5
6 **AZHAR** Ya.
7
8 **SK** Ya, Zaidi, telah disahkan oleh saksi tadi. Move on.
9
10 **AZB** Ok. Yang surat nombor dua, yang mana, Tuan? Bukan yang ini ya?
11
12 **AZHAR** Bukan, bukan yang ini.
13
14 **AZB** Ok. Yang mana, Tuan, yang ini? Bukan?
15
16 **AZHAR** Sebentar. Bukan.
17
18 **AZB** Yang ini, Tuan?
19
20 **AZHAR** Bukan.
21
22 **AZB** Yang ini, Tuan?
23
24 **AZHAR** Ya.
25
26 **AZB** Ok. So, surat No.5 lah ini.
27
28 **AZHAR** Ok.
29
30 **AZB** Sekejap, saya nak –
31
32 **AZHAR** No.5 jadi No.2.
33
34 **AZB** Ok, baik. Sekejap, saya nak betulkan dulu. Ok, Tuan, untuk yang No.3
35 sekarang?
36
37 **AZHAR** Ok. No.3 –

1
2 **AZB** Yang ini ke?
3
4 **AZHAR** Ya.
5
6 **AZB** Betul, Tuan, ya, yang No.2 ini ya?
7
8 **AZHAR** Ya, betul.
9
10 **CHM** Hold on. It cannot be because it is dated 2019. The first two letters are
11 all dated 2018. Am I right?
12
13 **AZHAR** Ok, Dato' Seri, yang pertama, kita terima pada 2018 dan jawab balas
14 saya pun pada 2018.
15
16 **CHM** Ya.
17
18 **AZHAR** Dan yang second ini, kita terima pada 08.04.2019, yang maksud yang
19 ini, then ada jawapan balas daripada saya pada tahun yang sama,
20 Dato' Seri.
21
22 **CHM** Lepas itu, ada surat yang ketiga, ya?
23
24 **AZHAR** Ya, ada surat yang ketiga, Dato' Seri, iaitu 24.06.2019, ada kita
25 menerima permohonan dan juga jawapan balas daripada saya, Dato'
26 Seri.
27
28 **CHM** Ok. In the year 2019, there are two letters kan?
29
30 **AZHAR** Ya, ini yang pertama.
31
32 **CHM** In 2019, there are two letters. Ok. Thank you. So, patah balik tadi,
33 betullah, that is the second letter kan?
34
35 **AZHAR** Ya.
36
37 **CHM** Ok. So, this is the second letter. This is the request, ya?

1
2 **AZHAR** Ya, benar, Dato' Seri.
3
4 **CHM** Request, ok. Then, the response, Maxis response?
5
6 **AZB** Ok.
7
8 **AZHAR** Sepatutnya pada tarikh yang sama.
9
10 **AZB** Ok, yang mana satu?
11
12 **AZHAR** Ini bukan.
13
14 **AZB** Yang ini ke, Tuan?
15
16 **AZHAR** Bukan.
17
18 **AZB** Yang ini?
19
20 **AZHAR** Bukan.
21
22 **AZB** Ataupun yang ini?
23
24 **AZHAR** Ya.
25
26 **AZB** Last sekali?
27
28 **AZHAR** Ya.
29
30 **AZB** Sekejap, ya. Ok. Bagi saya susun dulu.
31
32 **AZHAR** 08.04.2019.
33
34 **AZB** Ok. Bagi saya susun dulu, Tuan. Yang last punya, ya, Tuan?
35
36 **AZHAR** Ya.
37

1 **SK** Maksud yang keempat, Zaidi, yang ini?
2
3 **AZB** Ya, yang keempat, betul. Ok. Lepas itu, ok, Tuan, lepas surat ini?
4
5 **AZHAR** Ok. Tarikh 24.06.2019.
6
7 **AZB** Ok. Yang mana, yang ini ke?
8
9 **AZHAR** Ya.
10
11 **AZB** Yang nombor tiga ini, Tuan?
12
13 **AZHAR** Ya.
14
15 **AZB** Betul, ya, seperti yang sekarang dekat skrin ini, ya?
16
17 **AZHAR** Ya, betul, Tn Zaidi.
18
19 **AZB** Sekejap, Tuan.
20
21 **SK** So, ini sequence yang kelima, Zaidi?
22
23 **AZB** Ok.
24
25 **SK** Dan jawapan kepada surat ini, daripada Maxis.
26
27 **AZB** Alright. Ok. Tuan, the last sekali?
28
29 **SK** Ambil surat yang ada letterhead Maxis.
30
31 **AZHAR** Ya, inilah –
32
33 **AZB** Yang ini, ya?
34
35 **AZHAR** Jawapan balas untuk permohonan yang dimaksudkan.
36
37 **AZB** Ok, yang ini the last sekali, ya?

1
2 **AZHAR** Ya.
3
4 **AZB** No.4, ya?
5
6 **AZHAR** Betul.
7
8 **AZB** Ok, Tuan, sekejap, ya. Saya nak, apa ini, ok, tak ada lagi dah kan?
9 Sekejap, saya kira sekejap. Ok, sekejap ya, saya generate balik.
10
11 [02:00:00]
12
13 **AZB** Ok Tuan, nampak Tuan? Ini yang kita dah susun semula tadi.
14
15 **SK** Ok.
16
17 **AZB** Ok ya, No.1.
18
19 **AZHAR** Ya.
20
21 **AZB** No.2.
22
23 **AZHAR** Ok jawapan balas, ok.
24
25 **AZB** No.3.
26
27 **AZHAR** Ya.
28
29 **AZB** No.4.
30
31 **AZHAR** Ok.
32
33 **AZB** No.5.
34
35 **AZHAR** Ok.
36
37 **AZB** Dan last sekali, No.6.

1
2 **AZHAR** Betul, Tn Zaidi.
3
4 **AZB** Ok betul, ya? Ok, pass kat En Simon balik. Tuan, Tn Simon.
5
6 **SK** Ok yang dokumen pertama tadi, En Azhar, ini adalah permintaan
7 pertama daripada PDRM?
8
9 **AZHAR** Betul, Tn Simon.
10
11 **SK** Betul, ya?
12
13 **AZHAR** Ya.
14
15 **SK** So kita tandakan sebagai 117A. Surat yang kedua, dokumen kedua
16 adalah maklum balas daripada Maxis kepada PDRM kepada
17 permohonan yang pertama?
18
19 **AZHAR** Betul, Tn Simon.
20
21 **SK** Betul?
22
23 **AZHAR** Ya, betul.
24
25 **SK** So kita tanda ini sebagai 117B. Yang ketiga, ok En Azhar, ini adalah
26 permohonan kedua oleh pihak PDRM bertarikh 8 April –
27
28 **AZHAR** Ya.
29
30 **SK** Betul? Untuk ini sebagai 117C.
31
32 **CHM** No, Simon, no. It should be 118A.
33
34 **SK** 118, ok.
35
36 **CHM** Yes, it's always A, B, A, B.
37

1 **SK** Ok, sorry, Dato' Seri. So this will be 118A. Ok Zaidi, teruskan.
2
3 **AZB** Macam mana boss? Tak tahu, saya, macam mana En Simon?
4
5 **SK** Ok.
6
7 **AZB** Ok.
8
9 **SK** Tadi 117A, 7B, kan?
10
11 **AZB** Ok.
12
13 **SK** Dokumen pertama dan kedua. Dokumen ketiga tadi –
14
15 **AZB** Ya.
16
17 **SK** Adalah Exhibit 118A.
18
19 **AZB** Ok baik, baik, ok.
20
21 **SK** Ini adalah maklum balas Maxis kepada pertanyaan daripada PDRM
22 buat kali yang kedua bertarikh 8 April, betul En Azhar?
23
24 **AZHAR** Betul, Tn Simon.
25
26 **SK** Ok so kita tandakan ini sebagai 118B.
27
28 **AZB** B, ok.
29
30 **AK** Mr Chairman.
31
32 **CHM** Yes.
33
34 **AK** Andrew Khoo from the Bar. If you go to what has just been marked as
35 118A, that is just the cover email. The actual letter is not shown.
36
37 **CHM** Tengok 118A, 118A, tengok 118A.

1
2 **SK** Zaidi, sebelum ini, dokumen sebelum ini.
3
4 **AK** If you go, if Simon or Zaidi or Faiz can move down a little bit, all it says
5 'Surat'... go up, up.
6
7 **SK** Yang tadi, dokumen, ok here, here, ok, ok.
8
9 **AK** We read the body of the letter. Go down, yes, 'surat rasmi seperti
10 dilampirkan yang disertakan', but we don't see that. We don't actually
11 see what is the request. This is just the cover email letter.
12
13 **SK** En Azhar, faham tak maksud dia? Ini adalah cover –
14
15 **AZHAR** Seperti saya jelaskan –
16
17 **SK** Cover –
18
19 **AZHAR** Dengan izin, Tn Simon.
20
21 **SK** Ok jelaskan.
22
23 **AZHAR** Ok seperti yang saya jelaskan tadi, saya beri untuk terima emel dan
24 jawapan balas. Surat rasmi itu saya kena check balik sebab saya kata
25 tadi kepada Dato' Seri', dia dah *diarchive*, saya kena akan bagi semula.
26
27 **SK** Ok.
28
29 **CHM** Ok, jadi 118A ini tak lengkaplah, ya? Tak lengkap.
30
31 **AZHAR** Ya, tiga-tiga tak lengkap, Dato' Seri.
32
33 **CHM** Ya?
34
35 **AZHAR** Tiga-tiga tak lengkap tanpa surat permohonan rasmi.
36

1 **CHM** Ok ini tak lengkaplah because 'seperti dilampirkan', maksud saya,
2 dilampirkan, tak lengkap, lampiran, 'seperti di lampiran' –
3
4 **AZHAR** Ya, lampiran itu asal –
5
6 **CHM** Lampiran itu tak ada, ya?
7
8 **AZHAR** Ya, tak... bukan tak ada, Tan Sri, maknanya –
9
10 **CHM** Ada?
11
12 **AZHAR** Dia tak ikut format.
13
14 **CHM** Tapi di lampiran, tapi you hutanglah. Tak bawa?
15
16 **AZHAR** Ya, pihak saya hutang Dato' Seri punya pihak untuk tiga letter,
17 attachment letter.
18
19 **CHM** Oh –
20
21 **SK** Dato' Seri, if I may explain?
22
23 **CHM** Yes.
24
25 **SK** What is shared by the witness is, is his cover note upon receiving
26 request from PDRM. What he don't have it today his, the actual request
27 from the PDRM. So there's three documents, the first request, second
28 request and third request from PDRM, the original letter from PDRM is
29 not here. But upon receiving request from PDRM, he, there's a cover
30 note processed by Maxis. So he has shared the cover note, not the
31 actual request. Betul, En Azhar?
32
33 **AZHAR** Ya.
34
35 **CHM** Even for, even for 118, 117A tadi pun, begitu problem dia?
36

1 **SK** Ya, yang... Zaidi, naik atas, Zaidi. 117A tadi. So ini adalah cover
2 daripada Maxis sendiri, ya, atau emel daripada PDRM?
3

4 **AZHAR** Yang ini, ini daripada PRDM.
5

6 **SK** Jadi apa yang En Azhar kata hutang tadi?
7

8 **AZHAR** Lampiran surat permohonan rasmi.
9

10 **CHM** Sebentar, sebentar, mari kita baca. Di sini... wait, ya. 'Adalah
11 dimaklumkan... menjalani... blah, blah, blah. Oleh yang demikian,
12 pihak kami membantu melengkapkan', ini, kemudian, 'Sehubungan itu,
13 pihak Tuan'... nampak gayanya daripada this one, it is by itself, a stand
14 alone, dia tak ada, dia tak ada lampiran, kan?
15

16 **AZHAR** Ya, yang itu yang saya katakan tadi, Dato' kata.
17

18 **CHM** Ini tak ada lampiran.
19

20 **AZHAR** Saya hutang lampiran untuk di sinilah.
21

22 **CHM** Tak, yang, yang ini pun, PDRM ada hantar letter, lampiran ke sebab
23 dalam sini, para 2, para 3, para 4, tak... para 1, tengok para 1?
24

25 **SK** Naikkan sikit, Zaidi.
26

27 **CHM** Para 1, para 1, tak, nothing. Ini tak, tak macam surat tadi. Surat tadi ada
28 kata lampiran, lampiran tak ada. Tapi ini tak ada sebut langsung, kan,
29 tentang lampiran? So this one doesn't, doesn't come with a lampiran,
30 would I be right?
31

32 **AZHAR** Sebab itu surat yang rasmi, yang sebetulnya saya tak dapat nak provide
33 untuk masa sekarang. Memang masa permohonan pada 23.10.2018,
34 pihak pegawai penyiasat ada menyertakan sekali surat permohonan
35 rasmi, Dr, Dato' Dr.
36

37 **CHM** Wait, ya.

1
2 **SK** Bermaksud En Azhar –
3
4 **AZHAR** Ya.
5
6 **SK** Emel ini disertakan, dilampirkan dengan satu surat permohonan, betul?
7
8 **AZHAR** Ya, surat permohonan rasmi, Tn Simon.
9
10 **SK** Walaupun dalam –
11
12 **AZHAR** Yang itu, yang itu –
13
14 **SK** Itu tidak dinyatakan apa-apa lampiran tapi memang emel ini diterima
15 bersama satu lampiran, betul?
16
17 **AZHAR** Ya, ya betul.
18
19 **CHM** Ok, ok I understood, understood, alright, ok. So ok this is berkurangan,
20 kan? Something is missing, kan? Kan? The lampiran is missing, ok. The
21 second letter –
22
23 **AZHAR** Betul, Dato' Seri.
24
25 **CHM** Same problem.
26
27 **AZHAR** Ya.
28
29 **CHM** Same problem, kan?
30
31 **AZHAR** Ya.
32
33 **CHM** Same problem tadi. Lampiran, lampiran is not there. Ok let's move to
34 the third letter now. The third letter?
35
36 **SK** Zaidi, sekejap, Zaidi. Pergi kepada 117B tadi. En Azhar.
37

1 **AZHAR** Ya.
2
3 **SK** Kalau dilihat jawapan maklum balas Maxis yang kepada permintaan
4 PDRM yang pertama –
5
6 **AZHAR** Ok.
7
8 **SK** Ini juga telah dijawab melalui emel. Ya?
9
10 **AZHAR** Benar.
11
12 **SK** So adakah Maxis juga menghantar secara... ada lampiran ke dalam
13 ini?
14
15 **AZHAR** Tidak. Sekiranya permohonan itu ditolak, ini adalah jawab balas yang
16 standard untuk dihantar kepada pegawai penyiasat.
17
18 **SK** Ok jadi tidak ada apa-apa lampiran, hanya emel sahaja?
19
20 **AZHAR** Tidak ada apa-apa lampiran, Tn Simon.
21
22 **SK** Ok terima kasih.
23
24 **CHM** Sebentar, Simon. Mari kita tatap sikit this respond from Maxis ini.
25
26 **SK** Ok Dato' Seri.
27
28 **CHM** Bagi proses berikut, ya.
29
30 **SK** Kecilkan sikit, Zaidi.
31
32 **CHM** 'Permohonan tidak lengkap'. Tidak lengkap, ya. Wait, ya. Tak lengkap,
33 ya?
34
35 **AZHAR** Benar, Dato' Seri.
36
37 **CHM** Tidak lengkap. Ada di nyata tak mengapa tak lengkap. Di mana?

1
2 **AZHAR** Ok kalau –
3
4 **CHM** Di –
5
6 **AZHAR** Kalau... mohon ditarik ke surat yang pertama itu. Ok stop. Ok kalau
7 Dato' Seri tengok content dekat sini, tarikh bil dipohon itu tidak
8 dinyatakan, Dato' Seri.
9
10 **CHM** Alright. Memang tidak dinyatakan, ya?
11
12 **AZHAR** Ya benar, Dato' Seri.
13
14 **CHM** Ok did your reply tadi explain? Let's see, let's see your reply tadi? Did
15 you explain it? Di mana?
16
17 **AZHAR** Ok saya explain, contoh, kena letak date. Contoh saya bagi date, itu
18 September 2018.
19
20 **CHM** Wait, ya. Oh ini contoh?
21
22 **AZHAR** Ya, contoh.
23
24 **CHM** Ok. Ok alright, ok thank you. Ok we move on now.
25
26 **SK** Terima kasih. 118A, ok, En Azhar, yang ini pun ada surat permohonan
27 daripada PDRM, ya, yang tidak ada di sini?
28
29 **AZHAR** Ya, betul.
30
31 **SK** Betul, ok. Ke bawah, Zaidi, So ini adalah jawapan daripada Maxis untuk
32 surat yang, permohonan yang kedua?
33
34 **AZHAR** Ya betul, Tn Simon.
35
36 **SK** Ya. Ini pun emel sahaja ke ada, ada –
37

1 **AZHAR** Emel sahaja, Tn Simon.
2
3 **SK** Emel sahaja, ya.
4
5 **AZHAR** Ya.
6
7 **SK** Ok. So ini di tanda sebagai 118B. So En Azhar menjawab, boleh
8 jelaskan di sini?
9
10 **AZHAR** Ok permohonan yang kedua yang saya terima dilampirkan dalam
11 bentuk Words. Kita punya kriteria, perlu dilampirkan dalam bentuk pdf,
12 itu yang pertama. Yang keduanya, tiada pemuka emel, seperti contoh
13 yang surat yang pertama diterima, ada kotak itu, yang di second
14 request, tiada kotak, standard format.
15
16 **SK** Ok. So tidak mengikut format yang ditentukanlah oleh pihak Maxis?
17
18 **AZHAR** Ditetapkan, ya. Betul, Tn Simon.
19
20 **SK** Ok Zaidi, seterusnya. Ini, ok, surat bertarikh 24 Jun, ini adalah
21 permintaan –
22
23 **AZHAR** Permohonan yang –
24
25 **SK** Ini adalah permohonan ketiga daripada pihak polis?
26
27 **AZHAR** Benar, Tn Simon.
28
29 **SK** Ok. Ini pun tidak ada lampiran daripada polis, ya?
30
31 **AZHAR** Ada lampiran.
32
33 **SK** Ada? Yang ini ada?
34
35 **AZHAR** Ya, ya.
36
37 **SK** Turun, Zaidi, ada di bawah, ya?

1

2 **AZHAR** Makna, lampiran itu lengkap. Yang saya katakan tadi, kita hutang surat-
3 surat permohonan rasmi daripada pihak PDRM untuk disertakan.
4

5 **SK** Ya, maksud, maksud saya tadi, surat permohonan itu tidak ada di sini?
6

7 **AZHAR** Ya.
8

9 **SK** Ok ya, ok. Jadi ini kita tandakan sebagai 119A. Dan seterusnya, ini
10 adalah maklum balas daripada pihak Maxis bertarikh 24 Jun, betul, En
11 Azhar?
12

13 **AZHAR** Betul, Tn Simon.
14

15 **SK** Ok. Yang ini, adakah pihak Maxis menghantar emel sahaja ataupun
16 ada dokumen lain yang disertakan?
17

18 **AZHAR** Ada dokumen sekali, Tn Simon.
19

20 **SK** Ok, di mana dokumen tersebut? Ada tarikhnya?
21

22 **AZHAR** Dilampirkan di dalam surat yang permohonan balas saya, daripada
23 saya.
24

25 **SK** Pada dokumen yang En Azhar kongsi itu tak ada?
26

27 **AZHAR** Tak ada.
28

29 **SK** Lampiran tersebut?
30

31 **AZHAR** Tak ada.
32

33 **SK** Tak ada?
34

35 **AZHAR** Ya.
36

37 **SK** So bermaksud ada satu lagi dokumen yang En Azhar hutang ke?

1
2 **AZHAR** Ya.
3
4 **SK** Maksudnya, maklum balas daripada pihak Maxis kepada PDRM?
5
6 **AZHAR** Dan juga, ya, dan juga surat permohonan rasmi daripada pihak PDRM.
7
8 **SK** Ok. Boleh saya tahu kenapa tidak ada maklum balas daripada pihak
9 Maxis kepada PDRM, ya?
10
11 **AZHAR** Ada, tapi saya kena, sebab fail terlalu lama, saya kena archive, kena
12 cari balik, Tn Simon.
13
14 **SK** Ok so sekarang En Azhar tidak boleh berikan surat itu pada masa ini?
15
16 **AZHAR** Ya, ya.
17
18 **SK** Ok. Bermaksud untuk lampiran 119 ini, ada dua dokumen lagi yang En
19 Azhar perlu kemukakan kepada pihak SUHAKAM. Satu, permohonan
20 daripada pihak PDRM.
21
22 **AZHAR** Ya.
23
24 **SK** Seperti yang lain.
25
26 **AZHAR** Ya.
27
28 **SK** Dua, yang ini hanya, hanya surat cover letter, kan?
29
30 **AZHAR** Ya benar, Tn Simon.
31
32 **SK** Dia punya actual reply itu tak ada di sini?
33
34 **AZHAR** Ya.
35

1 **SK** Betul, ya. Ok. So yang ini, 119B. So En Azhar sebelum saya serahkan
2 kepada legal counsel nanti, bilakah En Azhar boleh mengemukakan
3 dokumen-dokumen yang lain?
4

5 **AZHAR** Secepat yang mungkin, Tn Simon.
6

7 **SK** Ok. Ok terima kasih, En Azhar. Dear panel members, is this clear?
8 Zaidi, boleh stop sharing sekejap? So the witness have four more
9 documents to submit to us, ok. Thank you. Over to you, Ms Audrey.
10

11 [02:15:00]
12

13 **AP** Much obliged, Mr Simon, for your assistance. Can I just clarify that the
14 witness will be recalled after he produces the remaining documents,
15 would that be the position?
16

17 **SK** I would suggest that we go through with the witness, the document that
18 he has submitted for now then, then maybe we can have a better
19 position whether to decide whether to recall the witness or not?
20

21 **AP** Thank you so much, Mr Simon. En Azhar, boleh saya tanya beberapa
22 soalan secara am, ya?
23

24 **AZHAR** Ok.
25

26 **AP** Secara kebiasaan dalam pengalaman En Azhar lapan tahun ini, berapa
27 kerap terima request macam ini, permintaan macam ini untuk bagi
28 assistance?
29

30 **AZHAR** Bergantung –
31

32 **AP** Dalam –
33

34 **AZHAR** Kepada permohonan untuk –
35

36 **AP** Ya, saya faham.
37

1 **AZHAR** Ya.
2
3 **AP** Dalam lapan tahun ini, secara kebiasaan, mungkin dalam satu tahun,
4 berapa kali, berapa kerap akan terima permintaan macam ini daripada
5 PDRM ataupun mana-mana LEA yang lain, secara kebiasaan?
6
7 **AZHAR** Saya minta maaf, Pn Audrey, saya tidak pasti berapa actual yang kita
8 terima.
9
10 **AP** So tak boleh bagi anggaran juga ke?
11
12 **AZHAR** Ya, sebab anggaran itu saya tak pasti.
13
14 **AP** Ok baik.
15
16 **CHM** Ok tak dapat beritahu anggaran. Kalau ditanya dari, bentuk soalan itu
17 diubah, permohonan macam ini kerap ke atau jarang sekali?
18
19 **AZHAR** Jarang sekali, Dato' Seri.
20
21 **CHM** Ok, itu jawapan, jarang, permohonan ini jarang sekali, ya?
22
23 **AZHAR** Ya.
24
25 **CHM** Ok bukan –
26
27 **AP** Much obliged.
28
29 **CHM** Bukan kerap, ya?
30
31 **AZHAR** Ya.
32
33 **AP** Much obliged, Panel Chairman. Jadi En Azhar, selain daripada En
34 Azhar, ada tak pegawai lain dalam jabatan yang sama yang akan
35 menjawab –
36
37 **AZHAR** Ada.

1
2 **AP** Soalan-soalan atau permintaan?
3
4 **AZHAR** Ada.
5
6 **AP** Ada?
7
8 **AZHAR** Ada, Pn Audrey.
9
10 **AP** Jadi berapa semua sekali dalam jabatan yang ini?
11
12 **AZHAR** Untuk jabatan saya, ada empat orang.
13
14 **AP** Empat orang, ya?
15
16 **AZHAR** Ya.
17
18 **AP** Ok.
19
20 **AZHAR** Setiap empat orang bertlainan portfolio, dia punya bidang tugas.
21
22 **AP** Dan semua, dia punya ranking sama dengan En Azhar dan hanya ada
23 satu bos, jadi empat orang ini –
24
25 **AZHAR** Tak.
26
27 **AP** Tiga orang bawahan dan satu bos ke, itu ke, dia punya organisasi
28 chart?
29
30 **AZHAR** Tidak. Semua buat benda, benda yang sama.
31
32 **AP** Termasuk bos yang En Azhar bagi tadi?
33
34 **AZHAR** Tidak, untuk ketua jabatan saya, tidak.
35
36 **AP** Jadi ada empat orang kakitangan dan satu bos yang En Azhar bagi
37 tahu tadi, ya?

1
2 **AZHAR** Ya.
3
4 **AP** Jadi empat orang ini –
5
6 **CHM** Hold on, hold on. Siapa dia bos itu? Siapa dia ketua En Azhar itu? Siapa
7 dia?
8
9 **AZHAR** Ok ketua jabatan saya, Tn David Xavier Netto.
10
11 **CHM** David Xavier Netto, right, ok.
12
13 **AZHAR** Ya.
14
15 **CHM** Terima kasih.
16
17 **AP** Much obliged, Panel Chairman. Jadi En Azhar, yang tadi, nama yang
18 diberikan oleh En Azhar, En Devendran Adrian itu siapa ya?
19
20 **AZHAR** Penyelia saya, Puan.
21
22 **AP** Jadi termasuk dalam empat orang tadi ke?
23
24 **AZHAR** Maknanya, di Group Maxis LEA itu, termasuk ketua jabatan saya,
25 berserta dengan penyelia saya.
26
27 **AP** Ok. Jadi empat orang kakitangan, lepas itu ada seorang penyelia dan
28 seorang ketua, betul ke?
29
30 **AZHAR** Betul, Pn Audrey.
31
32 **AP** Ok. Jadi En Azhar ditugaskan untuk memberi keterangan di SUHAKAM
33 pagi ini sebab permintaan daripada PDRM jatuh di bawah tugas En
34 Azhar, betul ke?
35
36 **AZHAR** Benar, Pn Audrey.
37

- 1 **AP** Terima kasih, En Azhar. Ok. Merujuk kepada exhibit yang telah
2 dikemukakan, dalam Exhibit 117A, ya, boleh saya minta, ya, terima
3 kasih En Zaidi. Ok dalam emel ini, dinyatakan maklumat terperinci
4 diperlukan atas kes orang hilang. Soalan saya, En Azhar, adakah kali
5 pertama En Azhar terima emel macam ini, berkenaan dengan kes
6 orang hilang?
7
- 8 **AZHAR** Saya tak pasti, Puan, sebab macam saya katakan very seldom kita
9 terima permohonan kes-kes begini.
10
- 11 **AP** So sepanjang pengetahuan dan peringatan En Azhar, adakah ini kali
12 pertama En Azhar terima permintaan untuk membantu siasatan kes
13 orang hilang?
14
- 15 **AZHAR** Saya tak pasti, Pn Audrey sebab terlalu banyak permohonan yang kita
16 terima daripada agensi-agensi yang memohon dengan pihak Maxis.
17
- 18 **AP** Sebab tadi, sebentar tadi Dato' Seri ada tanya adakah jarang ataupun
19 kerap, En Azhar bagi tahu panel bahawa jarang sekali.
20
- 21 **AZHAR** Ya.
22
- 23 **AP** Jadi, ok kalau kita tak khususkan kepada PDRM, semua sekali LEA,
24 adakah diminta untuk bantu siasatan kes orang hilang, ini kali pertama
25 ataupun pernah ada permintaan oleh LEA yang lain?
26
- 27 **AZHAR** Untuk kes orang hilang, jika sekiranya repot dibuat di agensi PDRM,
28 hanya PDRM sahaja, tidak saya terima daripada agensi-agensi yang
29 lain.
30
- 31 **AP** Ok berkenaan dengan En Azhar pula, tugas En Azhar, adakah ini kali
32 pertama terima permintaan oleh mana-mana LEA untuk bantu siasatan
33 kes orang hilang?
34
- 35 **AZHAR** Tidak, Pn Audrey.
36
- 37 **AP** Jadi ini kali pertama ke?

1

2 **AZHAR** Saya kata, jawapan saya 'tidak', Pn Audrey, sebab ada a few tapi saya,
3 tugas saya, saya terima, saya proses, saya balas. Tidak lebih daripada
4 itu.

5

6 **AP** Ok jadi kesimpulan yang panel boleh buat adalah pernah terima untuk
7 bantu kes siasatan orang hilang tapi daripada LEA yang lain, ini bukan
8 kali pertamalah, ya?

9

10 **AZHAR** Maknanya, untuk orang hilang, kita terima daripada agensi PDRM
11 sahaja.

12

13 **AP** PDRM sahaja?

14

15 **AZHAR** Ya.

16

17 **AP** Tapi ini bukan kali pertama?

18

19 **AZHAR** Ya.

20

21 **AP** Pernah ada kali yang lainlah?

22

23 **AZHAR** Kebarangkalian. Saya tak boleh jawab soalan itu.

24

25 **AP** Ok merujuk pula kepada apa yang terkandung dalam jadual siasatan.
26 Jadi di sini ditulis bahawa Sg Way repot, secara kebiasaan adakah
27 maklumat terperinci akan diberi ataupun akan diminta oleh Maxis atau
28 hanya apa yang tertera dalam emel sahaja? Adakah maklumat yang
29 lebih akan diminta oleh Maxis berkenaan dengan repot ini? Itu soalan
30 saya.

31

32 **AZHAR** Ok seperti saya nyatakan tadi, kita akan menjawab balas berdasarkan
33 permohonan daripada pegawai penyiasat. Sekiranya, macam contoh,
34 ini yang dipohon, inilah sahaja jawapan kita kepada pegawai penyiasat
35 yang memohon.

36

1 **AP** Jadi Maxis tak akan meminta butiran terperinci berkenaan dengan report
2 yang tertera pada emel tersebut, betul?
3

4 **AZHAR** Ya.
5

6 **AP** Terima kasih, En Azhar. Ok kita merujuk kepada 117B pula. En Zaidi,
7 minta pertolongan. Ok jadi kalau kita merujuk kepada 117B, tarikh emel
8 tersebut adalah 24.10.2018. Soalan saya, En Azhar –
9

10 **AZHAR** Ya.
11

12 **AP** Lepas En Azhar hantar emel tersebut, adakah terdapat apa-apa
13 panggilan daripada PDRM?
14

15 **AZHAR** Tiada, Pn Audrey.
16

17 **AP** Ok jadi maksud saya, kesimpulan yang boleh dibuat adalah komunikasi
18 seterusnya adalah hanya pada 08.04.2019, iaitu Exhibit 118A, betul ke?
19

20 **AZHAR** Ya, maknanya permohonan yang kedua.
21

22 **AP** Jadi antara 24.10.2018 sehingga 08.04.2019, tiada sebarang
23 komunikasi lain dengan PDRM, betul ke?
24

25 **AZHAR** Ya, Pn Audrey.
26

27 **AP** Terima kasih, En Azhar. Boleh kita merujuk kepada Exhibit 119? Soalan
28 saya, En Azhar.
29

30 **AZHAR** Ya.
31

32 **AP** Apabila terima permintaan pada 24.06.2019, ini boleh dianggap
33 sebagai permintaan yang lengkap dan mematuhi segala kehendak
34 Maxis, betul?
35

36 **AZHAR** Ya.
37

1 **AP** Dan jawapan yang diberi adalah 119B bersama dengan lampiran, betul
2 ke?
3
4 **AZHAR** Ya.
5
6 **AP** Ok. Pihak kami perhatikan bahawa setiap emel itu telah dihantar oleh
7 En David Xavier Netto. Adakah –
8
9 **AZHAR** Bukan... ok, maaf, teruskan, Pn Audrey.
10
11 **AP** Ya, saya faham emel itu telah dihantar oleh En Azhar, tapi yang, nama
12 yang tertera di bawah adalah David Xavier Netto, betul ke?
13
14 **AZHAR** Ya, ketua jabatan saya, Puan.
15
16 **AP** Jadi bagaimana dengan SOP dalaman, adakah komunikasi dengan
17 PDR perlu dikeluarkan oleh pihak atasan En Azhar?
18
19 **AZHAR** Saya tak dapat jawab soalan ini, Puan sebab ini adalah standard format
20 kita menjawab segala permintaan daripada pihak pegawai penyiasat.
21
22 **AP** Ok. Surat yang menjadi lampiran dalam emel ini, adakah
23 ditandatangani oleh En David ataupun En Azhar sendiri?
24
25 **AZHAR** Tidak, Pn Audrey. Hanya butiran pemilik yang seperti yang dipohon
26 oleh pegawai penyiasat sahaja.
27
28 **AP** Ok. Thank you, En Azhar, for answering our questions. Thank you panel
29 members for the indulgence.
30
31 **AZHAR** Terima kasih, Puan.
32
33 **AP** I will reserve the balance of the questions for the lampiran that will be
34 presented at a later point. Much obliged.
35
36 **CHM** Ok. Thank you, counsel. Who, yes?
37

1 **TFW** Can I ask one question?
2
3 **CHM** Siapa ini?
4
5 **TFW** Cyrus here for the family.
6
7 **CHM** Yes, En Cyrus, yes.
8
9 **TFW** Yes, just want to ask a follow-up question, only one question. Ya, En
10 Azhar.
11
12 **AZHAR** Saya, Tuan.
13
14 **TFW** Ya, tadi ada bagi, bagi keterangan bahawa yang first sekali dapat
15 request –
16
17 **AZHAR** Ya.
18
19 **TFW** Tapi, tapi tidak berdasarkan format dan juga maklumat yang perlu oleh
20 Maxis, so rejected. So rejected dua kalilah, betul, kan?
21
22 **AZHAR** Benar, Tuan. Benar, Tuan.
23
24 **TFW** So since ada request yang spesifik daripada PDRM, berdasarkan
25 pengalaman, En Azhar, since ada, ada request sudah. Walaupun
26 format dia tidak betul ataupun tarikh dia tidak spesifik, adakah satu SOP
27 di dalam Maxis bahawa ia akan preserve data yang untuk nombor ini?
28 That means, since dia sudah ada request pada tarikh itu, dia akan, akan
29 log-in. Log-in, reserve data itu untuk further investigation walaupun date
30 dia tak spesifik. Adakah ia menjadi satu SOP supaya menunggu
31 daripada pihak PDRM untuk dia follow-up, dia provide kerana since dia
32 sudah request daripada tarikh itu hingga ke belakang, sejauh mana
33 Maxis boleh trace, Maxis akan log-in itu... that's means daripada
34 request daripada PDRM, let's say 1st of January, dia akan sudah log-in
35 terus. Log-in terus daripada date itu ke belakang atau ke depan, dia
36 akan log-in supaya PDRM akan come back with the exact format and
37 exact date supaya tidak hilanglah kerana ini berkenaan dengan orang

1 hilang dan berkemungkinan dengan orang kena culik ke apa so ada,
2 apakah prosedur dia?

3

4

[02:30:00]

5

6 **AZHAR** Ok, Tuan –

7

8 **TFW** Adakah dia akan log-in atau tidak?

9

10 **AZHAR** Tidak. Kita terima, tidak ikut format, kita balas sahaja, Tuan.

11

12 **TFW** So dalam, maksudnya, you balas reject then data untuk, call log untuk,
13 call log untuk nombor yang *direquest* oleh PDRM itu akan, akan dicuci
14 walaupun ada request selepas, you know, apa tarikh yang luput, then
15 dia akan dicucilah terus, betul?

16

17 **AZHAR** Merujuk bidang tugas saya, saya terima, saya balas sahaja, Tuan, tidak
18 lebih daripada itu.

19

20 **TFW** Tapi apakah, apakah itu... you faham soalan saya, ya?

21

22 **AZHAR** Ya.

23

24 **TFW** Meaning, adakah pihak Maxis akan log-in untuk menunggu daripada
25 PDRM?

26

27 **AZHAR** Tidak.

28

29 **TFW** Supaya dia akan balas. Dia tidak akan tunggu.

30

31 **AZHAR** Tidak.

32

33 **TFW** So whatever, whatever information akan terus dia akan lapse lah?

34

35 **AZHAR** Yes.

36

1 **TFW** Meaning, kalau ikut SOP Maxis, lepas dua bulan, dia akan cuci lah
2 semua data tersebut? Dia tak akan simpan? Betul?
3
4 **AZHAR** Yang itu, untuk data, saya tak pasti. Tapi apa, bidang tugas saya, saya
5 terima, saya balas sahaja, itu sahaja.
6
7 **TFW** Dia tak akan, tak akan make extra step untuk, untuk reserve data untuk
8 nombor ini, ya?
9
10 **AZHAR** Tidak.
11
12 **TFW** Betul, ya? Tidak?
13
14 **AZHAR** Ya.
15
16 **TFW** Itu sahaja, thank you Mr Panel. Sorry for taking up the time.
17
18 **CHM** Thank you, counsel. Ok PDRM pula, ya, ok. PDRM?
19
20 **MSR** Dengan izin, Dato' Seri, bagi PDRM, kami tak ada sebarang soalan. Itu
21 sahaja, Dato' Seri.
22
23 **CHM** Ok tak ada, who else now? Habislah, kan? That's all, ya?
24
25 **SK** Bar Council, Dato' Seri.
26
27 **CHM** Yes?
28
29 **SK** Andrew Khoo from Bar Council.
30
31 **CHM** Andrew, yes, Mr Andrew, sorry, sorry. I thought you dah tanya tadi dah,
32 ok. Ok carry on, please.
33
34 **AK** Thank you. Thank you, Honourable Commissioners. En Azhar.
35
36 **AZHAR** Saya, Tuan.
37

1 **AK** Nama saya Andrew Khoo dari Majlis Peguam sebagai pemerhati.
2
3 **AZHAR** Ya.
4
5 **AK** Saya ada beberapa soalan.
6
7 **AZHAR** Ok.
8
9 **AK** Mula-mulanya untuk mengesahkan, tadi En Azhar berkata dalam unit
10 kamu ada empat orang termasuk En Azhar dan kemudiannya ada –
11
12 **AZHAR** Ya.
13
14 **AK** Supervisor dengan ketua, adakah itu betul?
15
16 **AZHAR** Ya, ya betul.
17
18 **AK** Jadi kesemuanya enam orang.
19
20 **AZHAR** Ya.
21
22 **AK** Kamu juga telah mengatakan bahawa antara empat-empat kamu ada
23 portfolio yang berlainan, adakah itu betul?
24
25 **AZHAR** Ya, ya.
26
27 **AK** Apakah portfolio tiga lagi rakan sekerja En Azhar.
28
29 **AZHAR** Ok yang pertama, seorang itu khas untuk permohonan daripada
30 Suruhanjaya Sekuriti. Yang ketiga, makna, yang kedua lagi, dia akan
31 membantu PDRM dalam bentuk teknikal. Begitu juga yang seorang
32 lagi, portfolio dia menjawab segala permohonan daripada pihak SKMM
33 dan juga membantu pihak PDRM.
34
35 **AK** Tak, saya keliru sedikit. Satu adalah khas untuk Securities
36 Commission?
37

1 **AZHAR** Ya.

2

3 **AK** Jadi ok, itu satu. Rakan sekerja yang kedua?

4

5 **AZHAR** Kedua, dia most to PDRM tetapi more to technical side.

6

7 **AK** Kalau dikalakan teknikal, apa itu teknikal? Apa, apa bidang –

8

9 **AZHAR** Maknanya, dia spesifik kepada certain-certain unit sahaja daripada

10 PDRM.

11

12 **AK** Seperti apa?

13

14 **CHM** Contohnya? Contohnya?

15

16 **AZHAR** Ok contohnya, unit-unit yang berlainan di dalam Jabatan PDRM tetapi

17 secara keseluruhan, ketiga-tiga yang lain ini memang membantu pihak

18 PDRM.

19

20 **CHM** Ok. Certain units sahaja, saya minta contoh tadi, En Azhar belum beri

21 contoh, ya. Contoh, unit apa itu?

22

23 **AZHAR** Ok macam –

24

25 **CHM** Special Crime ke? Ya?

26

27 **AZHAR** Ya, contoh macam unit, apa, D8.

28

29 **CHM** D8 itu apa dia?

30

31 **AZHAR** Saya, yang itu –

32

33 **CHM** Ya?

34

35 **AZHAR** Saya pun tak pasti, Tuan.

36

37 **CHM** D8.

1
2 **AZHAR** Kita hanya memproses sahaja permohonan yang datang.
3
4 **CHM** Unit D8, ya?
5
6 **AZHAR** Ya.
7
8 **CHM** Lagi, lagi? Lagi unit?
9
10 **AZHAR** Macam D1, sorry, apa, D9.
11
12 **CHM** D9 itu apa dia?
13
14 **AZHAR** Saya pun tak pasti, Tuan.
15
16 **CHM** Ok, ok. Now ok, ok certain units, ya, D8, D9 in PDRM.
17
18 **AZHAR** Itu contoh saya bagi, Dato' Seri.
19
20 **CHM** Ok, ok so we are done, done with the second, the second personnel.
21 Tadi kata ada empat, ya, empat, ya.
22
23 **AZHAR** Ya.
24
25 **CHM** Ok yang ketiga? Rakan sekerja yang ketiga ini?
26
27 **AZHAR** Dia punya spesifik yang pertama, *berliaise* dengan SKMM.
28
29 **CHM** Ok.
30
31 **AZHAR** Dan juga membantu, apa, agensi PDRM juga.
32
33 **CHM** Mengapa perlu, perlu... yang ini siapa? En Azhar ke? Yang No.3 ini?
34 En Azhar ke?
35

1 **AZHAR** Ok yang pertama, yang SECOM (02:36:26) yang kedua, ada colleague
2 saya yang lain, yang ketiga, yang untuk membantu dia punya specialise
3 untuk SKMM, yang keempat, saya, Dato' Seri.
4
5 **CHM** Ok yang No.2 tadi, dia –
6
7 **AZHAR** Ya.
8
9 **CHM** PDRM technical side, ya?
10
11 **AZHAR** Ya.
12
13 **CHM** Yang No.3 ini, MCMC plus PDRM tapi (02:36:52 inaudible) –
14
15 **AZHAR** Ya, PDRM dan juga agensi-agensi lain. Macam saya, kita distribute,
16 Dato' Seri, sebab satu hari kita menerima banyak permohonan, Dato'
17 Seri.
18
19 **CHM** Ok En Azhar cover?
20
21 **AZHAR** Ok macam saya, saya cover PDRM, SPRM.
22
23 **CHM** Ya.
24
25 **AZHAR** Imigresen.
26
27 **CHM** PDRM, lagi mana? PDRM, lagi?
28
29 **AZHAR** SPRM.
30
31 **CHM** What? Apa dia? SPRM?
32
33 **AZHAR** SPRM.
34
35 **CHM** SPRM, yes, yes, that's it, yes.
36
37 **AZHAR** Ok Imigresen.

1

2 **CHM** Yes.

3

4 **AZHAR** Kastam, KKM, Kementerian Kesihatan, KPDNKK, SSM dan lain-lain
5 agensi yang lain, Dato' Seri.

6

7 **CHM** Yes, yes. Apa beza itu yang No.3 itu, rakan sekerja No.3 itu? MCMC
8 dengan PDRM dan –

9

10 **AZHAR** Ok.

11

12 **CHM** En Azhar pun PD... apa beza PDRM dia dengan PDRM En Azhar, apa
13 beza dia?

14

15 **AZHAR** Tak ada, sama sahaja, Dato' Seri.

16

17 **CHM** Sama sahaja.

18

19 **AZHAR** Sekiranya saya cuti, dia akan cover, kita akan semua, maknanya satu
20 unit itu boleh mana-mana dia boleh proses, Dato' Seri.

21

22 **CHM** Ok we are clear now. So over to you, Andrew, yes.

23

24 **AK** Thank you, Honourable Commissioners. Jadi dari segi protokol atau
25 SOP, saya mendengar keterangan yang diberikan oleh En Azhar, ini
26 sangat, kalau boleh saya katakan, sangat teknikal. Kalau tidak, apa ini,
27 tidak ikut, I mean, pertanyaan itu ditendang. Adakah itu menjadi tugas
28 kamu? Hanya secara mekanikal melihat adakah permohonan itu
29 memenuhi segala keperluan teknikal dari segi maklumat dan kalau
30 tidak, ianya secara automatik ditendang?

31

32 **AZHAR** Ok seperti yang saya katakan tadi, Tuan, saya hanya macam end-user,
33 saya terima, saya proses sahaja.

34

35 **AK** Yalah, jadi kalau terima, kalau kamu lihat setelah diterima, ia tidak
36 menepati apa yang diperlukan, kamu tendang, itu, itu –

37

1 **AZHAR** Saya akan menolak permohonan tersebut, Tuan.
2
3 **AK** Ya, ok. Jadi kamu tidak menggunakan apa-apa, apa ini, kalau boleh
4 katakan discretion, budi bicara melihat kalau boleh dijawab, kita nak
5 jawab. Hanya mengikut proses ini sahaja?
6
7 **AZHAR** Benar, Tuan.
8
9 **AK** Ok. Siapakah yang menetapkan keperluan-keperluan ini, SOP ini?
10
11 **AZHAR** Saya tak pastilah, Tuan. Saya kena rujuk semula.
12
13 **AK** Jadi dalam, dalam lapan tahun En Azhar bekerja di Bahagian LEA –
14
15 **AZHAR** Ya.
16
17 **AK** Kamu tidak pernah berhenti, bertanya siapakah yang buat peraturan-
18 peraturan ini, kenapakah peraturan ini dibuat, adakah kamu pernah,
19 apa ini, menyoal atau memikirkan apakah keperluan SOP-SOP ini?
20
21 **AZHAR** Ok Tn Andrew, SOP ada, cuma macam saya, saya punya part, proses,
22 saya reject sekiranya tidak memenuhi kriteria, itu sahaja, Tn Andrew.
23
24 **AK** Adakah ini cara rakan-rakan yang lain juga bekerja?
25
26 **AZHAR** Ya.
27
28 **AK** Kita lihat sahaja?
29
30 **AZHAR** Ya.
31
32 **AK** Ok jadi yang saya katakan ini, ini boleh dikatakan sebagai satu sistem
33 yang mekanikal. Kalau, kalau menepati, proses. Kalau tidak menepati,
34 tolak. Itu, adakah itu macam ini proses dia?
35
36 **AZHAR** Ya, Tn Andrew.
37

1 **AK** Ok. Dan satu lagi soalan lain, ini untuk, hanya untuk latar belakang.
2 Kenapakah En Azhar *ditransfer* dari bahagian back-end, payment
3 processing itu, kepada Bahagian LEA dalam, apa ini, lingkungan lapan
4 tahun dahulu?
5

6 **AZHAR** Sebab saya nampak satu opportunity untuk saya mempelajari benda
7 yang baharu. Ada kekosongan, saya apply dan saya dapat posisi
8 tersebut, Tn Andrew.
9

10 **AK** Ok. Dan selain daripada memproses permohonan-permohonan untuk
11 penerangan, adakah, apakah or adakah tugas lain En Azhar?
12

13 **AZHAR** Ada, bergantung kepada tugas yang diberi oleh ketua jabatan saya.
14

15 **AK** Ada contoh apakah tugas lain yang diberikan?
16

17 **AZHAR** Kata, membuat repot, repot ke, ataupun assist another team tapi saya
18 punya yang ini, khusus hanya untuk menolong pihak agensi.
19

20 **AK** Ok. Tidak ada skop yang –
21

22 **AZHAR** Tidak ada.
23

24 **AK** Luar daripada itu, ya?
25

26 **AZHAR** Tidak ada, Tn Andrew. Skop saya hanya untuk liaise dengan agensi
27 yang memohon sahaja.
28

29 **AK** Ok. Terima kasih, En Azhar. Itu sahaja soalan saya.
30

31 **AZHAR** Terima kasih, Tuan.
32

33 **CHM** Thank you, Andrew. Ok so we have finished our rounds, yes, we have
34 finished. So that will be the end of questioning from observers.
35 Members of the panel ada apa nak tanya ke? Members of the panel,
36 committee? Tak ada, ya? Ok tak ada, ya, ok. I suppose Simon, that will
37 be all for the day?

1

2 **SK** Yes, Dato' Seri, but there are questions that we need to answer. Just to
3 update the panel members and the observers, I was in touch with Maxis
4 Communications so they promised they will submit the name of officers
5 who would be able to answer those questions that he couldn't answer
6 today. We will get the names by today. That's first. I think the question
7 posed by Ms Audrey, whether we would like recall this witness, the
8 documents he has not submitted. Ms Audrey, do you still want?

9

10 **AP** Could just make a reservation on that once after we received the
11 documents, Mr Simon, would that be possible? Once after we take a
12 look because we just need to see the official response from Maxis if it
13 is just an administrative response, I don't think we need to waste the
14 time of the panel members. So it would only be a reservation, can we
15 approach it from that perspective?

16

17 **SK** Panel members, may I suggest? We will, we wait for the document from
18 En Azhar. Once we received it, we will share it with the observers. Let
19 them review the document and revert to us whether there's a necessity
20 to call, recall En Azhar.

21

22 **AP** Much obliged, Mr Simon.

23

24 **CHM** And in the meantime, we'll get the names, yes, of the relevant officers,
25 kan, from –

26

27 **SK** Yes.

28

29 **CHM** Maxis and for all we know, the relevant officers might be in a position,
30 kan, to answer questions regarding the missing documents, kan, ya.

31

32 [02:45:00]

33

34 **SK** Ok.

35

36 **CHM** Yes.

37

1 **SK** Ok Dato' Seri, we'll make the arrangement accordingly. Dato' Seri,
2 another issue is this is to PDRM about the, we have recalled Inspektor
3 Zulfadhly but we have received any confirmation yet because we have
4 requested Inspektor Zulfadhly to appear before the panel tomorrow. If
5 PDRM can give any feedback on that matter?
6

7 **MSR** Dengan izin, Dato' Seri. Ok berkaitan dokumen yang dipinta, saya minta
8 sebelum saya nak maklumkan dengan koram ini, saya minta secara off-
9 record?
10

11 **SK** DSP Sabri, tidak begitu jelas.
12

13 **MSR** Saya minta sebelum saya maklumkan pasal dokumen tersebut, boleh
14 tak saya cakap dengan koram ini secara off-record?
15

16 **CHM** Secara apa?
17

18 **MSR** Sebab saya nak (02:46:01 inaudible).
19

20 **SK** You would like requesting in-camera session without the members of
21 public and media?
22

23 **CHM** To those document?
24

25 **SK** Ya.
26

27 **MSR** Sebab dia melibatkan pergerakan –
28

29 **SK** Yes.
30

31 **MSR** Ya, melibatkan pergerakan dokumen sulit.
32

33 **CHM** Ok lah, kan?
34

35 **AK** Honourable Commissioners, before we go off the record, maybe could
36 I ask PDRM, I'm sure they would know what is D8 and D9, that was
37 referred to by En Azhar just now?

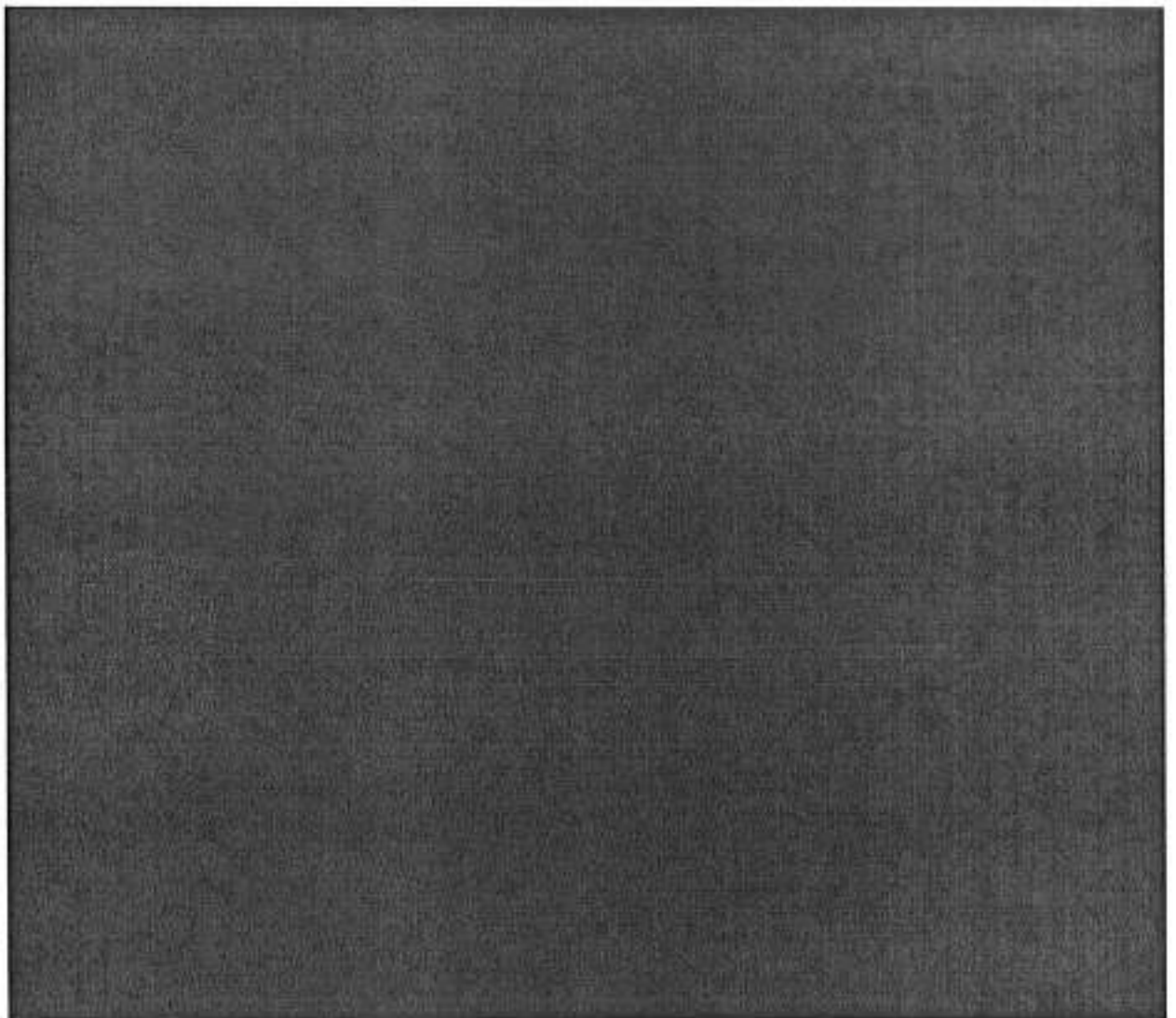
1
2 **MSR** Ok Dengan izin, Dato' Seri –
3
4 **AK** That one is terrorism, is it?
5
6 **MSR** Perkara ini pun saya perlukan secara off-record juga sebab dia
7 melibatkan pekerjaan sulit.
8
9 **CHM** Oh I see, ok. Right then, so those documents will be tendered by
10 Inspektor Zul but it will be a close session, am I right? That's the
11 understanding lah, ya, kan?
12
13 **SK** No, I think DSP Sabri would like to have a close session now with the
14 panel members to discuss about those issues, betul Encik, DSP?
15
16 **MSR** Ya, betul.
17
18 **SK** Ok.
19
20 **CHM** Ok we'll have, we'll have a close, a close session now and then after
21 we will get back to the rest, all the observers?
22
23 **SK** DSP, ini hanya bersama panel members ataupun bersama observer
24 yang lain? Biasanya kita akan buat bersama observer yang lain.
25
26 **MSR** Boleh bersama dengan observer lain.
27
28 **CHM** Ok understood. Ok understood. So everybody remains, ok, En Azhar.
29
30 **AZHAR** Ya, Dato' Seri.
31
32 **CHM** Untuk sementara waktu, kita dah selesai mengambil keterangan En
33 Azhar, ya.
34
35 **AZHAR** Ya, Dato' Seri.
36

1 **CHM** Selesai. KIV lah, ada kemungkinan akan panggil balik atau mungkin tak
2 panggil balik, but just keep it open lah, ya.
3
4 **AZHAR** Saya maklum (02:48:05 inaudible).
5
6 **CHM** So untuk hari ini, dah selesai dah. Dan saya bagi pihak panel,
7 SUHAKAM, saya mengucapkan terima kasih, ya, atas segala
8 keterangan yang En Azhar berikan kepada panel ini, ya, terima kasih,
9 dan En Azhar sekarang telah dibebaskan.
10
11 **AZHAR** Terima kasih, Dato' Seri. Terima kasih, tuan panel Jerald dan juga Dato'
12 Dr Madeline dan juga yang lain-lain, terima kasih.
13
14 **SK** Terima kasih, En Azhar.
15
16 **CHM** Ok now close session, ya? Simon, close session?
17
18 **SK** Dato' Seri, members of media is still here. May I request the members
19 of media to leave the session? This is the end of the hearing today. And
20 we'll notify the media on the next session and members of public and
21 media, kindly requested to leave the session now, thank you. Aida, Faiz,
22 semua dah leave, kan? Just to reconfirm, I didn't see any media.
23
24 **MFR** Basically, Putra, he's from KontraS, is he?
25
26 **SK** Ms Kee Putras (02:49:53), who's that?
27
28 **KP** From Embassy of Indonesia.
29
30 **SK** Ok.
31
32 **MFR** So Mr Simon, do you want embassy to be part of this session
33 (02:50:14)?
34
35 **SK** No, may I request the representative from the embassy also to kindly
36 leave the session. Thank you. This is only for the observers. SP Chanra

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is from Bar Council, right? Alright, I think, yes, everybody have left, the rest have left the session. Ok Dato' Seri.

CHM Ok, yes, En Sabri.



SK Dato' Seri, maybe I will update the panel members and the observers because I have communicated with Maxis –

CHM Yes.

SK And hoping their witness can appear tomorrow.

CHM Yes –

1 **SK** So –

2

3 **CHM** Hopefully, then we can utilise tomorrow for Maxis, yes?

4

5 **SK** Yes.

6

7 **CHM** Yes.

8

9 **SK** Yes.

10

11 **CHM** Yes.

12

13 **SK** So they may submit more than one name because they still say one
 14 person cannot answer the question, may have two persons to answer
 15 the questions. So maybe we can request Inspector Zul to appear on
 16 another date?

17

18 **CHM** Can we meet on the 12th then?

19

20 **SK** Yes, 12th.

21

22 **CHM** On the 12th, kan, yes, so –

23

24 **SK** DSP, Inspektor Zul untuk hadir pada 12 Ogos.

25

26 **MSR** 12 Ogos, untuk makluman Dato' Seri dan semua, Inspektor Zul dia
 27 sudah berpindah ke IPD lain, untuk makluman semua, pada 1 Julai.
 28 Sekarang ini dia berpangkat ASP.

29

30 **SK** Ok.

31

32 **CHM** Ok yes.

33

34 **MSR** Dia bukan (02:54:13) pegawai penyiasat lagi.

35

36 **CHM** So we are happy for him, he's naik pangkatlah, ya? ASP? Ok
 37 congratulations.

1
2 **MSR** ASP, Dato' Seri.
3
4 **CHM** Yes, yes, but we still need his assistance, ya, because he's the IO of
5 this case, kan. Yes, so hopefully on the 12th lah, ya. Will more than,
6 more than, is more than sufficient for the 14 days, 14 days quarantine,
7 yes, on the 12th. So tomorrow kita carry on lah, ya. Kita carry on
8 tomorrow.
9
10 **SK** We assume we carry on unless a notification sent to the, all the
11 observers and the panel members. So it's considered on.
12
13 **CHM** So to the contrary, otherwise –
14
15 **SK** Yes, to the contrary, yes.
16
17 **CHM** We'll carry on tomorrow, yes, with the Maxis officers. So I suppose that's
18 all for the day, kan?
19
20 **SK** Yes –
21
22 **AK** Honourable Commissioners, just to let you know with apologies, I have
23 a matter before the High Court tomorrow and would not be able to join
24 you but my colleague, Ms Chandra will be here.
25
26 **CHM** Yes, ok. Ok thank you, Andrew.
27
28 **PK** Honourable Commissioners, I may have a board of examiners meeting
29 in the University Malaya but I would try to join in the beginning at
30 09:00AM but I may have to exit at 10:00AM, I beg your indulgence. But
31 Ms Audrey Pillai will be holding the fort ably.
32
33 **CHM** Ok right. So we that, thank you everyone. Counsels and observers,
34 thank you for your attendance today, yes. So we call it a day and I'll
35 take leave, ya. We'll take leave, ok.
36
37 **SK** Ok.

1
2 **TFW** Thank you.
3
4 **PK** Thank you very much.
5
6 **AP** Thank you, panel members. Thank you, SUHAKAM officers
7
8 **CHM** Ok take care. Stay safe.
9
10 **END**
11
12 **TIME :** [02:56:06]

**SUHAKAM PUBLIC INQUIRY OF
PASTOR JOSHUA HILMY
RUTH SITEPU**

DATE : 29.07.2021

VIDEO TITLE: GMT20210729-0114142_Recording_1686x728

NOTES OF INQUIRY

Coram

Chairman Panel Member 1 Panel Member 2	Dato' Seri Hishamuddin Yunus Dr Madeline Berma Jerald Joseph	CHM PM1 PM2
PDRM Observer	SAC Ahmad Dzaffir Bin Mohd Youssof DSP Muhammad Sabri bin Mohd Raziff	ADY MSR
Family Observer	Philip Koh Cyrus Tiu Foo Woei Audrey Pillai	PK TFW AP
Bar Council Observer	Andrew Khoo Lim Heng Sen Roger Chan SP Chanra	AK LHS RC SPC
SUHAKAM Panel	Simon a/l Karunagaram Muhammad Falz Bin Abd Rahman Puveethra Raja Segaran Aida Suraya Haron Ahmad Zaidi bin Baharuddin	SK MFR PRS ASH AZB
Indonesian Embassy	Tuan Junjungan Sigalingging Tuan Henry Dian Dwiharto	SJ HDD

KontraS	Syahr Banu	SB
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3 **Witness**

1	Peter Pormannan a/l Annamalai	PETER
2	Grace Thangamalar a/p Peter Pormannan	GRACE
3	Josiahndan Emmanuel a/l Peter	JOSIAH
4	Ramanathan a/l Manickavasagan	RAMA
5	Selvakumar Peace John Harris	SELVA
6	Ram Sivakumar Elisabeth	RAM
7	Iman Setiawan Sitepu	IMAN
8	[REDACTED]	
9	[REDACTED]	
10	Susandi Bin Basari	SUSANDI
11	ASP Shafiee Bin Marsidi	SHAFIEE
12	Insp Nurul Huda Bin Bustami	NURUL
13	ASP Hairol Azhar	HAIROL
14	Insp Zulfadhly Bin Yaacob	ZUL
15	DSP Supari Bin Muhammad	SUPARI

16	Iqbal Mirza Bin Mohd Jalaludin	MIRZA
17	DCP (B) Dato' Awaluddin Bin Jadid	AWAL
18	Fadzlina Binti Amran	FADZLINA
19	DSP (B) Omar bin Hassan	OMAR
20	Ahmad Sibee bin Nordin	SIBEE
21	Junainh Binti Dalugamin	JUNAINH
22	Zulkarnain Md Yasin	ZULMY
23	Azhar Baba	AZHAR
24	Saravana A/L Perampalam	SARAVAN
25	Tan Lai Shing	TAN
26	Lai Sau Ping	LAI

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1 **START**

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SK Good morning, the Panel members, observers, colleagues from SUHAKAM, members of media and public. So, we'll begin the public inquiry that is it's the 19th day of the hearing. Dato' Seri, the Panel members, we would like to follow up, sorry, Dato' Seri, I think the members of observers are the same person. Persons who... the witness belum lagi, ya? Witness belum lagi. Tak apa, biarkan. Dato' Seri, follow up from the witness yesterday, Mr Azhar, En Azhar Baba, he has four, there were four outstanding documents that he promised to send to SUHAKAM. So, we have received the documents from him. So, before we begin the inquiry with the witnesses, I would like to tender and mark the documents. I may have some problem with the sequence. I'm trying to establish it. So, the first document that was missing yesterday is the request from PDRM to Maxis, which is in 2018, October 2018. Maybe DSP boleh tolong juga kalau saya tersalah ke apa. I'll share the document now. Ok. Can everyone see the screen? So, this should be the first letter from PDRM requesting information from Maxis dated 23.10.2018. Can we mark this as exhibit? Yesterday, Zaidi, kita mula semalam 117 kan?

CHM 7A.

AZB 117A and B.

SK 117A and B. Dato' Seri, so, this should be from the same group, 117C.

CHM Yes.

SK Thank you. So, we will send, share this with the observers after this. The second letter is also a request from PDRM, which happened 08.04.2019. This is the letter from PDRM to Jabatan Keselamatan Maxis on 08.04.2019, the second request from PDRM to Maxis. So, this from the second application from PDRM. So, this is 118C. The third will be the application from PDRM and the reply from Maxis. So, the request was made on 24.06.2019. So, this is the request from PDRM, dated 24.06.2019 to Maxis. So, this will be marked as 119C. And reply from

1 Maxis in excel form to Inspector Zulfadhly, in a form of attachment. So,
2 this will be marked as 119D. So, I request Faiz to share the document
3 with the observers.
4
5 **AP** Sorry, Mr Simon. Just to clarify, the last one, 119D, hasn't that already
6 been marked earlier?
7
8 **MFR** If I may, Mr Simon, I think the document that we tendered before is from
9 Maxis to SUHAKAM.
10
11 **SK** I think it could be the same reply, Faiz.
12
13 **MFR** Yes.
14
15 **SK** Yes, because you see the name Inspector Zulfadhly is there. So, it is
16 addressed to PDRM.
17
18 **CHM** Yes, it could, yes, it rings a bell but it could be the same document but
19 tak apalah. Kita mark it separately from the earlier one because, you
20 know, the earlier one was in different circumstances kan.
21
22 **SK** Yes.
23
24 **CHM** Yes, so, we can still mark it. I know, I've seen this document before.
25 Yes.
26
27 **SK** Yes. Because, I think, we have shared this document with the same
28 content but addressed to SUHAKAM before this.
29
30 **CHM** Yes.
31
32 **SK** Yes. Ok. We'll share with the observers. You can review the documents.
33 So, if any questions, any suggestions, we can put forward later to the
34 Panel Members. If that is ok, now, we will proceed to the inquiry today.
35 So, Dato' Seri –
36
37 **CHM** Yes?

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SK I think we don't have to introduce ourselves, they are same members from the observers. So, shall we just proceed with the witnesses?

CHM Yes, please do.

PK The witnesses do not know us, you know, so maybe, I don't know.

SK Ok. I'll, ok, maybe then, maybe a quick round of introduction.

PK Yes.

SK So, good morning. I'm Simon from SUHAKAM. The three Panel Members here, Dato' Seri Hishamuddin is Chairman of this Panel, together with Mr Jerald Joseph, Commissioner of SUHAKAM and Dato' Madeline Berma, Commissioner SUHAKAM. And from SUHAKAM, I am assisted by En Muhammad Faiz. And we are also, present here, observers from legal counsel of the family, Mr Phillip Koh.

PK Good morning, Panel Members. Thank you, Mr Saravana and Ms Lai and Ms Tan, for attending to this human right commission hearing. My name is Phillip Koh. I represent the family of the missing Indonesian's spouse of a Malay pastor. And the hearing consists of alleged disappearing of these individuals and we are really appreciative that you are taking time out of your busy schedule to come and assist us on a very important task of public interest, that has caused concern to many, not just my clients, right, we have lost or have not found their sister, and therefore, we truly appreciate that you are coming to give us your expertise and testimony. I am assisted by Ms Audrey Pillai, who will be leading the questions. They are not questions meant to be hostile, they are meant to clarify. And we trust that you will voluntarily give the assistance to all of us. The second person assisting my team is Mr Cyrus Foo Woei, Tiu Foo Woei, he may have a hearing to attend to, but he may come back in. So, do grant him the indulgence if he does want to add one or two questions, if that permits. Thank you very much, Dato' Seri, for this opportunity to introduce ourselves.

1 **SK** Thank you, Mr Phillip. May I invite, representative from PDRM?
2

3 **MSR** Salam sejahtera, Mr Saravana, Pn Lai dengan Pn Tan. Ok. Saya DSP
4 Muhammad Sabri bin Mohd Raziff, mewakili sebagai pegawai
5 pemerhati Polis Diraja Malaysia.
6

7 **SK** Ok, DSP. May I invite the representative from Bar Council?
8

9 **SPC** Good morning, Panel Chairman and Panel Members and the witnesses
10 and the other observers. I am SP Chanra, representing Bar Council as
11 observer in this proceedings.
12

13 **SK** Thank you, Ms Chanra.
14

15 **SPC** Thank you.
16

17 **SK** May I invite representative, the representative from KontraS.
18

19 **SB** Hi. My name is Banu from KontraS, Indonesia, the representation of
20 family in Indonesia. Thank you.
21

22 **SK** Thank you. So, before we begin, I would like to request the witnesses
23 present here to take oath. We'll display the oath. So, one by one. May I
24 suggest that we go with Mr Saravana first, follow by Ms Tan and Ms Lai,
25 in that sequence? You have to raise your right hand and read the oath
26 which has been displayed. Can you see? I can't see, Zaidi. Belum ada.
27 Skrin hitam. Zaidi, can you stop sharing and reshare again, reshare?
28

29 **AZB** Hang. Laptop saya hang.
30

31 **SK** Ok. Let me share the screen, Zaidi. But, I cannot, you have to first stop
32 sharing. Ok. Zaidi, I'll share the screen. Ok. Mr Saravana, can you read
33 this, raise your right hand and read this?
34

35 **SARAVAN** I, Saravana Perampalam, solemnly and in all sincerity declare that all
36 the evidence which I shall give in this open inquiry is true, there is
37 nothing untrue but true.

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SK Thank you. May I invite Ms Tan?

[00:15:00]

TAN I, Tan Lai Shing solemnly and in all sincerity declare that all the evidence which I shall give in this open inquiry is true, there is nothing untrue but true.

SK Thank you. Ok. Thank you, Mr Saravana, Ms Lai Sau Ping and Ms Tan Lai Shing. This is the first time that we have three witnesses taking stand together. So, we request your kind cooperation, when you answer the question, please, I think, don't answer at the same time. Please answer according to your expertise. I am sure you have coordinate among yourselves. Since this is, you are going to provide us with technical expertise, so, we allow all three to take the stand at once.

CHM Simon, Mr Simon?

SK Yes, Dato' Seri?

CHM All three dah ambil oath, yes? All three dah sumpah, ya?

SK Ya, Dato' Seri.

CHM Ok, thank you.

SK Dah.

MFR I think, Mr Simon, you miss Ms Lai.

LAI Ya, sorry.

SK Oh, belum, ya?

MFR Yes.

1 **LAI** Yes.
2
3 **SK** Sorry, so sorry. I share the screen again.
4
5 **LAI** Ok.
6
7 **SK** Ok, sorry.
8
9 **LAI** Ok. I, Lai Sau Ping, solemnly and in all sincerity declare that all the
10 evidence which I shall give in this open inquiry is true, there is nothing
11 untrue but true.
12
13 **SK** Thanks, Ms Lai. My apologies to Panel Members. Ok. So, I will be
14 directing questions to all three witnesses and I am sure you have
15 coordinated among yourselves to answer those questions. So, please
16 answer the questions to Panel Members. For the beginning, I will ask
17 you to introduce yourself to the Panel Members. So, we will begin with
18 Mr Saravana.
19
20 **MSR** Dengan izin. Sebelum kita bermula, saya ingin mencelah. Boleh tak
21 mark kan witness mana yang Witness 24, 25, 26?
22
23 **SK** Ya, boleh. Maybe for easy reference, minta Aida, ya, tolong rename
24 witness kita. Sebelah nama witness itu, letak nombor ya. Kita akan, Mr
25 Saravana sebagai Witness No.24. Ms Tan sebagai Witness 25, Tan Lai
26 Shing. Dan Ms Lai Sau Ping sebagai Witness No.26.
27
28 **CHM** Simon, Mr Simon?
29
30 **SK** Ya, Dato' Seri.
31
32 **CHM** On the formality part, kan, on the introduction of, you know, each
33 witness, particulars, IC, age and all that, address and all that, and their
34 respective designation, kan?
35
36 **SK** Yes, Dato' Seri?
37

1 CHM And the essence of the designation, could you lead them one by one?
2 You lead them.
3
4 SK Yes, Dato' Seri. I am going to ask them the questions.
5
6 CHM Yes, you lead them. Yes, ok, please.
7
8 SK Yes. Ok, if there is no further queries from the observers, I will proceed.
9 So, this is addressed to Mr Saravana, yes. Ok. This is for the information
10 of the witnesses, besides the parties who have introduced ourselves
11 just now, members of media and public is also present today in this
12 inquiry. Mr Saravana, can you please state your name and your IC
13 number?
14
15 SARAVAN Saravana A/L Perampalam, IC No. [REDACTED]
16
17 SK Mr Saravana, can you speak louder?
18
19 SARAVAN Apologies. So, my name is Saravana A/L Perampalam, IC No. [REDACTED]
20 [REDACTED]
21
22 SK Thank you, Mr Saravana. How old are you?
23
24 SARAVAN I am 44 years old.
25
26 SK Thank you. What is your current occupation?
27
28 SARAVAN I am currently the head of ordering, charging and billing in Maxis
29 Berhad.
30
31 SK How long you have been working in Maxis?
32
33 SARAVAN This would be my 15th year in Maxis.
34
35 SK Can you name the departments you have served in Maxis?
36

1 **SARAVAN** So, I have worked with, originally started in the operations department,
2 basically handling core network operations. Core network meaning all
3 the non-radio section of the Maxis network. So, on the core network, I
4 was working on the core network side. Subsequently, I moved to the
5 engineering department, which is equivalent to the core operations, but
6 now, the core engineering side of Maxis, where we do all the
7 development and delivery of new technologies and products. And in
8 2017, I moved to the IT department. So, the IT department handles,
9 basically, like what my current roles serves, all the ordering, the
10 charging, the billing, customer relationship management, all that stuff.
11 That's where I'm currently serving at the moment.

12

13 **SK** Ok. I'll come back to your current job scope in a while.

14

15 **SARAVAN** Yes.

16

17 **CHM** Sorry, Simon. Mr Saravana, can I have your current full designation
18 again? Your current full designation in Maxis.

19

20 **SARAVAN** Yes. I am the –

21

22 **SK** Mr Saravana, can you speak slowly because we have to also records.
23 Some of us, they are also taking notes. So, speak slowly.

24

25 **SARAVAN** No problem, sorry. So, I am currently the head of ordering, charging and
26 billing and attached to the IT department in Maxis.

27

28 **SK** Can you explain your current job scope?

29

30 **SARAVAN** Yes. So, currently I lead a team of about 40 to 50 engineers and cover
31 the ranges of IT delivery. Delivery meaning, we develop solutions for
32 the company, along the areas of ordering. Meaning, if somebody was
33 to order a product, we all bypasses those kind of stuff, ordering.
34 Charging, we do the charging for the products that the customers used.
35 So, in that case, we have online charging, offline charging. So, I handle
36 the charging portions of it. And billing, is basically, how we bill the
37 customers. So, these are the current roles that I am managing.

1

2 **CHM** Just a moment. Saravana, Mr Saravana –

3

4 **SARAVAN** Yes.

5

6 **CHM** What year did you join Maxis?

7

8 **SARAVAN** I joined Maxis in 2006.

9

10 **CHM** Could I, I think, Simon, good you to ask the qualification, academic
11 qualification of each of the witnesses, yes?

12

13 **SARAVAN** Yes. That's my next question, Dato' Seri.

14

15 **CHM** Yes.

16

17 **SK** Yes, Mr Sara, can you, please share about your education background,
18 your qualification?

19

20 **SARAVAN** Yes. I have a bachelor's degree in computing from the University of
21 Greenwich.

22

23 **SK** University of?

24

25 **SARAVAN** Greenwich, G-R-E-E-N-W-I-C-H.

26

27 **SK** Ok. Thank you, Mr Saravana. That's for the introduction part. I'll come
28 back to you later. So, now, we proceed with Witness No.25, Ms Tan Lai
29 Shing. Ms Tan, can you please state your name and your IC number?

30

31 **TAN** My name is Tan Lai Shing, IC No. 

32

33 **SK** Thank you. How old are your Ms Tan?

34

35 **TAN** 37.

36

37 **SK** What is your current occupation, Ms Tan?

1
2 **TAN** I am the head of base marketing for hotlink consumer in Maxis.
3
4 **CHM** What marketing, head of?
5
6 **TAN** Base marketing.
7
8 **CHM** B-A-S-E-D, based?
9
10 **TAN** B-A-S-E.
11
12 **CHM** B-A-S-E, base marketing, right.
13
14 **TAN** Right.
15
16 **CHM** Ok.
17
18 **SK** Ms Tan, when you joined Maxis, which year?
19
20 **TAN** 2008.
21
22 **SK** 2008. And can you explain, share the departments that you have served
23 in Maxis?
24
25 **TAN** When I first joined, I joined the network engineering department for
26 about three years. And thereafter, in 2010, I joined the hotlink business
27 team and I have been with hotlink since then until today.
28
29 **SK** Ok. Thank you. Can you explain about your current job, your job scope?
30
31 **TAN** Ok. So, my current job scope revolves around the base, base marketing
32 of hotlink consumer, which our main job is to grow revenue and spend,
33 I mean, grow customer value of hotlink base, which includes growing
34 their spend, maintaining our customers through designing and offering
35 them product and promotion that suits.
36
37 **SK** I hope that's clear to everyone.

1
2 **CHM** Not so clear. If you just can come closer to the microphone, yes?
3
4 **TAN** Yes, sorry.
5
6 **CHM** And speak louder, yes.
7
8 **TAN** So, my main job, I mean my current job, is to grow customer life value
9 of hotlink consumer then –
10
11 **CHM** Again, grow customer what?
12
13 **TAN** Grow customer lifetime value. So –
14
15 **CHM** Lifetime, lifetime value?
16
17 **TAN** Lifetime value, yes. This is, this would mean that growing their spend,
18 making them stay longer with us. Yes. And to do this, is by providing
19 them offers and promotions that best suits.
20
21 **SK** Thank you, Ms Tan. Ms Tan, can you also share about your education
22 background, your qualifications?
23
24 **TAN** Ok. I have a bachelor's degree in electronics engineering, majoring in
25 telecommunication.
26
27 **SK** Thank you, Ms Tan.
28
29 **TAN** Yes.
30
31 **SK** So, now, we move to Witness No.26.
32
33 **CHM** No. Which university?
34
35 **TAN** Sorry. Multimedia University.
36
37 **SK** Is that ok? Shall we move to the next witness, Dato' Seri?

1
2 CHM Yes.
3
4 SK Ms Lai, please introduce yourself –
5
6 LAI Ok.
7
8 SK Yes.
9
10 LAI Hi, good morning everyone. So, I am Lai Sau Ping. My IC number is
11 [REDACTED]
12
13 SK How old are you?
14
15 LAI I am 48 this year.
16
17 SK Your line is breaking. Can you repeat? Sorry?
18
19 LAI I am 48 this year.
20
21 SK 48. And your current, what is your current occupation?
22
23 LAI I am currently attached to call network engineering, serve as head of
24 voice call engineering.
25
26 CHM Could you repeat that, Ms Lai, please repeat?
27
28 LAI Yes. I am currently attached to call network engineering. So, I am
29 leading the group called, I am the head of the voice call engineering.
30
31 SK Voice call engineering, am I right?
32
33 LAI Yes, correct.
34
35 SK Ms Lai, when you joined Maxis and can you also share which are the
36 departments you have served in Maxis?
37

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LAI Sure. I joined Maxis in year 2000. I started with an engineer, serving call network engineering. So, at that time, I worked on fixed network. Thereafter, in year 2009, I moved to network optimisation. After that, in 2019, I undertake this role as a head of call network, voice call network engineering.

SK Thank you. So, can you explain your current job scope?

LAI Yes, ok. As the name implies, we deal with the voice network. So, what we do is we will ensure that the voice network from the engineering perspective, which include the voice network design, also the dimensioning, capacity management and also the performance index of the voice. So, it's all about voice related.

SK Thank you, Ms Lai. And the, can you please also share about your education background?

LAI Ok. I graduated in year 1998 from Universiti Putra Malaysia. So, I had a bachelor degree in electronic computer engineering.

SK Computer engineering?

LAI Electronic computer engineering.

SK Electronic. Ok. Thank you, Ms Lai.

LAI Thank you.

SK Ok. Now, I will ask questions, then, one of you, please mention your name, when you like to answer the questions. So, we know, who is answering the question. Ok. Can you explain about the two plans Maxis offers to the customers, one is about the post-paid plan and the prepaid plan? Can you explain what are the differences between these two plans?

1 **TAN** I am Tan Lai Shing will take this question.
2

3 **SK** Ok, Ms Tan, Witness No.25, please proceed.
4

5 **TAN** The difference between prepaid and the post-paid is that for prepaid,
6 you need, you require to top up first before you go to the network and
7 use our services. But as for post-paid, you will need to sign up a plan
8 and you will be billed post, based on the plan that you subscribed to.
9

10 **SK** Ok. So, the main difference is the payment method for the plans, is it?
11

12 **TAN** The main difference, yes.
13

14 **SK** So, for, my next question is about data retention. So, what kind of data
15 is stored in your system, firstly, for the prepaid plan?
16

17 **SARAVAN** I'll take that your question. Saravana here. So, we store all billing and
18 charging related data for both plans actually, prepaid and post-paid. So,
19 these are, this information is stored within our system. So, we keep the
20 customer demographic information, servicing related information and all
21 payment related information as well. As well as the record details,
22 customer records.
23

24 **SK** Mr Saravana, you said this is same both, applicable for both prepaid
25 and post-paid plans, is it?
26

27 **SARAVAN** That's right.
28

29 **SK** So, when you said, when you mentioned democratic information, can
30 you explain what you meant by the demographic information?
31

32 **SARAVAN** Yes, so we will store information such as the name, the customer's IC
33 number or the passport, passport details, the address of the customer
34 when they register. So, those are the key kind of details that we will
35 store when the customer registers with Maxis.
36

1 **SK** Ok. How about the services information? Mr Saravana and to all the
2 witnesses today, there's a request for you to speak louder. We can't
3 really hear you. So, speak louder please.
4

5 **SARAVAN** Sure. Apologies for that. So, we keep, sorry, can I just get the question
6 again?
7

8 **SK** Yes. You mentioned about the services, sorry, the information stored,
9 right?
10

11 **SARAVAN** Yes.
12

13 **SK** You mentioned about demographic, the second is about services, right?
14

15 **SARAVAN** That's right.
16

17 **SK** So, I am just –
18

19 **SARAVAN** In terms of the services itself, we will know, you know, what plans the
20 subscriber has subscribed to. We will know information, such as, if the
21 customer has changed the red plan or opted out to another operator,
22 those are the servicing kind of information that we will keep. And also,
23 you know, like your purchase history, your top up history. Those are the
24 information that we will keep to service the customers in the future, in
25 order to continue servicing them effectively.
26

27 **SK** Thank you, Mr Saravana. How about payment information?
28

29 **SARAVAN** Yes, we store the payment information as well.
30

31 **SK** Yes. It's just, can you explain?
32

33 **SARAVAN** Yes. So, we will keep records and audit trail of any payments the
34 customers make. In this case, for a post-paid bill, if you were to pay your
35 bill, we will have, we will track, and keep an audit trail of all the payments
36 that you have made for your bills. And on the prepaid side, whenever
37 you top up, we will keep record of your topping up. So, whenever you

1 need more credit to make calls and what not, you will need to top up
2 and we have a record of that top up.
3
4 **SK** Thank you, Mr Saravana. The last one you mentioned about records,
5 right?
6
7 **SARAVAN** Yes.
8
9 **SK** Can you explain about that?
10
11 **SARAVAN** Yes. So, we keep the usage history of the customers. So, like a voice
12 and SMS details. We store the details in our system directly for
13 servicing, for up to about 30 days, that is directly available for us to
14 service the customer. And then, later on, we will move that information
15 away to disk. So, sorry, to tape. So, we have it available on disk to
16 service the customers as and when they have questions or when we
17 need to service customer. Subsequently, after 30 days, we will move
18 the data away and put it on tape to store.
19
20 **PM2** Mr Saravana, good morning. Can you explain, you said records only for
21 voice and SMS? Is that the only two details from the whole usage of
22 one's phone, only these two data is stored? Nothing else is kept, is it?
23
24 **SARAVAN** So, from a servicing perspective, if I may to explain explicitly on records,
25 meaning keeping historical record for the customer, that would mean
26 that whenever you make a call or send an SMS, there will be a record
27 put in, so that, you know, it appears in your bill and whatnot, right. So,
28 when we service you, some people want an itemised information of your
29 bills, so, that will be kept and it will be then put on to your bill later on.
30 And the reason we do not store the data, data meaning your mobile
31 browsing data information is because there's too much and we do not
32 store that, store the history of what, where you browsed and all that, we
33 cannot store the information, not kept.
34
35 **CHM** Just to confirm, in another word, the messages are not store?
36
37 **SARAVAN** They are. SMS messages are stored.

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CHM Messages are stored. Voice recording, are they stored?

SARAVAN I am not aware. Maybe, Sau Ping, you want to take that question, voice recording? I am not aware.

LAI Not that I am aware of. Yes. So, usually what is stored and archived is just the call details record. So, which, I think, has been explained by Sara. So, there is no voice recording record.

CHM Right. Ok. Clear, it's clear now. But SMS messages are store, right, Mr Saravana? Yes?

SARAVAN Yes. It is stored for 30 days.

CHM 30 days.

SARAVAN As and when the SMS is sent, it is stored within our disk in the system for easy retrieval to service the customer. After that, it is moved and archived and kept on tape.

CHM In the archive?

SARAVAN Yes. It is archived on to tape. That means it's backed up on to tape.

CHM I see.

SARAVAN To be stored and retained.

CHM For how long?

SARAVAN The information once moved to tape, we keep it for seven years.

CHM Seven years?

SARAVAN Yes.

1 **CHM** I see. Seven years, and that applies to both, post-paid and prepaid
2 conversation?
3
4 **SARAVAN** Not the conversation –
5
6 **CHM** Message, I mean, messages, SMS?
7
8 **SARAVAN** Yes. The record of the, the detail of the record, it is stored on tape and
9 kept as per our regulatory policy, kept for seven years.
10
11 **CHM** Ok, right, yes.
12
13 **PM2** Sorry, Mr Saravana. Dato' Seri asked you, it's for both post-paid and
14 prepaid, stored for seven years? Is that correct?
15
16 **SARAVAN** That's right.
17
18 **PM1** And when you say record of details of an SMS, I just want to give an
19 example, you will store the number the message was sent to or
20 received, the date, the time but not the content of the message or
21 including the content?
22
23 **SARAVAN** No. The contents are not visible to us. We did not store the content.
24 What will we know is just the A party and the B party, the person sending
25 the message and who, which number it was sent to and the time of that
26 message. That's it.
27
28 **PM1** Thank you.
29
30 **SARAVAN** Sure.
31
32 **SK** Mr Sara, how about the call logs? Do you also store that in your system?
33
34 **SARAVAN** Yes. The call logs, call logs, like, so, I will refer to them as your voice
35 call records, the records are also kept. Similarly, like what for the
36 previous question as well. Similarly, like SMS, we keep it, we know the

1 A party, the person making the call and who is calling and the time of
2 the call.
3
4 **SK** Ok. And this is same for prepaid and post-paid, you store it for seven
5 years?
6
7 **SARAVAN** That's right.
8
9 **SK** Thank you. Yes, Dato' Madeline?
10
11 **PM1** Dato' Seri, sekejap. Thank you very much. Mr Saravana, you mentioned
12 that both prepaid, post-paid, you stored it, first, it's 30 days, right?
13
14 **SARAVAN** That's right.
15
16 **PM1** I just want to get this clear, ok. Then, after that, then you store it for
17 seven years, for both.
18
19 **SARAVAN** As per –
20
21 **CHM** In the archive?
22
23 **PM1** In the archive?
24
25 **SARAVAN** On tapes, yes, as per the –
26
27 **PM1** Ok. When you said tapes, are you referring to those tapes because I
28 was using those kind of tapes in the old days?
29
30 **SARAVAN** Yes, I mean –
31
32 **PM1** What happen after, sorry, what happen after seven years?
33
34 **SARAVAN** I cannot entirely comment what happens after seven years. But I,
35 usually, it is either still kept or it could be, you know, destroyed in a
36 proper manner.
37

1 **PM1** When you said destroyed in a proper manner, what do you mean by
2 that, what is the process like?
3

4 **SARAVAN** I am not entirely sure on that, that process. I mean, what I mean is, it is
5 done according to the secure manner as to make sure the information
6 is not PI information, personal information is not leaked out anywhere.
7 So, we need to make sure that anything that is meant to be within Maxis
8 only, is kept within us. And for the regulatory period that is, we require
9 to keep it, and then after that, it is disposed off in the proper manner.
10

11 **PM1** Ok. Thank you.

12

13 **SK** Thank you, Mr Saravana. Mr Saravana, so when you said –
14

15 **PM2** Simon. Mr Saravana, the recording is under your department and then
16 the storage of the tape, while you put it on tape, who manages the tapes
17 and which division has the duty to maintain the seven years tape? I am
18 sure it includes the destroyal of that or keeping of that. Is that under
19 your department or one of your colleagues?
20

21 **SARAVAN** It is under the same division, which is the IT division. So, I am in the IT
22 delivery department. The storage of all this are kept by the IT infra,
23 infrastructure department. They are the ones that oversee the storage
24 of data.
25

26 **PM2** Which means it comes under your purview, Mr Saravana, as head?
27

28 **SARAVAN** It is not. Not under my department and my team. It is under the IT
29 division, which is a larger umbrella, and under the IT division, there is
30 an infra, IT infra department, they manage this.
31

32 [00:45:00]
33

34 **CHM** Is any of you under IT division, the three of you today? Who's from the
35 IT division?
36

37 **SARAVAN** I am from the IT division but –

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CHM I see.

SARAVAN In a different department under the IT division.

CHM Right. Ok. So, within the seven years, it's archived, archived on tapes. Meaning that, within the seven years, the data could be retrieved, right, upon request?

SARAVAN Yes. There is a process to retrieve it. It's not an easy process because, you know, the process would be to locate the tapes and restore from the tapes, depending on the period. So, it is a pretty elaborate process to retrieve from tape and it typically takes time to do that.

CHM Do you receive request, for example, from the relevant authorities, especially investigative authorities request, request to retrieve archived data for investigation purposes, in your experience, PDRM, SPRM?

SARAVAN I can't really comment on that, Dato' Seri, because those requests actually go to, I think, I believe, our security department and then, they will liaise with the relevant internal parties to retrieve what information we need. So, I can't entirely comment on that. I am not aware of the end-to-end process and how it works.

CHM But, does it happen? It happens? Such requests are made from time to time, I believe.

SARAVAN Yes, I am sure, there are. Yes.

CHM Ok. Thank you. Yes, Mr Simon?

SK Mr Saravana, so, after seven years, will the data will be, the record will be automatically destroyed according to your SOP?

SARAVAN I can't entirely comment on that, Simon. Sorry, because I, this, like I said, it is covered by the infra department. So, they are the ones who manage the storage and so again, I believe they hold on to the data as

1 per the regulatory policy. And the entire end-to-end process, I can't
2 really comment on the end-to-end process on how they do the storing
3 and the disposal of data after that.

4

5 **SK** Ok. I have some question about the data retention. So, who decides,
6 you mentioned about the SOP, right, so, who decides on the period of
7 data retention, the seven years, right, who decides? Is it Maxis, is it a
8 regulatory body?

9

10 **SARAVAN** Yes, I believe it's a regulatory requirement to keep the data for seven
11 years.

12

13 **SK** So, there is a policy decide by the authorities, I believe MCMC, is it?

14

15 **SARAVAN** That's right. There is a statutory act, I believe, where you need to store
16 the data. I am not sure of the exact act, could be the Companies Act or
17 one of those acts that it requires us to store the data for seven years.

18

19 **SK** So, your IT infra department would be able to give more information on
20 this, is it?

21

22 **SARAVAN** Specifically on the disposal?

23

24 **SK** Yes.

25

26 **SARAVAN** Yes, they were, would have more details on the disposal policies, how
27 they dispose the data.

28

29 **CHM** Just a moment, Mr Simon. Ok. Back to the issue of storage of data, the
30 seven years archive, right, seven years, right.

31

32 **SARAVAN** Yes.

33

34 **CHM** Do I get it right, it's only confined to telephone, telephone message data
35 and SMS, it doesn't cover WhatsApp, yes? WhatsApp is outside, am I
36 right? Or it includes WhatsApp as well?

37

1 **SARAVAN** No. It does not include WhatsApp because WhatsApp is part of your
2 data service. Data service, in our terminology, means your, typical
3 browsing of the internet, using of the internet. We do not store those
4 details, as we do not store those historical information on data.
5
6 **CHM** Yes. Ok.
7
8 **SARAVAN** Yes.
9
10 **CHM** Yes, Mr Simon?
11
12 **SK** Thank you, Dato' Seri, Mr Saravana. Mr Saravana, who will have
13 access to the system, the information within the system in Maxis, the
14 data retention, who will have access?
15
16 **SARAVAN** So, I think, like I mentioned earlier, it is readily available for 30 days,
17 primarily for servicing. So, frontliners, frontliners mean our people in the
18 retail and contact centres and the support teams, they would have these
19 billing related system information, like the registration and the way you
20 change your plan and whatnot. So, they would have it for immediate
21 servicing capabilities, within their system. So, that is kept within the
22 access of the frontliners to access. So, mainly customer service teams
23 who support, who could directly interact with the customers.
24
25 **SK** Ok. My next question is, can your system trace the location of this
26 mobile, the location of the mobile, mobile users, I mean, the handphone
27 holder? Can your system trace the location?
28
29 **LAI** I am Lai here. Maybe, let me take that question? So, basically, yes,
30 when the subscriber is active or SIM card is active, yes, our system,
31 they have this probing. So, whenever the subscriber log on to the
32 network, they make call or send SMS, yes, the network will capture that.
33
34 **SK** Ok. So, what happen if the –
35
36 **LAI** So, this information will not be archived. So, it's a live trace.
37

1 **SK** So, will not be archived. Ms Lai, I think, yes, so what happen if the
2 handphone is, has been switched off?
3

4 **LAI** Then, we will not have any records because basically this probing is to
5 probe the activity of the users of the handphone. So, the moment the
6 phone is off, means that, we do not receive any signals or receive any
7 messages (00:52:28).
8

9 **SK** Ms Lai, your network or your line is not clear. So, some of your words
10 is, we can't hear it clearly.
11

12 **LAI** Is it?
13

14 **SK** Yes.
15

16 **LAI** Ok. I am sorry. Maybe, let me repeat. So, the question is about when
17 the handphone is off, right?
18

19 **SK** Yes.
20

21 **LAI** So, the moment the handphone is off, so, network will not have any
22 visibilities because there is no exchanges of signals from the handset
23 coming to the network.
24

25 **SK** Ok. Thank you, Ms Lai. I think, Ms Lai, maybe you should be able to
26 answer this question. So, can you still trace a location of a handphone
27 user, if they are in overseas, any part of the world?
28

29 **LAI** No. We do not probe when they go overseas because when they go
30 overseas, right, the network serve, will be served by those overseas
31 network. So, Maxis have no access to them.
32

33 **SK** Ok, Ms Lai, thank you.
34

35 **CHM** You will only be able to, I am just trying to guess, like you will only be
36 able to trace the location where you have a telco tower nearby, is that
37 right?

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LAI No. Actually, we trace it between the telco to the core network. So, as long as it's within domestic network, within Malaysia, yes, we do have the probing. But, as the handset go overseas or roam overseas, right, then the serving towers of the network will be overseas network. So, that, we do not probe.

CHM No. What I mean is if a call, if a call or a message is sent from, say, Section 10 of Shah Alam, kan, will you be able to tell us, yes, at that day and time, there was a message or a call made or received from Section 10 of Shah Alam, would you be able?

LAI Yes, it may not be the exact address but it will be the tower, the serving tower information.

CHM Yes, that will be good enough. Yes, right. Yes, thank you.

PM2 Ms Lai, does it mean, if you are able to answer the question Dato' Seri asked you means, location logs are also stored, because the question will be what happen last month, for example? Are you able to retrieve that?

LAI Sorry, no. As I said, the data is not archived. So, I think, the most the system will keep for five to seven days, depends on the amount of the traffic, then the data will go, like, will be purged for new data.

PM2 Ok. So, only five to seven days. After that, no way to locate. Correct?

LAI Correct, yes.

PM2 And then, the other word you used is, when the SIM card is active. What does that mean, SIM card active?

LAI It means that the SIM card is login on to a Maxis network.

PM2 Meaning, is it switch –

1 **LAI** They are having –
2
3 **PM2** Mode, switch off phone or is it the validity of the card, it's expired or
4 something? What's the meaning?
5
6 **LAI** Ok. In terms of network, we don't look at the validity. We only look at
7 the activities. As long as the SIM card is having activities, we will deem
8 it as active, from the network perspective.
9
10 **PM2** Ok. So, which means, it makes sense that the SIM card will only work
11 if it's a valid SIM card and not expired, right?
12
13 **LAI** Yes.
14
15 **PM2** Ok. Thanks.
16
17 **SK** Ok.
18
19 **PM2** Sorry. Ms Lai, even if the card is, say, the person didn't make payment
20 or finish the 30 days or whatever your system is, and this person's
21 phone is on, but he cannot make phone calls or receive phone calls, it's
22 sort of considered SIM card is dead, are you all still able to locate that
23 SIM card that, in which area or no way to communicate with that SIM
24 card?
25
26 **LAI** As long as the SIM card, they are managed to log on to Maxis network,
27 then we will be able to trace.
28
29 **PM2** Log on means, that means must be able to use it lah, right?
30
31 **LAI** Correct.
32
33 **CHM** Meaning, just to confirm lah, meaning that, the SIM card hasn't expired,
34 right?
35
36 **LAI** Correct.
37

1 **CHM** Hasn't expired yet?
2

3 **LAI** Yes, means that the network still allow them to log on.
4

5 **SK** Ok. My next question, when is, when will a number, I mean a service
6 subscribed by the customer will be automatically deactivated? In what
7 instances it will be deactivated?
8

9 **TAN** Ok. I'll take that question. I'll explain in terms of life cycle, how do a
10 prepaid card work. So, first of all, in order to access to full service for
11 prepaid, you will need to be in active state. Over here, what I mean by
12 active is the active period in terms of product definition. Right. So, how
13 many active days, that is based on amount of top up. Typically, RM,
14 every RM1 equivalent to one day validity. So, if you top up, an RM10,
15 you get 10 days, top up RM30, you get 30 days. So, for example, if a
16 customer top up RM30, he gets 30 days active period which he can –
17

18 **CHM** Ms Tan –
19

20 **TAN** Yes?
21

22 **CHM** Your voice is not, from your end, it's not clear to us. Speak closer and
23 louder and at a slower pace, yes. Speak louder but slower pace, yes.
24

25 **TAN** Ok. So, then, I repeat. Typically, every RM1 top up is equivalent to 1
26 day validity. In this case, if you top up RM10, you get 10 days validity.
27 So, if a customer tops up RM10, he gets 10 days validity. At the end of
28 active period, if he did not perform the second top up, he will fall into,
29 what we called, a grace period. So, for the plans that these customers
30 are in, it was checked, it's a #Hotlink and also Hotlink 3.0 plan, this plan
31 grants 50 days grace period. During these 50 days grace period, you
32 are not allowed, you are, your usage of your credit, your balance to be
33 frozen, but you can still receive... you cannot make outgoing calls. You
34 cannot send outgoing SMS but you can still receive incoming calls and
35 SMS. During these 50 days, if you do not perform a top up, at the end
36 of this grace period, your number will be terminated.
37

1 **CHM** Again, your number will be?
2
3 **TAN** Terminated, will expire.
4
5 **CHM** And that is done –
6
7 **SK** Ok.
8
9 **CHM** That is done mechanically, automatically –
10
11 **TAN** Automatically.
12
13 **CHM** By the system?
14
15 **TAN** Yes.
16
17 **CHM** Ok.
18
19 **SK** So, grace, Ms Tan –
20
21 **CHM** Yes, Dr Madeline, yes.
22
23 **PM1** Ok. Just one question, Ms Tan. When you said when it expired, right,
24 after 50 days, right, if they don't top up, right? If the person doesn't top
25 up –
26
27 **[01:00:00]**
28
29 **PM1** Where does the information goes? Does it go to Saravana? Would he
30 know? Would his section know? I want to link that up.
31
32 **SK** Mr Saravana, would you like to take the question?
33
34 **SARAVAN** Yes, so –
35
36 **PM1** Would she know or would Saravana knows?
37

1 **SARAVAN** Yes, all, all those systems are what we called stored in the charging
2 system, in the real time online charging system. So like what Lai Shing
3 mentioned just now, when the, we will keep track of the life cycle of the
4 customer. So if the customer is in the active period, the system will track
5 that and if you know that the customer is inactive period, and after the
6 allowed number of days, the customer will then move to a grace period,
7 the system will track that down (01:00:51) and when the customer
8 expires as well, the system will track that information. So we know that
9 the customer has expired and then the sim card is released, I mean, the
10 number is released.
11
12 **PM1** But you will have the data, yes, Saravana?
13
14 **SARAVAN** Yes, it will be stored in the systems, yes.
15
16 **PM1** Ok, alright.
17
18 **SARAVAN** Those are billing related information that will be stored.
19
20 **PM1** Ok, thank you.
21
22 **SARAVAN** Alright.
23
24 **PM1** Thank you, Simon.
25
26 **PM2** Mr Saravana, after the expiry, the number is released. If I understand
27 that means Ms Tan's division will be able to re-sell that number again,
28 am I correct to understand that?
29
30 **SARAVAN** Yes, so there is, there is a period that we will wait after the number is
31 expired so there is a X amount of days that we will wait to, before we
32 recycle the number for, as a new pack to be sold.
33
34 **PM2** Ok.
35
36 **SARAVAN** (01:01:50 inaudible).
37

1 **PM2** Would your back-end back-up system on the tape or on the, what is it,
2 yes, tape or where ever, be able to differentiate same numbers stored
3 because you have a seven-year log for Number A that was used, and
4 then it expires and it then goes on to, the same number to another
5 customer so there will be another log for that person, is that
6 differentiated when it's stored?
7

8 **SARAVAN** Yes, so the usage record of the tape (01:02:27) will know the A party,
9 the B party and what-not, but the system itself will track when this
10 number, who own this number at which period and then, you know,
11 once it's expired, if there's a new owner, the system would also know
12 from when to when the new owner own that line.
13

14 **PM2** Thank you.
15

16 **SK** I think the question still to Ms Tan. Ms Tan, any instances where
17 extension will be given to any customer after the grace period?
18

19 **TAN** No, after grace period, no. So when a customer is in grace period, I
20 mean, we cannot and do not extend grace period.
21

22 **SK** Thank you.
23

24 **CHM** But within, Ms Tan, but within that grace period of 50 days, if the
25 customer want to top up, that will be accepted?
26

27 **TAN** Yes, so if let's say, correct. So let's say if he's on the 49th day of grace
28 period, and if he tops up an RM10, he will then be granted a 10 days
29 active days and another 50 days grace period. The entire lifecycle will
30 repeat (01:03:48).
31

32 **CHM** Yes, ok.
33

34 **SK** Dear Panel Members, I would like now refer to exhibit tendered before
35 this, Exhibit 112B. This is a reply from Maxis to SUHAKAM. Zaidi?
36

37 **AZB** Ok nampak? Boss?

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SK Nampak, nampak.

AZB Ok.

SK Can the witnesses see the shared document?

LAI Yes.

SARAVAN Yes.

AZB Alright.

SK So this is document submitted to SUHAKAM by Maxis when we requested information on the three mobile numbers which is listed here. So the, sorry, ok the three phone numbers stated here, 1011, 011 [REDACTED] then the following number, [REDACTED] then the third number is 012 [REDACTED] and it was registered under the names as given here, Ms Ruth and Mr Hilmy. So my question is based on the three numbers registered with Maxis, we were informed these numbers were prepaid numbers. Are you aware about this? Anyone of you?

TAN Sorry, your question, are we aware of the (01:06:02 inaudible) –

SK Of this, these particular numbers that our correspondence with Maxis?

TAN Whether or not they are a prepaid –

SK Yes, yes.

TAN We were informed.

SK You were informed, ok. So my question is from these numbers, can you, can you trace, can you explain which plan were these numbers subscribed before? Under which plan?

1 **TAN** Ok so based on the information that was given, the first number, 081
2 was subscribed under Hotlink Plan 3.0. Second number, 082, also
3 Hotlink Plan 3.0, and the last number, 752 is under #Hotlink Plan.
4

5 **SK** Sorry, can you please repeat again? Repeat the three numbers and the
6 plans again?
7

8 **TAN** So the first number, 011 [REDACTED] and second number, 011 [REDACTED]
9 they are both under Hotlink 3.0 Plan.
10

11 **SK** Hotlink 3.0 Plan, ok. And the third number?
12

13 **TAN** #Hotlink.
14

15 **SK** #Hotlink. Can you explain what is the difference between these two
16 plans?
17

18 **TAN** Ok in terms of these two plans, shall I explain it from the active period
19 and grace period perspective or do you want to know even on product
20 construct?
21

22 **SK** You can begin with the active period perspective.
23

24 **TAN** Ok in terms of active period, both this plan works the same, what I
25 explained earlier, every RM10, for example, RM10 top-up grants you
26 10 days validity and thereafter, grants you another 50 days grace period
27 if you do not top-up. That is the, that is similar for both this plan.
28

29 **SK** Ok so from this number, can your system, the current system now can
30 trace the data, earlier we talked about data retention, right? That you
31 can keep records for seven years, Mr Saravana, you mentioned. For
32 these three numbers, can we still retrieve data for these three numbers?
33

34 **SARAVAN** So looking at the, the dates here, like I said, policy-wise we will keep it
35 for seven years, stored on tape. So in this case, the numbers, we would
36 have up to seven years from today, meaning we could, if it's 2021 today,
37 we will be able to go up to, maybe to 2014 and try to retrieve the usage

1 information for calls and SMS which are stored on tape but it is not a
2 simple process. It would literally take months, months to retrieve that
3 kind of information because of the vast amount of data stored on tape.
4

5 **SK** Alright. So when you, just for clarification, so you, you confirmed that
6 we can retrieve information on the calls, which means call logs also can
7 be retrieved?
8

9 **SARAVAN** Yes, call and SMS logs would be able to be retrieved but it's not readily
10 available. Meaning, we will have to physically locate the tapes and
11 physically find out, you know, looking specifically for this number and
12 restore all that data onto this, it is quite a massive task to look for that
13 information so far back.
14

15 **SK** Ok so it's just they will require time to do it but it is possible to do it,
16 right?
17

18 **SARAVAN** Yes, it will be a lot of effort to retrieve all the data –
19

20 **SK** Ok.
21

22 **SARAVAN** But it's possible.
23

24 **SK** It's possible, ok. Thank you, Mr Saravana. From this Exhibit 112B, it's
25 mentioned here, I think, it's, Ms Tan, maybe this is relevant to you. So
26 the number of activation and deactivation, so here, the numbers were
27 disconnected, the first number on 07.04.2017, the second number on
28 06.04.2017, the third number, 15th February. Is it possible from your
29 system to identify when the numbers were last active? So meaning, if
30 disconnected on 7th, meaning, is it mean, does it mean it was last active
31 6th April, for the first number?
32

33 **TAN** No, so if it was disconnected on the 7th April, if we, if we back trace in
34 terms of the grace period I mentioned just now, 50 days back, it would
35 mean that the number was last inactive product definition, active period
36 on 16th February.
37

1 **CHM** Ms Tan, hello?
2
3 **TAN** Yes.
4
5 **CHM** Based on what you have explained earlier, I'll take just at random lah,
6 as an example, the first one at the top itu, kan.
7
8 **TAN** Yes.
9
10 **CHM** Disconnected on 07.04.2017, disconnected. Am I right to say that based
11 on your explanation earlier about the 50 days grace period.
12
13 **TAN** Yes.
14
15 **CHM** The 50 grace period ends on 06.04.2017, would that be right?
16
17 **TAN** No.
18
19 **CHM** And then the following day, on the 7th, it is automatically disconnected?
20 Is that how it works?
21
22 **TAN** From the data here, it says 7th, it will be 7th, but I do not have information
23 on the time stamp.
24
25 **CHM** But just now you said after the 50 days grace period it will be
26 automatically disconnected?
27
28 **TAN** Yes, so –
29
30 **CHM** Kalau... yes?
31
32 **TAN** Ok so in terms for customer, I mean, from product point of view, for
33 customer when we say that 'Your line is disconnected on the 7th', it
34 means until 7th, 11:59PM. But in terms of system –
35
36 **CHM** Yes?
37

1 **TAN** System date and time stamp, I cannot, I cannot 100% be sure. So in
2 terms of to customer when we communicate to customer, 'Your line will
3 expire by 7th April', means 7th April, 11:59PM, but in terms of system
4 record when it says disconnected 7th April, that in terms of the actual
5 time, I am not sure.
6

7 **CHM** But a disconnection will have to be preceded by a 50-day grace period?
8

9 **TAN** Yes, yes, 50 days –
10

11 **CHM** Yes.
12

13 **TAN** That's correct.
14

15 **CHM** Yes, but you cannot confirm that the disconnection will be on the 51st
16 day, no?
17

18 **TAN** Disconnection will be on the 51st day.
19

20 **CHM** Kalau begitu, then the 50-day grace period here, taking the first
21 example, will be on the 6th April, shouldn't, wasn't it? 6th April?
22

23 **TAN** You mean the last day that he's on grace period?
24

25 **CHM** Yes.
26

27 **TAN** Yes, that's correct.
28

29 **CHM** Yes ok. Yes, so there is no top-up, then the following day it is 7th April,
30 it is automatically disconnect?
31

32 **TAN** Yes.
33

34 **CHM** Ok thank you, yes.
35

36 **PM1** Dato' Seri.
37

1 CHM Yes, Dr?

2

3

[01:15:00]

4

5 PM1 Yes, I would like to pose a question, yes. Ms Tan.

6

7 TAN Yes.

8

9 PM1 The 50 days grace period, when this is disconnected on the 7th of April,
10 ok, we understand that. So within that 50 days run up to 7th April, the
11 person can receive calls but they cannot make calls outside, right? But
12 they can receive?

13

14 TAN Yes.

15

16 PM1 That's what I understand from you.

17

18 TAN Correct.

19

20 PM1 So meaning to say, that will be in the record but the person cannot make
21 a call, right? Correct?

22

23 TAN Yes.

24

25 PM1 Alright. So after, like for example, once it's disconnected, so it's
26 meaning to say there is no calls coming ins and no calls been made
27 out?

28

29 TAN Yes.

30

31 PM1 What about SMS? WhatsApp? Is it the same?

32

33 TAN It's the same. There will be –

34

35 PM1 It's the same.

36

37 TAN No access to the network.

1
2 **PM1** At all?
3
4 **TAN** Yes.
5
6 **PM1** So once it's disconnected, they have to get a new phone or a new
7 number?
8
9 **TAN** A new card, yes, new sim card.
10
11 **PM1** Ok, alright. Thank you, Ms Tan, thank you.
12
13 **SK** Ms Tan, just now you mentioned about the 50 days grace period, so
14 meaning for this first number, you mentioned about 16th February, so is
15 it 16th February is the last date where the number was topped up?
16
17 **TAN** No, it means the last date the number was in active state where he will
18 be able to make, access services like making an outgoing call or
19 sending an outgoing SMS.
20
21 **SK** Ok so meaning, another word, after 16th February, that user of this
22 number cannot make any out, cannot make out calls, right?
23
24 **TAN** Yes, yes.
25
26 **SK** Ok he can also... after 16th February, the person can only receive calls?
27
28 **TAN** Yes.
29
30 **SK** Ok. This also means that he has topped-up before the 16th February but
31 we wouldn't be, would we, wouldn't, can we now trace when was his
32 last top up?
33
34 **SARAVAN** Yes, I'll take that question. So yes, we will be, I mean, based on our
35 retention policy, we would be able to see the last top-up details as well.
36
37 **SK** Ok. Ok so even now we can trace that information, Mr Sara?

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SARAVAN Like I said, since it is already moved to tape, retrieving the information is not something we can just go and get it like that now. It will be a massive process of restoring all that whole information to disk and then trying to query and look for the data.

SK Ok. Thank you for that, Mr Saravana and Ms Tan.

PM2 That answer, Mr Saravana, I mean, you also confirmed earlier, it can be done as difficult as it may sound and cumbersome, it can be done, am I correct?

SARAVAN Yes, I believe we should be able. I mean, that's, that's the purpose of, that's why we keep the record on tape so if the reason, if there's any need to validate some of the information, it can be restored but we do not store it on disk because it's, storage is expensive, so we need to purge it to tape and store it on tape, physical tapes, yes.

PM2 And the request for this kind of data retrieval would come from the, your security department, is it? Or is there other sources that comes to you to start –

SARAVAN Yes.

PM2 Retrieval process?

SARAVAN Yes, I can't comment on the end-to-end process, so I believe the requirements from law agencies would come to our department and fronts (01:18:59) the law agencies and I'm assuming it's our security team and then we have to be, you know, internally passed on to the relevant teams to retrieve what is required.

PM2 Yes, yes, I know I understand that the, it's not under your purview where the agencies request comes in. But I'm asking internally, is it your department who would get that request from security or whichever department to retrieve such data?

1 **SARAVAN** Yes, so it would be under the same division, the IT division, but not my
2 department. So my department is IT delivery.
3
4 **PM2** Ok.
5
6 **SARAVAN** That department that will retrieve it is the IT Infra department.
7
8 **PM2** IT Infra, and who is the head of IT Infra?
9
10 **SARAVAN** So it will be IT Infra Operations, the person-in-charge of the whole
11 department is Vijay.
12
13 **PM2** Mr Vijay, is it?
14
15 **SARAVAN** Yes.
16
17 **PM2** Ok, thank you.
18
19 **SK** Mr Saravana or any of the witnesses, this is my question about the top-
20 up process, right. How can a customer top-up? What are the ways?
21
22 **TAN** Ok can you elaborate, in terms of 'way' means?
23
24 **SK** How they can top-up? Do they have to purchase, normally I've seen
25 people buying that the small thing they have to, you know. 12 digits
26 number key-in.
27
28 **TAN** Yes.
29
30 **SK** That's one way, so what are the ways they can top-up?
31
32 **TAN** So like you mentioned, that's the most common top-up, it's through
33 physical top-up ticket but a customer can also top-up via online channel
34 through their bank portals, through their bank Apps, through Hotlink
35 dealers as well, we call it –
36
37 **SK** Through –

1
2 **TAN** (01:21:11 inaudible), our Hotlink dealers.
3
4 **SK** Hotlink dealers, ok.
5
6 **TAN** Yes, Hotlink dealers. They can also purchase (01:21:20 inaudible)
7 tickets from convenient store. You can also top-up from 7Eleven, petrol
8 stations and so on.
9
10 **SK** The Hotlink dealers, 7Eleven, how they do? They did it through the top-
11 up ticket or they do it online?
12
13 **TAN** It is still, we still consider it as physical because it's either through a
14 ticket or, for example, 7Eleven, they will give you a slip which contains
15 the 16-digit pin for you to key-in. And as for dealers, dealers, we have
16 something called e-reload, customer will just need to provide their
17 numbers to the dealers and the dealers will transfer the credit into their
18 phone after they pay the top-up amount.
19
20 **SK** Ok so let's say now if we would like to have some information on the
21 top-up, right, so can we retrieve information on how much they top-up,
22 the last top-up?
23
24 **SARAVAN** Yes, I'll take that question. Yes, we will know the denomination as in
25 how much was topped-up.
26
27 **SK** Ok. So you will know how much and when it was topped-up, right?
28
29 **SARAVAN** That's right.
30
31 **SK** Ok. Can you also trace where it was topped-up?
32
33 **SARAVAN** No, we don't have that information. It's not readily available in the
34 records as in where the top-up was made.
35
36 **SK** Ok let's say the user purchased this top-up ticket, the physical one, and
37 he topped-up by inserting the, how many digits, right. Can, if the

1 customer topped-up using that, this method, can you still trace where it
2 was done?
3

4 **SARAVAN** Sorry, could you repeat the question, please?
5

6 **SK** Ok. If a customer purchased this top-up ticket, right, which is done
7 physically.
8

9 **SARAVAN** Yes.
10

11 **SK** And he is, my question is, when he used this method to top up, can you
12 trace where, the location, where he does this? The last top-up?
13

14 **SARAVAN** So maybe Sau Pin can add-on later on, but as far as I know, the record
15 information of your top-up does not contain the location of where you
16 topped-up from. But if you are referring to a live customer doing, making
17 an activity, maybe Sau Ping you want to, to add-on to that, if we, if you
18 have information on top-ups, I'm not sure.
19

20 **LAI** Not that I know of. So if let's say the subscriber managed to top-up again
21 back to the network, right, they will come back to the network, there the
22 network will capture the activities. But then if you talk about back in
23 2017, I think the network do not archive the information.
24

25 **SK** What if the top-up is done through the online services, bank App, let's
26 say? Would you able to trace the same information? The locations, and
27 all that?
28

29 **SARAVAN** Yes, so from a record history perspective, in terms of that call data
30 record, we will only know the denomination and how much was topped-
31 up and the time it was topped-up. We will not know the location of
32 where the top-up witness statement made.
33

34 **SK** Ok. You said we will not know, right? Not?
35

36 **SARAVAN** Yes, we will not know the location of where the top-up was.
37

1 **SK** Ok, ok, thank you, Mr Sara. Ok my –
2

3 **SARAVAN** So just to, sorry, just to clarify. We will know the channel, the channel
4 here meaning if the subscriber has topped-up via the bank or App, right,
5 but we will not know the location.
6

7 **SK** Ok but do you know the channel, let's say he topped-up in 7Eleven in
8 Section 16, PJ. Would you able to know that?
9

10 **SARAVAN** No, not to the location of the store, we don't know that.
11

12 **SK** Just the channel?
13

14 **SARAVAN** Yes.
15

16 **SK** Thank you, Mr Sara.
17

18 **SARAVAN** Sure.
19

20 **SK** Ok my next question is, ok, based on this, the document that has been
21 displayed now, it is stated that the number registered under Joshua
22 Hilmy has been disconnected earlier than the other two numbers. What
23 could be the possibilities?
24

25 **TAN** I'll take that question. So –
26

27 **SK** Ms Tan, is it?
28

29 **TAN** Yes, yes, Ms Tan.
30

31 **SK** Ok.
32

33 **TAN** So if we take the first, the third number as an example, the first number
34 was disconnected on 7th April, meaning to say when the number was
35 last inactive periods state was 16th February, right, if we, if we minus 50
36 days of. So when the number is last active on 16th February, it, the
37 active days might be determined by one, the number of, the amount of

1 top-up and secondly, the denomination of top-up as well. One of the
2 possibility why another one has got a later active period, active end
3 period than the other, could be the amount of top-up that was performed
4 on both this number is different.
5
6 **SK** Ok.
7
8 **TAN** Yes, and in the market we have top-up denomination up to a RM100
9 which will run a 100 days validity.
10
11 **SK** Ok so that, RM100 is the maximum top-up value, is it?
12
13 **TAN** Yes, in terms of top-up value, RM100 is maximum.
14
15 **SK** Ok so that will grant the user 100 days of usage?
16
17 **TAN** 100 days of, yes, active period and on top, just to add on, we have other
18 products as well that allows customer to purchase validity. So in the
19 market we have something called Validity 365 or Validity 90. So 365
20 means, you pay an amount, let's say you pay an amount of RM35, you
21 can immediately get 365 active days. And yes, we have two of that
22 products, 365 days and 90 days.
23
24 **SK** Sorry, what is, this is called? The 365 and 390?
25
26 **TAN** Validity 365 and Validity 90, the name of the product.
27
28 **SK** Name of the product. So how, ok, can, how do you, what, how this is
29 different from the, you mentioned just now, the Hotlink 3.0, #Hotlink,
30 how this is different from these plans?
31
32 **TAN** How... Hotlink 3.0, you can purchase the validity products where else
33 #Hotlink, you can't.
34
35 **SK** Ok. So this validity is only applicable for the Hotlink 3.0 plan only?
36
37 **PM2** So –

1
2 **TAN** Yes, so it's a –
3
4 **PM2** Ms Tan?
5
6 **TAN** Yes.
7
8 **PM2** I think validity means you are paying to buy for an extended period of
9 validity, right? You are not paying for usage, right? If you pay 365,
10 whatever is, RM35, do I get RM35 of usage or I'm just paying to have
11 my validity –
12
13 **TAN** Yes.
14
15 **PM2** For a long –
16
17 **TAN** You are just paying for your validity, your active period.
18
19 **PM2** Yes, we are only paying for, only for active period to, so it's not, not
20 linked to that RM1 or RM10 that you make for calls and SMS, am I right?
21
22 **TAN** Yes.
23
24 **PM2** Ok yes. That's what, Simon, that's the difference.
25
26 **TAN** (01:29:45 inaudible).
27
28 **SK** Ok. I'll move on. Ok –
29
30 **[01:30:00]**
31
32 **PM2** Simon, just a moment, Mr Saravana, your answer earlier on the
33 channel, you know the channel that the money was used to top-up.
34 What is the detail that is indicated in your system when you said
35 'channel'? Will it just say via bank or via, I don't know –
36
37 **SARAVAN** Yes.

1

2 **PM2** That's it? No other details?

3

4 **SARAVAN** Yes, it will be pretty general because we have another system that front
5 (01:30:30) the bank so we know that it comes from them. So all the bank
6 (01:30:36 inaudible) top-ups will go to another system. What the back-
7 end system will see that it came from this particular system, so we know
8 it's from, from a bank channel. Similarly, if someone were to top-up
9 using the network, you can, if you know you can top-up using the, like
10 a short code on your phone, where you can scratch the card and key-
11 in your pin, so you'll know that 'Oh, this was by a voucher that the
12 customer bought, and this can, and they key-in'. So we know that it
13 came from, directly from the phone that they key-in. So we, that's, that's
14 the, to the level of channel that we know. It's quite general, yes.

15

16 **PM2** So your, what comes in to you is a channel but as you said that there is
17 a transaction communication between that channel and Maxis, not your
18 department but you know, the bank when you do a transfer, there is
19 some long many digits of number –

20

21 **SARAVAN** Yes.

22

23 **PM2** You know, the payment. So that one goes to which department?

24

25 **SARAVAN** That will come to the charging and billing, it's my department.

26

27 **PM2** Your department, so you will have a transaction code that, you know, if
28 I did an Maybank online transfer to Hotlink, say, RM30, and there is a
29 transaction code with 20 digits or something, you would get that
30 information, right?

31

32 **SARAVAN** We will not see the code, not on this. Like the serial number and sim, I
33 mean those codes are actually encrypted so it's not visible to anybody.
34 It is done within the system and we do not store the, your pin
35 information. So we wouldn't have that code in the logs, we will just know
36 that top-up has been made for maybe, RM10 and the, when, at what
37 time it was done.

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PM2 No, no, I'm not asking for the personal pin code, I'm asking about the, it's like a transaction receipt number because for reference purposes, if I see, I've made the payment and it never went, I will have to go to the bank or Maxis and say 'Hey, I made this payment. This is my number and why I didn't get the RM30', so there must be some reference point of, for areas of interest to demand if services are not met. So that, that number of banking transaction, it's not my private code, that must surely be in your system, right?

SARAVAN Yes, yes. So, so just to be precise, there will be another system that fronts the banks, right. So the banks will have a specific transaction ID that they have computed with this system, that they use for tracking with that system. And then the back-end systems can have a different transaction ID and we will keep track of that transaction ID as well. So if there comes a need to stitch it together, right, end-to-end, there will always be a way to say that the back-end system has completed this top-up, this is the transaction ID and then the system, the subsequent system will also have a different transaction ID that keeps track of the top-up that was made.

PM2 Ok so that is now giving us new information that the transaction ID is also within your storage system of seven years?

SARAVAN Yes, so it is a back-end transaction ID, so again, if it a very specific, let's say, if you done through the network kind of top-up, there might not be a transaction ID, right. But if it was coming from a particular system that tracks like banks which tracks transaction IDs, then that system would have a transaction ID and then one of our back-end systems would have a different transaction ID, a more internal transaction ID that will be captured, but depending on the channel, right.

PM2 Ok so that data is also stored for seven years, is that correct? Such a transaction ID?

SARAVAN A back-end transaction would be stored, yes. The back-end transaction, the top-up transaction will be stored but depending on the exact channel

1 that can be, that can, they could have a transaction ID or they may not
2 so that details I'm not entirely aware of at this point.

3
4 **PM2** So Ms Tan, I thought every type of top-up maybe a scratch card or even
5 a, if someone goes to a stall and pays money and he or she transfers
6 via that phone, I'm sure there must be a tracking transaction ID for every
7 payment made because I've seen the scratch card, there's many small,
8 small numbers below. Is that not something of a unique ID for every,
9 every transaction into your, into Maxis?

10
11 **TAN** In terms of data, what they capture and what they don't capture, I'm not
12 sure. I do not know how it works in the back-end. But if you are referring
13 to that small little numbers at the bottom, that is the serial number.

14
15 **PM2** Yes, yes.

16
17 **TAN** The top-up card.

18
19 **PM2** That's the, yes, that's the unique, that's the unique serial number, right?

20
21 **TAN** Right, correct. But that, that number, as far as I know, that's unique,
22 whether or not it's stored whenever a customer utilises that card, I'm
23 not sure.

24
25 **PM2** Yes. So I wanted to confirm that there is a unique serial number
26 because I'm quite sure it is but I want to know from Mr Saravana, if there
27 is a unique serial number on these cards, or any transaction then even
28 if in the back-end so is those numbers also stored so if I did a scratch
29 card for RM10, you may know that I did a scratch card in the first, first
30 instance. But in the back-end, you should be able to know which scratch
31 card that I put in because it come on a certain specific date, time and a
32 particular scratch card that I used. Because you need to verify that my
33 scratch card is a valid card and not a re-use scratch card.

34
35 **SARAVAN** Technically, how it works is the subscriber will top-up with that, with that,
36 he will scratch the card and key-in the code, right, and that information
37 will flow down to the charging system which handle, my team handles

1 and this system will call another system that specifically manages
2 vouchers, alright.
3
4 **PM2** Yes.
5
6 **SARAVAN** So that system will validate the scratch code and confirm that 'Yes, this
7 voucher is, has not been used and now it can be used to, you can now
8 give the customer RM10 or whatever the denomination is'. But whether
9 we store that serial number of the scratch card, I need to check. I'm not
10 entirely sure if we actually store that.
11
12 **PM2** Thank you, thank you.
13
14 **SK** Thank you, Mr Jerald. Now I would like to refer to another exhibit, Exhibit
15 115D. Zaidi, besarkan supaya boleh dibaca. Zaidi, terlalu besar. Boleh
16 tak nampak keseluruhan dokumen? Ok. Ok witnesses, this is the,
17 another our correspondence, SUHAKAM correspondence with the,
18 your company, Maxis. So I just would like to ask for some explanation
19 based on the reply from Maxis. If you look at the No.1, right, the question
20 is about what is Maxis –
21
22 **CHM** Simon.
23
24 **SK** Yes, Dato' Seri.
25
26 **CHM** Could you enlighten us, who is the maker of this document? Is it Maxis
27 ke atau kita yang buat dokumen ini?
28
29 **SK** Maxis, Maxis. This is reply from Maxis upon our second request. Zaidi,
30 kecilkan, Zaidi. Ada tarikh tak? Faiz, can you help out on the date
31 sequence?
32
33 **MFR** Sorry, Simon, kuat sikit.
34
35 **SK** Jawapan ini adakah kita terima bersama satu cover letter daripada
36 Maxis?
37

1 **MFR** Yes.
2
3 **SK** Ok, bertarikh?
4
5 **CHM** Tunjuk cover letter dulu. Cover letter itu macam mana rupanya? This is
6 Exhibit 1-1, Exhibit?
7
8 **SK** Bukan ini. Ini 118C, ini daripada, oleh En Azhar, bukan ini.
9
10 **AZB** Mana satu, ya, cover letter dia, (01:40:17 inaudible).
11
12 **MFR** Sekejap, Zaidi, Exhibit, cuba tengok 116? Bukan, bukan.
13
14 **SK** Zaidi.
15
16 **AZB** Ya.
17
18 **SK** I think I've found it. Ok let me share screen. Faiz, Faiz, betul, kan, yang
19 ini, kan?
20
21 **MFR** Yes.
22
23 **SK** So it is dated 15.07.2021 addressed to our secretary. So this is the
24 cover letter, Dato' Seri.
25
26 **CHM** And on behalf of Maxis, David Xavier Netto, ok. Hold on, hold on. Let
27 the witnesses baca the gist of this, witnesses baca, ya. Ok alright. It's a
28 brief covering letter so now we are back to the table. The table tadi,
29 which was provided by Xavier Netto.
30
31 **SK** Ok I'm just referring to the first question, 'what is Maxis policy in term of
32 discontinuing the services of prepaid mobile telephone number'. Zaidi,
33 towards your right, jawapan dia. But actually, I think my question, you
34 have already answered. This is about the grace period. So the grace
35 period mentioned here in this column referring to the 50 days, right? Ok.
36 And the last line, 'services are not manually deactivated or terminated',
37 so can you just explain this line?

1

2 **TAN** So once your grace period lapsed, your number will be automatically
3 disconnected.

4

5 **SK** Zaidi, just go down. Lagi, lagi. Ok I think the other question has been
6 answered. Just go down lagi. Ok ke kiri sedikit. Just want to know the
7 number of... lagi, nak tahu number of question itu, Zaidi, untuk easy
8 reference. Ok Question No.5, the answer, ok, Question No.5, I just read
9 the question. 'Can a prepaid Maxis mobile telephone be discontinued
10 after a non-activity period of more than three months? Under what
11 circumstances would Maxis allow a period of longer than three months
12 to pass before discontinuing service of prepaid mobile telephone
13 number?', right. So jawapan dia... my first question is, is this three
14 months make any sense, Mr Sara, yes, Ms Tan?

15

16 **TAN** Yes, I will take this question, yes. Three months make sense for some
17 rate plans but for this rate plan, the grace period is 50 days, not 90. So
18 we have rate plans that offer up to 90 days grace period but these three
19 numbers are not part of those plans. So these three numbers have a
20 fixed, yes, 50 days grace period.

21

22 **SK** Ok thank you for that clarification. So I'll just move on to the next
23 question. The next question below, ok, 'What type of information is
24 stored', right. So you have provided this answer by providing some
25 codes (01:44:57) or some, yes. Or can you explain what is the first one,
26 the MSISDN number?

27

28 [01:45:00]

29

30 **LAI** Lai here, I will take this question. So 'MSISDN' refers to subscriber
31 numbers used to make call and receiving call, it's a telephone number.

32

33 **SK** Oh that is telephone number.

34

35 **LAI** Correct.

36

37 **SK** Ok thank you. 'Subscriber details'?

1

2 **LAI** Subscriber details here, we refer to the full name, address, IC number
3 or passport number for foreigner, that is while doing the registration.
4

5 **SK** Thank you. So the next one, IMSI?
6

7 **LAI** Ok IMSI, the full name refer to International Mobile Subscriber Identity,
8 so this is the unique number tie to a sim card, which is a 15 digits. This
9 is to identify user of a cellular network, it's a unique number.
10

11 **SK** Ok. Then the last one, IMEI, I-M-E-I?
12

13 **LAI** Ok IMEI refers to International Mobile Equipment Identity, so this
14 number identify the device type. Means, the handset manufacturer and
15 also the handset model.
16

17 **SK** The earlier one, International Mobile Subscribers Identity, right?
18

19 **LAI** Yes.
20

21 **SK** Sorry, can you explain how this information is useful for Maxis?
22

23 **LAI** Basically, this number is to identify which cellular network that
24 subscriber subscribed to, ok, and also this number plan is mainly used
25 for network related activities. It is not visible to the public or to the user.
26 So just put it in a more easier to understand manner. The MSISDN is
27 the number used by the subscriber whoever call in or call out. And this
28 IMSI is used by the network between two networks or it could be within
29 our own network, within the network elements for call handling purpose.
30

31 **CHM** Just one moment, Simon. The first one –
32

33 **LAI** Yes.
34

35 **CHM** M, the first acronym, the first, it's a long acronym, MSISDN number.
36 Despite of it, the long acronym, actually it is the phone number, betul
37 tak? Phone number?

1
2 **LAI** Yes, correct.
3
4 **CHM** Ok, ok, good.
5
6 **LAI** That's our telephone number.
7
8 **CHM** The telephone number, ok. Just a matter of interest, can you explain
9 what does each, a letter in that acronym stand for? What does 'M' stand
10 for? What does 'S' stand for? I?
11
12 **LAI** Yes.
13
14 **CHM** Yes, sure.
15
16 **LAI** Ok, sure. MSISDN refer to Mobile Station International Subscriber
17 Directory Number.
18
19 **CHM** Thank you, yes.
20
21 **SK** Ms Tan.
22
23 **TAN** Yes.
24
25 **SK** Ok this, we, ok just out of curiosity, people always says someone can
26 trace mobile phone using this, this IMEI number. So, so can we trace
27 the handphone at the mobile device through this IMEI number?
28
29 **LAI** Let me take the question, I'm Lai here. So it's not possible to trace using
30 the IMEI. First of all, we need the mobile to have a sim card to attach to
31 Maxis network before we can start the tracing. Otherwise, we will not
32 know what is the IMEI been used and there is no clue for us to trace
33 any attempt or any activities using IMEI.
34
35 **SK** Ok so if the number is, they, someone use Maxis sim card, and the
36 number is active, so you can trace, can you trace?
37

1 **LAI** Yes, yes, can.
2
3 **SK** But provided the number must be, the line must be active, is it? What
4 happen if –
5
6 **LAI** The line must log on the network. The sim card must be active. Yes, go
7 ahead.
8
9 **SK** Must be active. Yes, if I must switch off the phone?
10
11 **LAI** Then we will see the last activity. Other than that, we will not be able to
12 see after the phone been switched off.
13
14 **SK** Ok so you only know the last activity?
15
16 **LAI** Yes, correct.
17
18 **SK** Ok whether this last activity is also will be in your data retention?
19
20 **LAI** There won't be any archive, so it will be only up to five to seven days
21 depends on the traffic.
22
23 **SK** Ok. Zaidi, tolong, ok. My question, No.7, is ping location activity of a
24 phone records in other systems like tower logs, fibre cable logs?
25 Anyone of you understands this question? Can you answer, elaborate
26 what is explained here?
27
28 **SARAVAN** Maybe I can take that, I can attempt that question. So towers and all
29 are related to the radio network that means the towers that serve a
30 particular area and what-not. If I try to understand the context of the
31 question, I think the question is asking if those towers have those
32 records and how long they keep it for which I wouldn't know because
33 it's entirely on the radio network, not a core network anymore.
34
35 **SK** You say 'radio network', right?
36

1 **SARAVAN** Yes, so, so the radio network is the over the air network like you see a
2 tower somewhere, the tower serves a particular area, so that's the radio
3 network. All that comes to a core network, a core network is where, you
4 know, you have the big systems that handle the charging, the servicing
5 of customer and whatnot. So if the question is referring to those tower
6 related logs, then I wouldn't, we wouldn't be able to answer.
7
8 **CHM** Mr Saravana, Mr Saravana.
9
10 **SARAVAN** Yes.
11
12 **CHM** That in this column, the last sentence, 'No data for CDR is stored after
13 expiry termination'. Based on what you have explained earlier, this is
14 then not correct, yes, because you said it is stored in the archive for
15 seven years, so this is not correct, yes?
16
17 **SARAVAN** Yes, so, so I think if I read the whole question from, if you could, sorry,
18 if the person presenting could go to the left, I think the context of the
19 question was a bit different hence, I think the answer could have been
20 not that accurate (01:53:12).
21
22 **PM2** Wait Mr Saravana, Mr Simon, can we move the picture so the witness
23 can see the full document?
24
25 **SARAVAN** Yes.
26
27 **PM2** A little bit bigger. Yes, thanks.
28
29 **SARAVAN** Thank you. So the context of Question 7 is more on, I believe, if I were
30 to read it, I would feel the context of the question would to see the live
31 location of the customer so like if it's the live location of the customer,
32 then like what Sau Pin mentioned earlier, it would be only available
33 when the number is active and only up, only kept for like five or seven
34 days. So that would be my, how I would translate that question, if you
35 were talking about the location of the customer. Now the answer that's
36 specifically states 'No data for CDR stored after expiry termination', it's

1 a bit subjective. So like I said, usage information, meaning your record
2 of your calls and your SMS are still stored in archives.
3
4 **CHM** Thank you, yes.
5
6 **SARAVAN** Yes.
7
8 **SK** Thank you, Mr Saravana. I've no further question, the Panel Members.
9
10 **CHM** Ok –
11
12 **SK** Faiz, boleh stop sharing.
13
14 **CHM** Thank you. So now, now it's open to question from the observers, En
15 Simon?
16
17 **SK** Yes, Dato' Seri.
18
19 **CHM** Ok before we move on to question time, can we take a short break, yes?
20 Now 11:36AM, so shall we resume at 12:00PM? At 12:00PM sharp,
21 yes?
22
23 **SK** Ok.
24
25 **CHM** Ok thank you. See you all then at 12:00PM.
26
27 **SK** Thank you.
28
29 **PK** And we will strive not to be a repetitive in manner (01:55:19). We are
30 just intervene, alright. Thank you, Mr Chairman. Audrey, over to you.
31
32 **AP** Thank you, Panel Members and SUHAKAM officers. If we could just
33 thank the Maxis officers for the information that they have given and I
34 just a few questions for clarification. Referring to Exhibit 115D, if that
35 could be just placed before us? Thank you, SUHAKAM officers.
36
37 **SK** Ms Audrey, Exhibit 1-1?

1

2 **AP** 115D, the last exhibit –

3

4 **SK** 1-1.

5

6 **AP** The last exhibit referred to.

7

8 **SK** Ok. Zaidi, 115D, yang last tadi, second reply from Maxis.

9

10 **AP** Yes, thank you, En Zaidi. So the question that I have is in relation to the
11 acronyms IMSI, IMEI, and the first alphabet being 'I', marking the word
12 'International', what sort of an indication is that? Because earlier Ms Lai
13 had given evidence to say that once a person, once your customer
14 actually goes overseas, then that is out of the radar for Maxis. So what
15 is indicative of this alphabet 'International'?

16

17 **LAI** Ok let me take the question, I'm Lai here. So I refer to, ok, let me start
18 with IMEI, alright, IMEI represent the device type and also device
19 manufacturer. Why is this 'international' means that this number is a
20 unique number that you use across, which is given to a different
21 manufacturer to represent that this phone is whether made by
22 Manufacturer A or B or C. So this is an international uniquely identified
23 numbers.

24

25 **AP** Thank you.

26

27 **LAI** To present the device manufacturer.

28

29 **AP** So that would mean there are no –

30

31 **LAI** We move on to –

32

33 **AP** Yes.

34

35 **LAI** Sorry, go ahead.

36

37 **AP** Yes, yes, continue. I will ask the question after you finish.

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LAI Ok so, so that is about IMEI. So another 'I' that is for IMSI, right, that is again another 'international' in front. So again, this is a unique international identification, for example, for Malaysia, it will start with three digits, 502. So this 502 is unique in the world that no one will own it except those operator in Malaysia, that's why we called it 'International Mobile Numbering' and it's a unique number assigned to each of the country and also each of the operators.

AP Alright. Thank you so much. So the key word here is the word 'unique' and so there's no duplicity, would that be correct?

LAI Yes, correct. The entire string of digits there won't be any duplicate. In terms for the country, the first three digit, the international, right, the 502, that is for all operators in Malaysia, be it Celcom, Maxis, Digi or uMobile.

AP Alright. So in relation to IMEI which is mainly the equipment and not so much the service, would I be correct then to say that the equipment provider may still have details of information even if the service provider doesn't

LAI I'm sorry, can you please elaborate what kind of details of information in this case?

AP Ok. So earlier you gave evidence to say that once a phone device is deactivated or disconnected that Maxis will not be able to, to have continuous information on the location or what is transpiring. So my question is, would that information then be available to the equipment provider based on your experience and knowledge?

LAI No, it won't. Yes, it's not. So this IMEI, that is a passive unique number which is just to represent, the string of the digit itself is just to represent who are the manufacturer of this device and what is the model of this device. So it doesn't keep any information of what transpired or the activities of the devices.

[02:00:00]

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AP Alright. So in that sense the conclusion that we can come to is that once a phone is not connected to a service provider, there is no way that a person's location can be traced by their phone. Would that be correct?

LAI Yes, correct.

AP Alright. Ok, for the next question I have is in relation to network provider to network provider. So once you're a Maxis customer, say crosses over to a different service provider, and I understand that they can actually retain the same number even though they've crossed over to a different service provider, how then is data storage affected?

SARAVAN I'll take that question.

AP Thank you.

SARAVAN So in our terminology we refer to that as MN (02:01:10 inaudible). So what will happen is the customer would say that I want to switch, let's say a Maxis customer wants to leave Maxis and join Digi, so it would trigger that process to port to a new operator. What would then happen is we will still retain whatever information we have when the customer was with us, so we will still know the customer's name, address, those billing-related details, plus the activities that the customer, in the STDR (02:01:42) records of the customer of usage records of the customer while they were with us in Maxis up to, you know, the, up to the retention policy I mentioned just now. So we will have the information up to while they were with us, once they leave us we will not have usage information but we will retain the information that we have while they were with us.

AP Alright. Thank you, Mr Sara. So what I could say is that you would keep until the last date they were with you for seven years thereon. Would that be correct?

1 **SARAVAN** We would retain... so our retention policy is seven years as of today.
2 So, whatever data we would have would be seven years from today,
3 not seven years from the time they leave us.
4
5 **AP** Sorry, when you say seven years from today, meaning?
6
7 **SARAVAN** So at any point our policy is to retain information for up to seven years
8 of data. So let's say today's the 29.07.2021, we would have seven years
9 of data up to 29.07.2021. So the fact that we would keep... let's say a
10 customer would have left Maxis in 2015, right, that would mean that we
11 wouldn't have seven years of data from 2015, we would have seven
12 years of data as of today.
13
14 **CHM** Mr Saravana, just a clarification what this seven year, apa, that is the
15 archive period, isn't it, seven years is archive period?
16
17 **SARAVAN** That's right, yes.
18
19 **CHM** Before a data is stored in the archive, is there a window period where
20 you can still retrieve it after it's, after they, the number is no longer
21 active, is there a window... I think I recall you did mention there's
22 window of period before it really sent to archive. There's a window... is
23 it 30 days, something like that? Is there a window period?
24
25 **SARAVAN** Yes. It's so it is available on disc for easy extraction for 30 days –
26
27 **CHM** 30 days? Ok.
28
29 **SARAVAN** Yes. After 30 days, it will be moved to tape.
30
31 **CHM** Yes, thank you. That's clear now, yes.
32
33 **AP** Thank you, Mr Sara, thank you, panel Chairman. So Mr Sara, just to
34 confirm, if we could look at that last, the previous exhibit.... En Zaidi, if
35 you could help us to put on 119D, Denmark, which shows the date of
36 the disconnection. Thank you, En Zaidi, yes, that's the correct one. So
37 based on this exhibit, Mr Sara, could you just tell us, based on these

1 three numbers, how much data would be available in storage for these
2 three numbers?

3

4 **SARAVAN** Ok. So we would, since today's the 29.07.2021, we would rightfully have
5 the information up to, from 29.07.2014. So we would have that data kept
6 in our archives providing, you know, the tapes are still in the right state,
7 healthy, retrievable, without any other issues, the data should be there
8 from the 29.07.2014 up to today. So in this particular case since the
9 number was disconnected in 2017, we would probably have maybe, you
10 know, two, three years of data this MSISDN within the archives. How to
11 retrieve it, how easy it is to retrieve it and whatnot is a different question.

12

13 **AP** Alright. Thank you so much for that clarification. Just to ask you, you
14 mention on a number of occasions just now about the end-to-end
15 process. Would you be able to just help us understand which part of this
16 process is your team involved in, your department?

17

18 **SARAVAN** Ok. So we're in, we're a delivery department. So what that means is we
19 develop the solutions. So when we develop the solutions for the prepaid
20 system, the prepaid service, post-paid services, and we also deliver the
21 products. So if you have like a Hotlink cash, Hotlink, a group of products
22 that are coming from our business colleagues, we're the ones that will
23 develop it and get it ready for service. So... and once in a proper
24 running... once the service is running, right, the people who typically
25 service the customers are our operations team which is a different
26 department, right. So my team is a delivery team, we develop the
27 solution, we develop the systems, we, you know, anything new that is
28 required by the business, they come to us to make it a reality or make
29 it happen.

30

31 **AP** Alright. Thank you. So in relation to specifically the data storage, would
32 it be correct then to say that your team is only involved in the first
33 window period, just the 30 days and not thereon? Would that be
34 correct?

35

36 **SARAVAN** Yes. So, at any system that is gone live meaning it's in production and
37 it's being used by the customers, anything related to, you know,

1 serviceability or troubleshooting would go to the operations team, right,
2 but of course internally we assist the teams when they need, you know,
3 help because we develop the solutions. So we might be aware of, you
4 know, how certain things work and whatnot, so we work very closely
5 with our operations teams, as and when they need any help or
6 information they will come to us, but they are the ones that will front the
7 trouble shooting or any tasks that will come in from, you know, customer
8 service or, you know, any... so... trouble tickets that have been raised
9 from the front end.

10

11 **AP** Alright. So the information you're giving us right now is that your
12 department is more service-related when a number is being used by the
13 customer. Would you be able to tell us if in a situation like this
14 specifically where we're looking for information and the numbers have
15 been disconnected, which would be the department that would be in
16 charge of this information retrieval?

17

18 **SARAVAN** Yes. So that would... the people who would be directly responsible to
19 retrieve data from archives would be the IT infra team, IT infrastructure
20 team.

21

22 **AP** Right, ok.

23

24 **SARAVAN** Yes.

25

26 **AP** So there would not be any assistance provided by your team once the
27 number has actually been disconnected. Would that be correct?

28

29 **SARAVAN** Yes, typically, no, unless they have certain challenges which would
30 require our expertise to help, that is where we will step in.

31

32 **AP** Understand. Alright. Just to ask a general question. Based on your
33 experience so far in this department, how many times have you all been
34 approached to give assistance to retrieve data or the technical expertise
35 has been required?

36

1 **SARAVAN** So, I mean in my experience, I've been in the IT, the current department
2 now for maybe four years, and usually we not... I mean, I can only recall
3 one time that there was a request, for someone to ask how this works
4 and that also was in passing, I directed them to the infra team to, you
5 know, get their feedback on how they would be able to retrieve this
6 information or not if possible. So that was also, I believe, related to a
7 police case –
8

9 **AP** Right.
10

11 **SARAVAN** Where he came through the right channels and I think, you know, within
12 Maxis there was a need for clarity on who would be able to provide
13 certain information, so I just helped with that, providing that clarity and
14 directing them to the right people. But it's very rare that any case would
15 come directly to my team.
16

17 **AP** Thank you. So just to ask, in relation to that period where it's beyond
18 the 30 days and within the seven years, who or which department would
19 have access to those tapes?
20

21 **SARAVAN** That would be the IT infra team.
22

23 **AP** Alright. Ok. So this is just a general question. Would I be correct to say
24 there is for a prepaid number, specifically for a prepaid number, there
25 is no difference between the terminology of disconnected, deactivated,
26 terminated, no difference. Would that be correct?
27

28 **SARAVAN** Lai Shing, you want to take that question?
29

30 **TAN** We do not use... we generally use terminated but I believe the rest were
31 correct. (02:11:45 inaudible).
32

33 **AP** Sorry, we can't hear you very clearly.
34

35 **TAN** Generally we use terminated but I believe the other two it's similar
36 because we do not have the other two in any other definition.
37

1 **AP** Ok. Alright. Ok. So Mr Sara, if I could just trouble you just to ask, so in
2 this particular situation, prior to being asked to come as a witness to
3 SUHAKAM, never before this were you asked for any assistance in this
4 particular matter. Would that be correct?

5

6 **SARAVAN** That's right. I mean, we, I think a few of us were informed yesterday that
7 there will be a need to represent the Maxis for some questions with
8 SUHAKAM.

9

10 **AP** Alright. Would you be aware, I know it's not directly under your
11 department, but would you be aware of what is involved when that
12 retrieval of information is required, it goes to the IT infra department,
13 and you mentioned that it is quite an enormous task that needs to be
14 undertaken. And so, is there like a task force that is formed or how is
15 this normally processed in Maxis?

16

17 **SARAVAN** So I cannot be entirely accurate but from what I, you know, from based
18 on my experience and what I know, it's, so everything comes to the
19 security team, probably reviewed by the legal team and whatnot, and
20 then it will flow down to the infra team to retrieve and it will be like a
21 case, you know, the internal tracking number to make sure that, you
22 know, all this request are logged and audited accordingly, and then the,
23 what would happen the intra team will have to locate the tapes specific
24 to the timeframe that is required, and then they will have to load all the
25 information from the tapes to the a disc, and to find the appropriate
26 storage to do this, you will have to load all the information back correctly,
27 you know, like you mentioned as well, it's quite an enormous task, the
28 longer the duration, the longer it takes to do, and once that is done, the
29 infra expert to be able to then search for the relevant information that is
30 already loaded to disc, and from there we retrieve the record that is
31 required.

32

33 **AP** Ok. Would you be able to just sort of let us know an indication of time
34 taken for instance in this case the periods of time that we're looking at
35 are, were displayed on that exhibit just now, the time frames when the
36 numbers were disconnected. So for such a timeframe, how long roughly
37 would it take if the team were to be assembled for this task?

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SARAVAN Again, this is based on my best guess on how long it would take. I would think that if you need a month of data from the tapes, it's going to take at least two weeks to restore that one month of data, because they have to first search for it, and then, you know, after we get the right approvals and the paperwork to, for the teams to react to some of this they need to make, they're following the right process, and then after that they will have to load all the information to the disc and search for it. So I would think one month of... if you require one month of data, it's going to take them at least two weeks to load that amount of data, provided we have the available storage to load one month's worth of data retention to disc.

[02:15:00]

AP Alright, ok.

SARAVAN Yes.

AP So just to ask on the possibility... I mean, I understand the timeframe that it's going to be taken, that will be involved, but based on just the tracing of location, the evidence that was given just now was roughly five to seven days from the last activity. So if you all had been approached, if Maxis had been approached at the earliest point and the team assembled, there is still a possibility that location could have been determined. Could you just give us your thoughts on that?

SARAVAN So, maybe Sau Ping you want to take that question? It's based on live tracing back 2017.

LAI Both of the question is about if let's say the request was raised to us immediately –

AP Yes.

LAI So we will have better (02:16:54 inaudible) location. Is the question correct? Yes, so like I explained earlier, subscriber activities, it's store

1 for five to seven days. If let's say we receive (02:17:10 inaudible) within
2 that five or seven days, data availability in the server location.
3
4 **SK** Ms Lai, we couldn't hear you. Your line was not clear just now, I was
5 thinking, yes, can you repeat the whole thing again?
6
7 **LAI** Ok, sure. Ok. Am I clear now?
8
9 **AP** Yes, we can hear you.
10
11 **LAI** Hello? Ok, good. So, yes back to the question, so it's about whether if
12 let's say this test raised to us back then, we would be able to trace it, if
13 let's say it was raised to us within five days or seven days, as long as
14 the data is still available we will have the activity of the subscriber and
15 the location of the subscriber.
16
17 **AP** Ok. Just one last question. In relation to the subscriber details, Ms Lai,
18 that you mentioned which is also stored for seven years, when the
19 location... sorry, can you hear?
20
21 **LAI** Yes.
22
23 **AP** Yes, so the location of the customer, does that refer to the location
24 where the first, the person first subscribed, is that the information that
25 is stored in terms of subscriber detail?
26
27 **LAI** Ok. Subscriber detail I refer to the network activity when the subscriber
28 is active. So whenever they log on to the network or they make calls,
29 that is where that we will have the activity logs. And this information is
30 not archived. So it will be only available five to seven days.
31
32 **AP** Ok. So you're referring to the subscriber details in terms of location and
33 that is connected with the activity?
34
35 **LAI** Yes, that connect to the network, that the network receive from the
36 handset.
37

1 **AP** Alright. And then the one that is kept for seven years is actually the SMS
2 and the call log data. Would that be correct?
3

4 **SARAVAN** That's right. That would be the details of who calling who, what time,
5 that's about it.
6

7 **AP** Alright. Ok. Thank you. I have no further questions. Thank you so much.
8

9 **CHM** Thank you, counsel.
10

11 **PM2** Sorry, Dato' Seri. Mr Saravana, just a follow-up question. You, I think it
12 was good that you gave the point of the seven year, so going by how
13 Ms Lai Shing told us that 16.02.2017 was the last date of that activity,
14 as well as grace period and all that data is stored until it is expired, what
15 I what to know is that if this, for example, Ruth, the person in this inquiry
16 of concern, has been an active user of that particular number for say
17 three years, let's say 2014 to 2017, her last date is 2017, so starting on
18 say 6th, 07.04.2017 you have seven –
19

20 **CHM** One moment. Tunjukkan on the screen balik tadi, tunjukkan on the
21 screen. Yes, ok. Baik.
22

23 **PM2** So, Mr Saravana, so let's take that your data would start on 6th April
24 midnight, that will be the data stored until that point of time, and I will
25 add seven years to that, that'll be 2017 plus seven, so 6th or 05.04.2024,
26 right? Am I correct to say that seven year. What I want to know is that
27 the data of that seven years includes the whole bunch of data belonging
28 to this person who has kept her SIM card actively for three years prior
29 since the day she subscribed it, or it sort of only seven years from that
30 day, so the earlier ones get wiped out or it's kept as a packet belonging
31 to this one subscriber?
32

33 **SARAVAN** No. So that the retention is always seven years from today. So for any
34 information that is stored in our system, is going to be seven days,
35 seven years from today, regardless (02:22:03 inaudible).
36

37 **PM2** Ok.

1

2 **SARAVAN** (02:22:07 Inaudible) MSI (02:22:10 inaudible).

3

4 **PM2** So let's say today is 29.07.2021, so which means whatever is possible
5 is from that 20 or 30th July of seven years prior from today. So only 2016
6 data can still be stored for... that's what you're saying, right?

7

8 **SARAVAN** Yes.

9

10 **PM2** It's seven years. So the urgency of seeking out the information I think
11 that was what the counsel was trying to get information, the faster they
12 come to retrieve any data, is important because it is a automatic seven-
13 year retention. Am I correct to say that?

14

15 **SARAVAN** Yes, that is the policy, correct. We will keep –

16

17 **PM2** So... ok. So it's day to day, so the quicker we retrieve, we will get
18 whatever from that date of point and the longer we wait that will be
19 automatically maybe rubbed off from the system of your backend
20 backup system. Correct?

21

22 **SARAVAN** That's right.

23

24 **PM2** Ok, thank you.

25

26 **CHM** Mr Saravana?

27

28 **SARAVAN** Yes?

29

30 **CHM** Just to reconfirm, just take example the No. 1, disconnected
31 07.04.2017. You said that there's window period the way of 30 days
32 before it goes to the archive. So would I be right to say that the window
33 period of 30 days begins from either 7th April for 30 days or begins from
34 8th April for 30 days? Would I be right?

35

36 **SARAVAN** Yes, it would be at that point in time. So it's 30 days from that point in
37 time.

1
2 **CHM** Yes. And after the end of 30 days it goes into the archive?
3
4 **SARAVAN** That's right.
5
6 **CHM** Yes. And just to reconfirm, if we were to make a request for, to retrieve
7 activities kan, that's within the seven-year period, if it is to cover, say,
8 any activity within one month, you said it will take two weeks? You need
9 two weeks.
10
11 **SARAVAN** Yes, that is, that one (02:24:44 inaudible).
12
13 **CHM** It can be done?
14
15 **SARAVAN** It will be done... it will be my best guess because this will done by the
16 infra team, so I... it wouldn't be entirely right for me to comment on the
17 actual time it would take them, so again there are few factors here, the
18 fact that the tapes need to be in, you know, proper pristine condition,
19 and then to locate all those tapes, and then to restore the data from the
20 tapes to disc, my best guess it's that for one month worth of data it would
21 take them roughly about two weeks to do.
22
23 **CHM** Yes, alright, thank you.
24
25 **SARAVAN** Yes, sure.
26
27 **CHM** Ok. PDRM? Any question?
28
29 **MSR** Dengan izin, Dato' Seri. Ya, PDRM ada beberapa soalan kepada
30 pegawai Maxis. Ms Tan, can you give a clarification concerning top-up
31 package other than the RM100 for 100 days?
32
33 **TAN** Your question is?
34
35 **MSR** Can you give a clarification concerning top-up package in Maxis –
36
37 **TAN** Yes?

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MSR Other than package for RM100 for 100 days?

TAN Other than that, is it?

MSR Yes.

TAN Yes, ok. So top-up, like you mention top-up comes in many denomination which maximum is RM100. Other product that will grant validity, active days validity are for example the Validity 90 and Validity 365 package that enables customer to buy a lumpsum of validity days by paying a certain fees, a certain amount of fees, right, that is chargeable. So, for that we have Validity 90 and Validity 365. 365 would mean that this customer will get 365 days of active period without needing to top-up in between, Ok?

MSR My question ini questioning about, how about the top-up about RM10, RM30?

TAN Yes, ok. In terms of denominations. So top-up denomination, the minimum top-up denomination would be RM5 which grants you five days, up to RM10.

MSR Can Maxis trace which shop is customer bought the physical top-up?

TAN I can't comment on that, I'm not too sure.

MSR Actually my next question, I think this maybe for Ms Lai or Mr Saravana. If a customer make a call or SMS or voice call at overseas using a roaming or others, will Maxis have the record of the, that activities?

SARAVAN Yes, if it's an outgoing call, for roaming if it's an outgoing or incoming call there will be a record of that transaction, of that call.

MSR Concerning your policy about seven years of data in –

PM2 DSP?

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MSR Yes?

PM2 The question earlier is about the roaming from Malaysia kan, to call out and call-in from Malaysia. What about if this person is say in Thailand or Indonesia but still on the Maxis roaming and there's a call somewhere or call in, I know it was answered earlier by I think Ms Lai that it's by another operator there, but do you get, if you want, are you provided for the information of the call because in your call system for payment charges, that will still be recorded somewhere, right? So will that be able to be tracked also if this person is outside the country but still using the same line to make calls in and out?

SARAVAN So for the prepaid system, everything is charged in real-time, there will be a record of a Maxis customer, let's say roaming in Singapore or Thailand, and they make a call, there will be a record of that call in our system and it will be kept.

PM2 So you will be able to know this person even if he or she is overseas yes, operating using your card, your SIM card?

[02:30:00]

SARAVAN Yes. If you're using a Maxis SIM card, so what, the what we refer to as outbound roaming, meaning our Maxis customer roaming in another country and if that person were to use the Maxis SIM card to make a call, there will be a record of that call in our system.

PM2 Ok, thank you. Thank you, DSP.

MSR Last question, about the seven years policy, when is that?

SARAVAN When did the policy start for seven years?

MSR Yes.

- 1 **SARAVAN** I am not entirely sure, I cannot comment but that is the statutory act, I
2 mean the policy that we adhere to. I can't comment on when we, when
3 it came into force but as per what we do today, we try to retain up to
4 seven years as much as we can.
5
- 6 **MSR** That's all for PDRM, Dato' Seri. Thank you.
7
- 8 **CHM** Before, apa itu, before I come to the next observer, while on with En
9 Sabri, can we... because this concern the police, police request, 119C
10 and Maxis punya reply 119D. We zero first 119D, nak tunjuk dekat En
11 Sabri. Tunjuk, paparkan 119D. This is 119D? We have gone through
12 with it so I presume you have no further question, Encik, you have no
13 question? This... yes. I thought 119D itu is something else, you know.
14 119D is what we have gone very thoroughly on this already, we have
15 already covered. Ok. Thank you, En Sabri, thank you.
16
- 17 **PM2** Dato' Seri... DSP? I think there was a question related that we have
18 asked the witnesses but they may not be too familiar with it. Maybe in
19 your experience, PDRM experience, have you all been able to get such
20 information needed to help in an investigation from telcos, untuk masuk
21 ke dalam dia punya backup system yang tujuh tahun ini untuk mencari
22 data, menolong dalam penyelesaian. Has that been something that has
23 been often requested by PDRM to telcos like Maxis and other telcos?
24
- 25 **MSR** Dengan izin, Dato' Seri. Berdasarkan soalan tersebut, pihak PDRM
26 hanya buat permohonan, pihak Maxis akan beri maklum balas. Dan
27 apabila Maxis memberi maklum balas, kami akan guna itu saja.
28
- 29 **PM2** Ok. So selama ini, DSP, apa pemahaman saya ialah yang, surat yang
30 telah dipaparkan tadi adalah surat standard yang akan dihantar dan
31 jawapan standard kalau dapat ke tak dapat, yang setakat itu saja. Lebih
32 daripada itu tak pernah dibuat untuk menyelam mendalam mencari
33 backup ke yang lama-lama itu macam tadi kita dengar dari witness, tak
34 pernah buat macam itu?
35

1 **MSR** Tak pernah sebab seperti mana En Azhar bagi tahu, setiap
2 permohonan PDRM atau penguat kuasa, perlu meletakkan tarikh rekod
3 yang dikehendaki oleh PDRM.
4

5 **PM2** Ok, terima kasih, DSP.
6

7 **CHM** Ok. Just out of curiosity, En Sabri, why didn't they, the police probe
8 further? Mengapa... ok. Maxis kata disconnected this one tapi tidak ada
9 follow-up kata... because this is missing person kan, anything can
10 happen kan. We must also think of the worst kan? Mengapa PDRM tak,
11 you know, be more, you know, detective sort of things, go further, you
12 know. We want to know, you know. Any phone calls around February,
13 because now... were you aware that the, Maxis do keep until seven
14 years?
15

16 **MSR** Pihak kami hanya tahu pasal post-paid saja. Prepaid ini first time kami
17 dengar.
18

19 **CHM** Ok. Maybe we'll ask ASP Zulfadhly. Maybe not fair to ask you, yes. But
20 do you know about this period of seven years? You don't know? That
21 Maxis do keep a record for seven years.
22

23 **MSR** Untuk yang standard yang pihak PDRM ada dimaklumkan pasal post-
24 paid yang memang mereka simpan seven years.
25

26 **CHM** So today you're aware, you made aware that it covers both, post-paid
27 and prepaid. Ok.
28

29 **MSR** Ya, Dato' Seri.
30

31 **CHM** Ok. Thank you, En Sabri, thank you. Jadi sekarang ini Bar Council,
32 right, yes.
33

34 **AK** Thank you very much, Dato' Seri. Can I just make sure that you can
35 hear me?
36

37 **CHM** Perfectly.

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AK Thank you very much. Good afternoon, ladies and gentleman from Maxis. My name is Andrew Khoo, I'm representing the Bar Council which is an observer in this proceedings. I have a few questions and, you know, they do relate a little bit to what has been discussed because obviously this information about seven years is quite a revelation for all of us and I think, you know, a lot of points can be made from that. But first of all, I just want to go back, if I may, SUHAKAM, to I think it's 119, it should be 119C, I think. It is the request letter from PDRM. Would you be able to bring that up? 119C if I'm not mistaken.

AZB Sorry, can you repeat again, Sir?

SK 119C.

AZB Ok. This one?

AK Yes. Ok. So, yes, if you can go down. So the request from PDRM dated the 24.06.2019 can be seen from that little table, they're asking for the particulars, they want to know, I think, the subscriber details, I think that the 'SUBS' there in that column, and then the 'BIL', so details of the bill, and then the date of the bill that has been requested is from the 01.10.2016 to the 31.10.2016 in relation to both these numbers. So that was the request in, made in 2019. And then you've seen the reply. And the reply basically just talks about the details of the subscriber, the date which the numbers were deactivated. And there's no details about the billings, so we don't see any details about the bills. When one of your colleagues came before us yesterday as a witness, what he basically told us was that when he, and he was representing the security section, he is a liaison with law enforcement agencies, what he basically told us was that he would get a request, he would look at that request, the first thing he would do is to see whether the request complied with Maxis' standard operating procedures in terms of the set out of the request, and there were two occasions earlier where because the setup of the question did not comply with the standard format that was required of Maxis, the requests were rejected. And so what you're seeing before you is a third go, third attempt at a request for information and then now

1 that it did comply with all the internal procedures and format of the
2 request, the response that was given is what you have seen in Exhibit
3 119D which you have seen several times now. But 119D does not say
4 anything about the bills, the billings. And again when your colleague
5 was asked yesterday, he basically told the inquiry that what he would
6 do is he would see whether or not the information was available, and if
7 the information was available would give it, if the information was not
8 available he would not give it. And so I think we concluded from that
9 that in his view the information regarding the billing –
10
11 **CHM** Andrew?
12
13 **AK** Was not available.
14
15 **CHM** Andrew?
16
17 **AK** Yes, Dato'?
18
19 **CHM** Why are you labouring on yesterday's punya witness because the
20 witness understandably would not be in a position to answer questions.
21 So why are you labouring –
22
23 **AK** No, I'm coming to the –
24
25 **CHM** Why don't you go straight –
26
27 **AK** Question.
28
29 **CHM** To the point. Straight to the point, Andrew. Come, straight to the point.
30
31 **AK** Yes. So the point is when he says that the information is not available...
32
33 **CHM** Can't hear you.
34
35 **AK** Sorry, I'm having some difficulty with... can you hear me now? Ok.
36 Thank you. So Mr Saravana, question to you is, would that have been

1 a correct answer in terms of whether or not the information was or was
2 not available?

3

4 **SARAVAN** Ok. So I really cannot speak on anyone's behalf but again, this
5 particular number related to this... these particular numbers were
6 prepaid numbers. So prepaid numbers typically do not have a bill, right,
7 there's no bill for a prepaid customer. What we have is what we call an
8 e-statement which a customer can go and who subscribe to e-statement
9 can get a view of your call history to some extent, right. So it's not like
10 a post-paid customer where you get a monthly bill, right, because
11 prepaid customers they top-up and they use upfront. The post-paid
12 customers are billed at, according to your bill cycle and then you have
13 a period where you need to pay your bill. So, bills in general are referring
14 to post-paid customers who actually get a bill and they need to pay that
15 bill. Prepaid customers don't really have bills. As far as I know they have
16 an e-statement. That e-statement, I need to check how long we actually
17 keep those prepaid e-statements for. Now, if the question was do we
18 have the records of usage of this particular customer, it may have been,
19 I believe it may have been understood differently, versus a bill. So when
20 I, from a telco perspective and I hear 'bill', it's usually related to a post-
21 paid customer who has a bill.

22

23 **AK** Ok. So if we had phrased the request by saying that can we have the
24 call logs, for example, and would I be correct in understanding your
25 testimony so far to say that that information would have been available
26 or it can be retrieved?

27

28 **SARAVAN** Correct. So again, call logs readily available on the system 30 days and
29 again depending on how someone would understand the context of the
30 question, after 30 days it's archived and it's kept in tape and not readily
31 available.

32

33 **AK** No, I do understand the point about not being readily available, I think
34 you've made that point several times. But at the end of the day, simple
35 yes or no, that information can be retrieved. Yes or no?

36

37 **SARAVAN** Call records, yes, would be able to be retrieved through the tapes. Yes.

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AK Ok.

[02:45:00]

CHM Just a moment. Let's compare the query posed and the answer given. The question posed is dia nak bil for a certain period kan? For example the first one itu 01.10.2016 sampai 31st October, and then the other is 01.10.2016, 31.10.2016. Yes, tarikh bil itu pun, the police also I don't know why, minta maaf, En Sabri ya, why minta khusus-khusus untuk bil kan, ya, untuk bil, sekian tempoh, minta bil. Ya. I think in an investigation of missing person, would you, you should be more interested not more on bills kan, on message movements kan, not on bills. But never mind, benda dah berlaku kan. Alright. So this is the question asking for bills, and then the question, tengok jawapan dia macam mana, how's dia jawab? Jawapan dia, 119D, En Zaidi. Ok. So with the respect, my understanding the jawapan doesn't relate to the question. Dia nak bills. So Mr Saravana, I think the jawapan from Maxis should have been what you told us today kan? That these are all prepaid, so we don't keep bills, you know, but if you want some other data, information, we have it in our archives. That should have been the answer, wouldn't it be, Mr Saravana, to the police?

SARAVAN Yes, I believe so.

CHM Thank you, yes.

MSR Dengan izin, Dato' Seri?

CHM Yes?

MSR Berkenaan dengan permohonan tersebut, itu yang telah ditetapkan oleh Maxis yang mana perkataan yang digunakan 'SUB', 'BIL' itu adalah, ada maksud dia tersendiri.

CHM Ya?

1 **MSR** Contohnya 'BIL' itu setahu saya adalah, maksudnya adalah call record.
2

3 **CHM** I see. Call records? Call records.
4

5 **MSR** Betul, Dato' Seri.
6

7 **CHM** But then Maxis, you know, took it a very literal interpretation and say
8 'Look, you know, for post... prepaid, kita tak ada bil.' But then it's not so
9 stated here kan. Instead, you know, dia nak beritahu active date,
10 disconnected date, activation date, disconnected date, so, you know.
11 Tanya macam ini, jawab macam inilah. That's a mismatch lah of the
12 question and of the answer but I think the police should have pursued
13 further kan. Polis terima ini, En Sabri, minta maaf, terima jawapan
14 macam ini and then that's the end lah, that's the end. That is the end,
15 yes. Anyway, Andrew, back to you.
16

17 **AK** Thank you, Dato' Chairman, I think you have more than adequately
18 made the point that I was trying to make so I will stop my questioning.
19 But I believe my colleague may have one or two questions, Ms
20 Ponnudurai. Thank you.
21

22 **CHM** Thank you, Andrew, yes. Chanra?
23

24 **SPC** Yes. Panel Chairman, thank you very much. I just have one question in
25 relation to the seven years retention of log or records. Mr Saravana, this
26 is question to you. You said that the seven years, say in the instances
27 of Ruth it was deactivated on the 07.04.2017. So that means all records
28 up to 07.04.2017 will be retained for another seven years from that day.
29 Is that correct?
30

31 **SARAVAN** Sorry. So it's always seven years from today. That means we –
32

33 **SPC** No, that's what I was not able to understand. Sorry. That's what I was
34 not able to understand. You see call record, deactivation happened on
35 the 07.04.2017. That means her records are there up to that date. So
36 the seven years ideally should be seven years from the date of the last

1 recording of the activity up to, I mean the seven years period, expiry on
2 the seven years period. Are you able to hear me?
3
4 **SARAVAN** Yes, I can hear you.
5
6 **SPC** Hello?
7
8 **SARAVAN** Yes, I can hear you. Yes, so –
9
10 **SPC** Are you able to hear?
11
12 **SARAVAN** Yes, I am.
13
14 **SPC** So when you say seven years starts from now, that doesn't make sense
15 because if we go by retention by activity data, it should end on the date
16 it was deactivated, 7th April. Is it not?
17
18 **SARAVAN** Yes. So I am speaking from a point of retention policy as of any point in
19 time. So at any point in time we'll have seven years of data, past seven
20 years of data kept. So as of today, in Maxis tapes realistically, the bill
21 archives of what we should have is from 20, 30.07.2104, right, then
22 onwards. That is what we will keep. And then, you know, next month I
23 will have a, you know, a different amount of data retained.
24
25 **SPC** Ok. But next time, next month you cannot have a different amount of
26 data retained because there's no activities in that particular number
27 since the date it was deactivated. Do you understand?
28
29 **SARAVAN** That's true. So what I'm saying is that the storage on tapes, the records
30 that are stored on tapes, we, from a policy perspective we just need to
31 store it for seven years.
32
33 **SPC** Yes.
34
35 **SARAVAN** After that there will be a policy by the intra team to either, you know,
36 destroy the records or to purge the records permanently. So whether
37 it's still there or not –

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SPC (02:52:08 inaudible).

SARAVAN Yes.

SPC You're unable to confirm?

SARAVAN Yes, that... I don't know if the tapes are still there or whether it's been, you know, let go or not. But from a policy perspective, we're supposed to keep for that period of time.

SPC Ok, thank you very much. That's all my question, panel Chairman. Thank you very much.

CHM Thank you, Bar Council. Akhir sekali, last sekali, KontraS.

SB Yes. Hi, Mr Saravana, I'm Banu from Commission for the Disappeared and Victim of Violence, the family of legal assistant of Ruth Sitepu family in Indonesia. I'm asking for possibilities, is it possible if some government official or other authorities legally asking Maxis to delete the retrieving data even before seven years?

SARAVAN Sorry, I don't understand the question. Just clarify the question, please.

SB Ok, I will repeat my question. I'm asking for possibilities. Is it possible if some of government official or other authorities legally asking Maxis to delete the retrieving data even before seven years?

SARAVAN To delete the data?

SB Yes.

SARAVAN I wouldn't be able to answer. I'm not aware of any kind of request to purposely delete the data. I don't know.

1 **CHM** Ms Syahar, on the contrary it's, I think it's our law or rather government
2 policy it must be preserved. So instead of deleting it's the other way
3 round, it got to be preserved for seven years. Am I right?
4

5 **SB** Yes, before seven years –
6

7 **CHM** Is it correct, Mr Saravana?
8

9 **SB** Some of order maybe government order to, giving to private company
10 to delete some data because of probably some law action or for law
11 purpose, I don't know.
12

13 **PM2** Yes.
14

15 **SB** I'm trying to understand the law.
16

17 **CHM** The law is the opposite, Ms Syahar, Ms Banu, is it?
18

19 **SB** It's Banu, is call me Banu.
20

21 **CHM** Banu, yes. I think the law is opposite, the law is not to delete but to
22 preserve for seven years. It's the other way round, yes.
23

24 **SB** Yes.
25

26 **PK** Dato' Seri?
27

28 **CHM** Yes?
29

30 **PK** Dato' Seri, can I interject here.
31

32 **CHM** Yes.
33

34 **PK** I think our Ibu from KontraS is saying, is asking a very, a question
35 coming from their background of enforced disappeared people, as the
36 finding of Raymond Koh's case and Amri has been made by the
37 previous Chairman of a panel that the state may be involved, she is

1 implying that and want to ask and maybe Mr Saravana is not the right
2 person to ask, are there any occasion where state agencies, you know,
3 approach telco to then wipe-out records or handover tapes for their
4 custody so that the public nor even investigation agencies like our, like
5 current hearing, may not have access to it. I think that's the implication,
6 Ibu?

7

8 **SB** Yes. Thank you for –

9

10 **PK** Not for other statement of the law though it's just –

11

12 **CHM** Thank you, Mr Koh, and my apology Ibu.

13

14 **SB** Yes.

15

16 **CHM** I now I get where you're coming. Yes –

17

18 **PK** Thank you.

19

20 **CHM** Mr Saravana, back to you now. Are you aware of such a request? To
21 your knowledge, are you aware of such a request? To your knowledge.

22

23 **SARAVAN** To my knowledge, no, there's... I'm not aware and to my knowledge
24 there's been no request to do that.

25

26 **CHM** So that's the answer, Ibu, yes.

27

28 **SB** Ok. Mr Saravana, in your regulation, who have the most power to give
29 order to Maxis to delete the data of certain customer before seven years
30 of disconnected?

31

32 **SARAVAN** Sorry, you mean internally in Maxis if anyone has the –

33

34 **SB** Yes.

35

36 **SARAVAN** Authority to delete the data?

37

1 **SB** Yes.
2

3 **SARAVAN** Yes, so from a company policy perspective if we respect the policy as
4 in we need to retain the data as per the regulatory requirement, and
5 there will be, there is no such order to purposely delete any kind of data
6 within the organisation.
7

8 **SB** Ok. My last question is, in your system operation procedure is there any
9 consequences Maxis face before seven years if customer data is lost
10 when it needed for ongoing legal process? What if your customer data
11 is lost when we need for ongoing legal process?
12

13 **SARAVAN** Like I would not be able to comment on that because it's the team that
14 manages the data is a different department and as far as I know, again,
15 we try our best to make sure that the data is always available despite it
16 being on tapes, but we try to make sure of course the tapes are always
17 stored, you know, in proper condition and whatnot so if the need arises
18 to restore any data it's always available for restoration.
19

20 **SB** Ok. Maybe I will probably give some context why I'm asking this
21 because our late Chairman, Munir Said Thalib when he is assassin in
22 Garuda Indonesia plane, we don't have access to some of private like
23 telco or anything to investigation for the what is the date, why Munir
24 death, why someone poison him in the plane. So I'm asking if
25 possibilities if Ruth Sitepu will be, fate the same situation, that's why.
26 Thank you.
27

28 **CHM** Much appreciated, Ibu, yes, for that information. But the person
29 involved, what's his name again, Indonesia?
30

31 **SB** The death of Munir Said Thalib.
32

33 **CHM** Munir?
34

35 **SB** Yes.
36

37 **CHM** But (02:59:05 inaudible).

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SB The case is closed right now, the case is almost closed right now because we don't have access to the private sector because the, probably the, intelligent or something, so the case is almost closed.

CHM You're talking about the telcos in Indonesia, I presume?

SB Yes.

CHM Yes, ok.

SB Because we can't access the telco in Indonesia, that's why I'm asking in Malaysia context.

CHM The fact that those data disappeared from the telco in Indonesia was... just asking out of interest, did that offends any Indonesian law? Do you have a system of law that you have, you must keep data for seven years?

[03:00:00]

SB Probably the... because it's possibility intelligent operation, that's why we don't have access to the public sector or any information that we need.

CHM Ok. Alright, we have finished, yes, Jerald, do you have any question?

PM2 Thanks observer from KontraS. So, Saravana, we can, or all colleagues, your colleagues Witness 26, 25, a breach of such stringent policies like this seven-year policy plus other policy, I think she was trying to ask is what is a serious offence conducted by you all within your system, is there such disciplinary action, not particularly for this case, you know. She wants to have the confidence this Maxis treat its policy serious enough that there can be no breach even by the highest officer of your organisation in this matter plus other matters. I mean, this may be common to all three of you all as head of departments, the seriousness of such breaches. Maybe you can enlighten us.

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SARAVAN Maybe I can speak first from an IT perspective. So, we emphasise, you know, PDPA, PI data privacy, very, very strongly. We don't, we are very, very careful about what information can be accessed internally as well by different people, so only the need, only if it's, you know, related to your job you are able to access private information on any customer, or else most people are not allowed to do it. And then, on top of it, there's always as much as possible an audit trail is implemented to know who is looking for what data, alright. So, these are policies implemented by the security teams to make sure that, for example just now, even if the security team were to request the backend team to pull out data, there's always a case risk, you know, a case risk internally, so there's always a tracking of who requested for that data and there will be a trail on who wanted which data related to which MSIDN (03:02:19). So, as much as possible there will always be a trail of who is requesting what data. And if someone were to go and look up even private information about a customer or anything like that, it's only to privilege, you know, people who need to service the customer and whatnot. It's not readily available to anyone else in the country (03:02:36). Yes, that's as much as I know.

PM2 Thank you. Is there anything else from Witness 26 and 25 if you want to add in? If not, I have another... yes Lai Shing?

TAN So, from business perspective, we do not have any access in terms of individual customer's information, not even the phone number. Like what Saravana said, it's on need to know basis. So, for the business purpose is to know what's the overall performance in revenue, how is our business performing. So, we do not need to know even individual customer's phone number, so we do not have access to things like that. It will be (03:03:22 inaudible) weekly, daily, monthly report to us on what we need know from business performance point of view. Only a handful, probably, just one or two representatives from business (03:03:33 inaudible) who has the access (03:03:34 inaudible) for example information such as phone number, for campaign purposes. And that's, and these people like what Saravana mentioned, they have the proper access and there's an audit trail and when they accessed and what did they extract.

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PM2 Thank you.

LAI So, from network perspective, actually we introduced the stringent user login. So, each of the user shall be only given to the right access or the privilege level based on their needs of their job scope. And also, we have this audit trail, we can backtrack actually to all the system that they logged in that we will have an audit trail. So, from the network side, what we can see is only the network details, for example, the phone number, the IMSI number or the IMEI, but we do not have the subscriber's name. So, there is no relation that we can actually stitch in this sense. So, this is what the network side have a view of it.

PM2 Thank you. Maybe I'll just have one final clarification with the witness Ms Lai Sau Ping. Just to check, under your engineering, core network engineering division, does that also include the towers management? Is that under yours, or it's another division?

LAI It's another division. It's called radio network engineering. So, two separate entities.

PM2 Ok, ok. And then the, so even though the hardware is also managed by different division, so the –

LAI Yes.

PM2 Storage is totally different division, not your engineering department? No, right?

LAI Yes, it's different, correct.

PM2 Ok. Alright, ok. And all the management of data and even logs for each division is held on by whom? Would you know, and not just the call logs like the management. Because I think this is inked to the question earlier asked by one of the observers or, Mr Simon to Saravana, on the question about the towers and the fibre cable, do they itself carry some logged data that is, that necessarily, that may be helpful to identifying

1 movement of a caller patterns, or that is totally dealing that is more
2 technical for just movement of bytes of messages rather that
3 identification of caller ID? So, just trying, that question was actually in
4 that light was trying to find different ways of maybe more forensic ways
5 of looking at getting people if identities and information is needed for
6 such serious cases like a disappearance. Any thoughts on that, Ms Lai?

7

8 **LAI** Actually, I'm not the expert on that two area, which is the radio and also
9 the transport. To my best knowledge, I don't think radio tower keep any
10 data. Because it's just like a transport to transmit the signal and the call
11 will come to the call network. Yes. As to the call network, I explained,
12 yes, we can track the user activities if let say the user is alive in the
13 network having some activities which data is kept for five to seven days,
14 thereafter it will be purged. So, in terms of the transport, I think I really
15 am not the right person to answer that. That is not my area of expertise.

16

17 **PM2** Thank you, Ms Lai. Mr Saravana, you want to add something.

18

19 **SARAVAN** Probably just echo the same thing Sau Ping mentioned. So, again, on
20 the radio end, as far as I know there's no need to keep any information
21 about the customer beyond what is really required to service the
22 technical part of the call. And then even on the transport side I'm not
23 aware. Again, I'm not the expert, but I'm not aware of any kind of tapping
24 to look at what customer is doing what on the transport side. Yes.

25

26 **PM2** Thank you.

27

28 **AP** Panel members, if I could just request just a small indulgence to just
29 seek one part of clarification from Mr Saravana.

30

31 **CHM** Is that Audrey? Yes.

32

33 **AP** Yes, panel chairman, this is Audrey. Just one small clarification. Mr
34 Saravana, if you could just let us know, how have you become aware
35 of this seven-year retention of information? How did you first become
36 aware of it?

37

1 **SARAVAN** Yes, so, I mean like I mentioned earlier, we are the ones who designed
2 the system. And usually when we design the system itself, we try to of
3 course design it and we augment the capacity. We always try to
4 consider what kind of retention policies we need for different areas. So,
5 usually when we design the system, we always, you know, aware that,
6 ok, for this particular kind of data you will need, you know, this much of
7 retention and whatnot. So, there are different reasons why we always
8 go and check back, you know, what are the, what are the regulatory
9 requirements for different items as to ensure we can adhere to those
10 policies. So, for example, you know, I have to refresh my mind coming
11 into this meeting because I had a bit of context as to, you know, roughly,
12 what kind of information is required by the panel here. So, that's why I
13 sort of looked up the different Acts that are in place and what we, and I
14 checked with one of my operations colleagues as well to check what is
15 it that they actually store, right, so they have different, different Acts like
16 the Limitation Act, and Service Act, and Companies Act and whatnot
17 that they (03:09:43 inaudible), hence why I have a bit of knowledge on
18 the retention policies.

19
20 **AP** Alright. So, I would be correct to say that for as long as you have been
21 head of this IT team, you have been aware of this policy of seven-year
22 retention of data? Would that be correct?

23
24 **SARAVAN** Yes, I mean, honestly, I would have been aware of this when we were
25 designing the systems, because we have a lot of projects that are
26 always ongoing to upgrade our systems, to enhance our systems and
27 whatnot. So, as and when we always undertake this kind of projects,
28 we always do a proper capacity planning. And hence, it would have, this
29 topic would have popped up back then. So, hence, why I know that it's
30 seven years. I know that sort of keep the records for seven years and I
31 know that it's on tape to some extent.

32
33 **AP** So, that information that you know and the awareness would be even
34 prior to 2017, correct?

35

1 **SARAVAN** I can't recall exactly when I knew it was seven years. But I know that
2 ever since I've been in IT, I was aware of it especially since we're
3 working on projects that require, you know, retention policies.
4

5 **AP** And when roughly was that?
6

7 **SARAVAN** So, I moved to IT in 2017.
8

9 **AP** Yes, ok.
10

11 **SARAVAN** I've had projects since then until now for the past four-five years. We've
12 always been handling delivery projects.
13

14 **AP** Ok. Thank you so much.
15

16 **PK** Dato' Seri, may I ask one question? Dato' Seri, with permission.
17

18 **CHM** Yes, sure.
19

20 **PK** Thank you, Dato' Seri. Mr Saravana, you have been most helpful in
21 these proceedings and helping us to understand a very important point.
22 The call logs and the SMS that may be retained, what is the nature of
23 those call logs and substance of it? Does it include the substance of the
24 SMS texts, that means the actual messages, or and the call logs, for
25 example, there is call logs, a series of numbers similar, same number
26 coming from a telco, if it is Maxis, I guess we could access who the
27 holder is, or even if it's prepaid, if it is not then we will have to go to that
28 telco and request. This is important as you well put, and we really
29 appreciate it, we try to understand the context. We're trying to trace the
30 missing person which in 2017 and thereabouts. The phone was
31 deactivated. And so, if we were to request officially now, and this is the
32 important question, will the SMS and the call logs, you think, provide
33 some assistance? I mean, of course it is for us to infer, but the nature
34 of it, could you just explain? Do we have the substance of the SMS, and
35 can we trace, let say there are 10 numbers calling rapidly in a certain
36 period or date, we could find out who holder of that particular number

1 is, isn't it? Could you explain that? And that will be what I ask for. Dato'
2 Seri, thank you.
3
4 **SARAVAN** Yes. So, firstly, the content of the message as in the actual content of
5 the message is not available to us. We do not store the content. We
6 have no visibility on the content. So, we'll not be able to see, you know,
7 'hello, how are you' or, we don't see anything like that. We only know
8 the A party the person sending the message, and the B party the person
9 receiving the message, the timestamp, as in when it was sent.
10
11 **PK** Alright.
12
13 **SARAVAN** Alright. And then, similar for calls. Calls, we know who made the call,
14 who received the call, what numbers received the call, and the time,
15 timestamp of the call.
16
17 **PK** Ok.
18
19 **SARAVAN** So, if I understood the question correctly, it was whether we have, you
20 know, I mean we will have the, if you are able to restore everything from
21 tape, then we will have records. We'll have the records, but it's just going
22 to give you that information who made the call to whom, from what time
23 and what time, who sent an SMS at what time and whatnot. So, you'll
24 have that series of information.
25
26 **PK** So, if it is from 012 number, which is a Maxis number, alright, you could,
27 we could then ask, I mean the follow-up question will be, can we identify
28 the holder of that number from your records? Is it possible to identify
29 that?
30
31 **SARAVAN** Yes, so, again, 012 would not necessarily mean that the subscriber is a
32 Maxis customer –
33
34 **PK** Ok.
35
36 **SARAVAN** Because of the portability, number portability. But we would be able to
37 try to, I'm not entirely sure, we would be able to track and see if at that

1 point in time if that number belonged to Maxis. And if, you know, so we
2 would know if that number belonged to Maxis at that point in time. But
3 we will not be able to just outright look at 012 or 017, 013, and know it
4 belongs to a particular operator.
5

6 [03:15:00]

7
8 **PK** Understand. Thank you so much. It has been most helpful your very
9 truthful testimony for this session.
10

11 **SARAVAN** Yes. No problem.
12

13 **CHM** Just a follow up from there. I think it has been asked earlier, but
14 reconfirmation. Yes, yes. You said for the purpose of seven years
15 storage, the content of the SMS, 'hello', 'how are you', and all that, the
16 contents, will not be saved, right? Will not be stored. But what about
17 during the period of the window period of 30 days? Would the content
18 of messages be saved, be stored? 30 days.
19

20 **SARAVAN** No, we will not keep the content as well. There will be, we do not store
21 the content even from the time the message is sent. We do not write it
22 to records.
23

24 **CHM** I see. Even when the number is active, also, that is the policy? Never
25 stored content of message, even while it is active. Is that it?
26

27 **SARAVAN** As far as I know we do not store the content. But perhaps Sau Ping if
28 you want to add on if you are aware of from the core network
29 perspective if there's any requirement to store content?
30

31 **LAI** That is because of the PDPA, the content of the SMS is shield in the
32 system itself the administrator actually they're asked, they will have a
33 view, but to ordinary users that will have to log in to the system, the
34 content is shield. So, what they can see is only the A numbers, the
35 centre number, receiving party number, and the timestamp. There is no
36 visibility on the content. It will be blanko or shield.
37

1 **CHM** No, I'm not talking about visibility, I'm talking about storage. Do you
2 store the messages, at least during the active period, for police
3 investigation, for forensic purposes? Do you store those messages,
4 perhaps you won't show it to just any Tom, Dick, and Harry, that's
5 understandably, but for forensic purpose, investigation purpose, do you
6 keep those messages at least during the active period of the number?
7

8 **LAI** We do not store. So, back to the same thing, the network problem
9 (03:17:46) is only kept five to seven days. So, we will have for five and
10 seven days. But having said that, the content is always being blanko,
11 shield. So, whenever actually received customer complaint they will
12 only view the A number, the centre number, recipient number, and the
13 timestamp. There is no content will be available, the SMS content.
14

15 **SARAVAN** Yes. We do not archive it as well. We do not archive the content as well.
16

17 **CHM** Never? Not from the first day that the person opened the account?
18 Never?
19

20 **SARAVAN** As far as I know, no, we do not store.
21

22 **CHM** I see. So, meaning that even if the police were to ask, SPRM were to
23 ask, the answer is, sorry, we do not store SMS message? That will be
24 your answer, yes? Macam itu?
25

26 **SARAVAN** As what, Dato' Seri, as far as I know, we do not, from an IT perspective,
27 we do not store the content of the SMS even from day one. We do not
28 store it from an IT perspective.
29

30 **CHM** Yes, thank you. Clear. Alright.
31

32 **AK** Dato', I have one question if it's possible. Andrew Khoo.
33

34 **CHM** Yes, Andrew, yes.
35

36 **AK** To Mr Saravana. Mr Saravana, I've heard several times you're trying to
37 qualify your answer by saying if the data (03:19:16) is available, you

1 know, in terms of retrieval of the stored information from the tape. You
2 know, you said several times if it can be retrieved. Given the fact that
3 this requirement to hold this data for seven years is a legal requirement,
4 how much effort is actually made to ensure the integrity of the stored
5 data?

6

7 **SARAVAN** I wouldn't be able to entirely answer that question because it's handled
8 by a different department, the storing of the data, the tapes. So, as far
9 as I know, you know, the tapes are kept, at least from what I've checked
10 with my colleague, they store the tapes at best condition possible for
11 the seven years.

12

13 **AK** Thank you, thank you.

14

15 **PM2** Mr Saravana, you all have not moved to cloud-base backup yet? It's still
16 tapes until today?

17

18 **SARAVAN** There are some systems that are moved to cloud. But for the retention
19 portion of it, a lot of it is stored on tape today.

20

21 **PM2** And that's linked to the law or it's just a more company decision on how
22 the storage is done?

23

24 **SARAVAN** I'm not entirely sure, sorry.

25

26 **PM2** Alright. Thanks.

27

28 **SARAVAN** I couldn't answer that, yes.

29

30 **SB** May I?

31

32 **CHM** Yes, sure. You are from where.

33

34 **SB** KontraS.

35

36 **CHM** Yes, KontraS, yes.

37

1 **SB** Yes. To clarify, Mr Saravana, do you mean time on call is except time
2 when the call is incoming or outcoming or about duration? Duration of
3 the call, or both?
4

5 **SARAVAN** Yes, so, this is my, from my old experience, because I know that we
6 have a time the call is connected, right, and the duration of the
7 conversation time, that means how long the call was, how long the
8 person was speaking for the duration of that call.
9

10 **SB** So, we can retrieve it, right?
11

12 **SARAVAN** The duration of the call, yes.
13

14 **SB** Yes, thank you.
15

16 **CHM** Any more question? No more question. We are sharp on time. We're
17 expected to finish at 01:30PM, but now is 01:27PM. Very good. We are
18 three minutes earlier. Ok. So, with that, yes, before I call it a day, Mr
19 Simon, do you have any final words, Mr Simon?
20

21 **SK** Yes, Dato' Seri. The next hearing session will be on 12th of August.
22

23 **CHM** Inspector. Zul yes?
24

25 **SK** Inspector Zul is expected to take the stand. Thank you. That's all, Dato'
26 Seri and panel members. Thank you.
27

28 **PK** Dato' Seri, maybe a housekeeping point. Is it possible? Just to raise a
29 housekeeping point. Coming out from today's hearing, may we ask
30 respectfully, will SUHAKAM pursue to retrieve those tapes relevant to
31 the period for the two missing persons which is still retained according
32 to the testimony of Mr Saravana? It is vital for us to have a look whether
33 during that day especially and the days running up to the missing
34 couple, were they, was there a number that seemed to call that is
35 unknown to the two individuals. Of course, we do not know whether it's
36 known until we trace those, and the duration. And the critical day would
37 be of course the day that they stepped out with their MyVi and then

1 they're never seen again. There was a public testimony it is in the
2 domain that there was a hurried phone call that created anxiety to the
3 couple. I think that is important. It could link to possibly parties that may
4 be involved with their alleged, their missing, being missing. Is it possible
5 to have a housekeeping discussion on that? Just a short one.
6

7 **CHM** Is it with you all or with, or between us as panel members and the team?
8 I think, leave it to the panel members and the team, yes. We know your
9 request. We know your request. And today for the first time, and we are
10 grateful to witnesses from Maxis. For the first time that we know that the
11 data is stored for seven years, yes. That is a very important knowledge
12 for us, yes. And with that knowledge, and also there's the other
13 knowledge that, you know, it can be retrieved, Maxis will take about two
14 weeks. Two weeks kan? To retrieve one-month punya data, kan. Two
15 weeks roughly kan, Mr Saravana? Of course, it's roughly lah, yes,
16 roughly, yes. So, with that knowledge, and Mr Philip Koh's request the
17 panel will deliberate and make a decision where do we go from here.
18 Where do we go from here, ok. Yes, we go to the –
19

20 **PK** Much obliged.
21

22 **CHM** The right move.
23

24 **PK** Much obliged.
25

26 **CHM** To make the right move. To be as exhaustive as possible. Leave no
27 stone unturned, alright.
28

29 **PK** Exhausting, My Lord.
30

31 **CHM** Ok.
32

33 **AK** Dato' Chairman, if I may add. Can we also hope that Maxis will not put
34 us through the hoop of having to apply for the information using their
35 formats, the specific details, crossing I's, dotting I's crossing T's and
36 things like that. But we just want all the necessary information and not

1 have to like, you know, to fit what was told to us yesterday, you will have
2 to put it in the right format and things like that.

3

4 **CHM** Thank you, Mr Andrew Khoo. Today we have before us three senior
5 officers from Maxis. Three senior officers. So, now you know our task. I
6 hope you are all appreciative of our task. Two persons have been
7 missing. We don't know where they are. And we have to find out already
8 what happened to them. Yes. So, I hope Maxis will be, will take all this
9 in the right spirit, yes, be with us in this inquiry. Yes. Yes, if only things
10 were done much better in the earlier phase kan, yes, when the police
11 make the inquiry, I think. The Maxis should have let them know, you
12 know, let the police know that the data is there for seven years kan. For
13 seven years kan. 'So, we have data on this, this, this, this, yes. Would
14 you be interested'. I think Maxis ought to be also proactive in this matter
15 because, you know, the police punya request mentioned kan they're
16 making investigation into missing persons, yes. So, we'll follow up from
17 that, yes, we'll follow up from that. Thank you. Yes.

18

19 **SPC** If I may just add, panel chairman. I think the point of inquiry at Maxis is
20 at the wrong place. It should have been at the higher-level point of
21 inquiry from PDRM. That's my thought.

22

23 **CHM** Yes, yes. Take note yes, En Sabri, take note. We'll, SAC Dzaffir will be
24 joining us on the 12th, En Sabri?

25

26 **MSR** Dengan izin Dato' Seri. Saya tidak tahu lagi jadual yang akan berlaku
27 pada 12hb itu memandangkan keadaan sekarang dengan Parlimen
28 pun tengah bersidang, dengan apa lagi isu-isu menarik yang akan ini,
29 jadi SAC Ahmad Dzaffir dia terikat dengan jadual IBT.

30

31 **CHM** I see, ok, alright. Ok, I suppose all of us are exhausted by now.

32

33 **PM2** Dato' Seri, Dato' Seri, we have to release the witnesses, Dato' Seri.

34

35 **CHM** Oh, thank you for reminding me, Commissioner Jerald. Mr Saravana,
36 Ms Lai, and Ms Tan, thank you for appearing before us and giving
37 evidence. The information that you gave us today is indeed very helpful,

1 yes. Yes, thank you very much. So, now, you are all released. Ok, thank
2 you.

3

4 **LAI** Thank you very much.

5

6 **TAN** Thank you.

7

8 **CHM** So, with that I will end today's session, yes. Take care and stay safe.

9

10 **PM2** Thank you. Much obliged.

11

12 **AP** Thank you panel chairman. Thank you witnesses. Thank you
13 SUHAKAM.

14

15 **AK** Much obliged honourable commissioners.

16

17 **SK** Thank you panel.

18

19 **END**

20

21 **TIME :** [03:29:06]

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**SUHAKAM PUBLIC INQUIRY OF
PASTOR JOSHUA HILMY
RUTH SITEPU**

DATE : 18.08.2021
VIDEO TITLE: GMT20210818-012644_Recording_1686x738

NOTES OF INQUIRY

Coram

Chairman Panel Member 1 Panel Member 2	Dato' Seri Hishamuddin Yunus Dr Madeline Berma Jerald Joseph	CHM PM1 PM2
PDRM Observer	SAC Ahmad Dzaffir Bin Mohd Youssof DSP Muhammad Sabri bin Mohd Raziff	ADY MSR
Family Observer	Philip Koh Cyrus Tiu Foo Woei Audrey Pillai	PK TFW AP
Bar Council Observer	Andrew Khoo Lim Heng Sen Roger Chan SP Chanra	AK LHS RC SPC
SUHAKAM Panel	Simon a/l Karunagaram Muhammad Faiz Bin Abd Rahman Puveethra Raja Segaran Aida Suraya Haron Ahmad Zaidi bin Baharuddin	SK MFR PRS ASH AZB
Indonesian Embassy	Tuan Junjungan Sigalingging Tuan Henry Dian Dwiharto	SJ HDD

KontraS	Syahr Banu	SB
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Witness

1	Peter Pormannan a/l Annamalai	PETER
2	Grace Thangamalar a/p Peter Pormannan	GRACE
3	Josiahndan Emmanuel a/l Peter	JOSIAH
4	Ramanathan a/l Manickavasagan	RAMA
5	Selvakumar Peace John Harris	SELVA
6	Ram Ram Elisabeth	RAM
7	Iman Setiawan Sitepu	IMAN
8	[REDACTED]	
9	[REDACTED]	
10	Susandi Bin Basari	SUSANDI
11	ASP Shafiee Bin Marsidi	SHAFIEE
12	Insp Nurul Huda Bin Bustami	NURUL
13	ASP Hairol Azhar	HAIROL
14	Insp Zulfadhly Bin Yaacob	ZUL
15	DSP Supari Bin Muhammad	SUPARI

16	Iqbal Mirza Bin Mohd Jalaludin	MIRZA
17	DCP (B) Dato' Awaluddin Bin Jadid	AWAL
18	Fadzlina Binti Amran	FADZLINA
19	DSP (B) Omar bin Hassan	OMAR
20	Ahmad Sibee bin Nordin	SIBEE
21	Junainh Binti Dalugamin	JUNAINH
22	Zulkarnain Md Yasin	ZULMY
23	Azhar Baba	AZHAR
24	Saravana A/L Perampalam	SARAVAN
25	Tan Lai Shing	TAN
26	Lai Sau Ping	LAI

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PK Apology Dato' Seri, good morning.

CHM Good morning. Good morning.

PK Good morning. Sorry, I didn't realise you are on already. How are you, Sir?

CHM I'm fine Philip. And how about you? You're ok?

PK I'm just feeling a bit sad today, I heard a friend of mine died of Covid.

CHM Oh dear.

PK Because he has house boys that go in and out the kampung and the mosque and come back to help him you know. And he picked it up from one of them. Sad. Be careful about house help.

CHM Yes, yes, indeed.

SK Morning, morning, morning Philip. Sorry to hear that.

SK Good morning Mr Simon.

RC Good morning Dato' and everybody.

PM1 Hi Philip.

SK Morning, morning everyone. We are going to... actually I'm going to invite everyone to introduce yourself. So, I'm going to resume the inquiry today. Good morning the panel members, Dato' Seri, Dr Madeline, all the observers here. So, we'll resuming query up to the last hearing. Before we call the witness, so first we'll be introducing ourselves. Second, then I will explain the flow of the hearing today. Then we will call the witness. So, morning, let me introduce myself. I'm Simon Karunagaram, the Assisting Officer of Suhakam. Together with me

1 today is En Muhammad Faiz from Suhakam. May I invite the legal
2 counsel for the family?

3

4 **PK** Very good morning to you all honourable panel members. Good
5 morning and greetings and may you be healthy and strong. My name is
6 Philip Koh. I'm representing the family of Ruth Sitepu. And together with
7 me are my two very supportive colleagues from the Bar, Ms Audrey
8 Pillai and Mr Cyrus Tiu. I would like to say that today we will be
9 addressing the Court... sorry, today Ms Audrey Pillai will lead in the
10 questioning. I will open up. Mr Cyrus Tiu will support but he is in a
11 hometown and the line maybe a bit unstable. We apologise for that.
12 We'll do our best. We will keep our questions concise. We'll try our best.
13 Thank you so much.

14

15 **SK** Thank you, Phillip. May I invite the representative from PDRM. PDRM?
16 Tn Sabri?

17

18 **PK** They're getting ready.

19

20 **SK** Ok, maybe we'll wait PDRM to get ready. Meanwhile, I invite the
21 representative from the Bar Council.

22

23 **RC** Thank you very much, Mr Simon. Good morning honourable
24 commissioners of the panel. My name is Roger Chan. I am an observer
25 for the Malaysian Bar. I hope to make contribution today during the
26 proceedings and with equal magnanimity. I would also like to
27 acknowledge the presence of Mr Philip Koh as observer for the family
28 members, and also everyone who is here to play a role in assisting the
29 panel to arrive at a proper and appropriate conclusion of the inquiry.
30 Thank you very much.

31

32 **PK** Thank you, Roger.

33

34 **SK** Thank you, Roger. May I invite representative from KontraS.

35

36 **SB** Good morning. My name is Syahar Banu. Please call me Banu. I'm for
37 (00:05:38 inaudible) division of KontraS, The Commission for the

1 Disappeared and Victims of Violence in Indonesia. I am representing
2 family of Ruth Sitepu in Indonesia and my colleague is still in waiting
3 room. Thank you.
4
5 **SK** Thank you ibu. Last but not least representative from PDRM, please
6 introduce yourself. DSP Sabri, dengar tak, DSP? Boleh perkenalkan
7 diri?
8
9 **MSR** Assalamualaikum dan selamat pagi, Dato' Seri, tuan-tuan dan puan.
10 Minta maaf, saya tengah... tengah setting balik sebab line tak berapa
11 clear di tempat saya.
12
13 **SK** Ok. Berapa lama Tuan perlukan? His line is not clear.
14
15 **MSR** I will get to use another laptop.
16
17 **SK** Ok. So, Dato' Seri, we wait for PDRM to change the laptop?
18
19 **CHM** Ok.
20
21 **SK** Ok.
22
23 **MSR** Assalamualaikum dan selamat sejahtera, Dato' Seri, tuan-tuan dan
24 puan. Boleh dengar tak suara saya?
25
26 **CHM** Boleh.
27
28 **SK** Boleh.
29
30 **MSR** Minta maaf tadi line satu lagi tak berapa clear. Untuk makluman Dato'
31 Seri, tuan-tuan dan puan-puan, saya DSP Muhammad Sabri daripada
32 PDRM. Namun demikian SAC Ahmad Dzaffir tidak dapat hadir kerana
33 terlibat dalam urusan rasmi yang lain. Terima kasih.
34
35 **SK** Terima kasih, Tuan DSP Sabri. Ok so we shall proceed. So today the
36 20th of the hearing of this inquiry and we will be calling a witness IO for
37 the case when the last time we called it was Insp Zulfadhly, now being

1 promoted ASP Zulfadhly. So, we are recalling him. Actually, the panel
2 members have requested for of the documents in the IP, the
3 investigation papers of the police. So, finally we got, we received a
4 greenlight from the AGC in order for the PDRM to release information
5 for the purposes of the inquiry. So, today we'll be tendering nine plus
6 few cover letters from the IP for the purposes of the inquiry. And we
7 take note that PDRM have highlighted that the information in the
8 correspondence are confidential; it's covered by Official Secret Act. So,
9 after going through all the documents that have been submitted, so we
10 have decided that the session will be divided into two. One, open
11 session where the documents which are not considered as confidential,
12 the information are already in public domain or whether it has been
13 tendered before, they'll be tendered in open session. And the other
14 correspondence at least three will be tendered in camera. So, the
15 confidentiality will be observed as required, requested by PDRM. So,
16 that'll be flow of the hearing today. So, if that is ok, we will call the
17 witness today, witness No.14 Insp ASP Zulfadhly and Faiz over to you.
18 Thank you.

19
20 **MFR** Assalamualaikum, selamat pagi. With permission Dato' Seri, panel
21 members and observers saya mohon untuk panggil (00:11:34) Tn
22 Zulfadhly.

23
24 **JRB** Panel, saksi minta kebenaran pergi toilet sekejap. Nanti dia masuk
25 selepas ini.

26
27 **PK** DSP jaket sangat gaya lah. DSP. Warnanya sangat canggih... canggih.

28
29 **MSR** Thank you. Thank you, Sir.

30
31 **MFR** Thank you, Mr Roger. Panel members, can we resume the inquiry? Ok,
32 assalamualaikum dan selamat pagi. Tn Zulfadhly, boleh dengar?

33
34 **ZUL** Boleh, boleh.

35
36 **MFR** Jelas... baik. Sebelum kita mulakan saya nak minta Tn Zul untuk
37 bacakan sumpah. Sambil mengangkat tangan, Tn Zul.

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ZUL Bahawasanya saya Zulfadhly Yaacob dengan sesungguhnya dan suci hati mengaku dan berikrar bahawa segala keterangan yang akan saya berikan dalam siasatan terbuka ini adalah benar, tiadalah apa-apa yang tidak benar melainkan benar belaka.

CW14

Name : **Zulfadhly Yaacob (G18390)**

Affirms and states in Malay

Time : **00:13:17**

Examination-in-chief of Zulfadhly Yaacob by Muhammad Faiz Bin Abd Rahman

Time : 00:13:35

MFR Terima kasih, Tn Zul. First of all, terima kasih Tn Zul untuk hadir sekali lagi untuk sesi inquiry Suhakam ini. Dan on behalf of Suhakam, kami nak juga ucapkan tahniah, kami dimaklumkan Tuan sekarang bergelar ASP. Tuan?

ZUL Terima kasih.

MFR Ok Tuan, dengan izin Dato' Seri, panel members, sebelum kita mulakan, saya ingin memaklumkan beberapa perkara. Yang pertama, kita telah menulis kepada surat kepada Jabatan Agama Hal Ehwal Islam Negeri Sembilan untuk mendapatkan sebarang maklum balas ataupun sebarang kertas siasatan yang pernah dibuka oleh jabatan berkaitan dengan kes Joshua Hilmi. So, kita telah menerima maklum balas. Izinkan saya share skrin. Ok berdasarkan maklum balas yang diterima oleh pihak Suhakam pada 11.08.2021 memaklumkan bahawa Jabatan Hal Ehwal Agama Islam Negeri Selangor... Negeri Sembilan... minta maaf... tidak pernah membuka sebarang kertas siasatan di bawah apa-apa seksyen kesalahan di dalam Enakmen Jenayah Syariah Negeri Sembilan 1992 keatas penama yang dinyatakan oleh pihak Tuan. So, di sini daripada Jabatan Hal Ehwal Agama Islam Negeri Sembilan memang tiada kertas siasatan dibuka, dibuka berkaitan dengan Joshua Hilmi. Untuk makluman semua. Ok untuk seterusnya.

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CHM Faiz.

[00:15:00]

MFR Ya, Dato' Seri.

CHM Kita tanda ya.

MFR Ya, baik. Minta maaf, Dato' Seri. Kita tanda sebagai Exhibit 120. Baik untuk makluman semua, panel members, Dato' Seri, saya akan... kita akan marking dahulu semua dokumen yang kita ada pada hari ini dan kami, pihak urusetia, akan selaraskan dan edarkan kepada pihak observers untuk penelitian. Baik Dato' Seri, untuk exhibit ini kita tanda sebagai Exhibit 120. Ok untuk seterusnya... untuk seterusnya Dato' Seri, panel members dan observers, pihak Suhakam telah memohon dokumen siasatan daripada pihak PDRM yang dilakukan oleh pegawai penyiasat sebelum ini melalui surat bertarikh 23.07.2021. Surat permohonan ini merangkumi permohonan maklum balas daripada jabatan dan agensi kerajaan termasuk Jabatan Imigresen Malaysia, Jabatan Pendaftaran Negara, SKMM, SPR, JPJ, KWSP, serta telco dan maklumat bank. Izinkan saya share untuk dokumen ini ditandakan sebagai exhibit. Surat Suhakam bertarikh 23 Julai ini kita akan tandakan sebagai Exhibit 121. Boleh saya teruskan, Dato' Seri?

CHM Ya.

MFR Baik ok, berdasarkan surat ini pihak PDRM telah mengemukakan maklum balas melalui surat bertarikh 12... sorry 17.08.2021 bersama dokumen-dokumen yang telah dipohon oleh pihak Suhakam. So, boleh saya tandakan exhibit ini sebagai 122?

CHM Yes.

MFR Baik. Untuk seterusnya, berdasarkan permohonan dibuat oleh Suhakam, kita telah menerima beberapa maklum balas daripada jabatan agensi kerajaan. Seperti yang saya maklumkan tadi kita telah

1 menerima exhibit... sorry maklum balas daripada pihak Imigresen.
2 Maklumbalas ini terdapat beberapa tarikh, so dengan izin Dato' Seri,
3 kalau kita boleh tandakan sebagai 122A maklum balas daripada
4 Imigresen? Untuk yang seterusnya adalah maklum balas daripada
5 SPR. Kita tandakan sebagai 122B. Seterusnya maklum balas daripada
6 JPJ. Kita tandakan sebagai 122C. Seterusnya daripada KWSP, kita
7 tandakan sebagai 122D. Dan seterusnya maklum balas daripada telco
8 merangkumi maklum balas daripada Celcom dan Maxis, kita tandakan
9 sebagai 122E. Seterusnya maklum balas daripada Jabatan
10 Pendaftaran Negara sebagai 122F. Seterusnya maklum balas daripada
11 SKMM ditandakan sebagai 122G. Dan yang terakhir sekali ialah
12 maklum balas daripada pihak Maybank sebagai 122H. So Dato' Seri,
13 sebelum saya buat sesi pembentangan, saya minta untuk kita stand
14 down sekejap untuk kita selaraskan semua dokumen ini dan diemalkan
15 kepada pihak observers. Bolehkah, Dato' Seri?

16
17 **CHM** How long?

18
19 **MFR** 15 minutes or 10 minutes. 10 minutes.

20
21 **CHM** 10 minutes?

22
23 **MFR** 10 minutes.

24
25 **CHM** What's the time now?

26
27 **MFR** Sekarang ini kita 09:50AM.

28
29 **CHM** 09:50AM. So, we start at 10:00AM?

30
31 **MFR** Boleh, Dato' Seri.

32
33 **CHM** 10:00AM. Ok.

34
35 **MFR** Terima kasih Dato' Seri.

36
37 **CHM** We have a short break. Start at 10:00AM.

1
2 **MFR** Yang ini 122A. Ok sebelum saya bantangan, Dato' Seri, panel
3 members, saya ingin... kita nak recap sikit latar belakang Tn Zul, saksi
4 kita pada hari ini. Tn Zul, boleh dengar suara saya?
5
6 **ZUL** Boleh, boleh.
7
8 **MFR** Baik Tn Zul, boleh bacakan nama dan nombor kad pengenalan.
9
10 **ZUL** Zulfadhly bin Yaacob. Nombor kad pengenalan polis G18390.
11
12 **MFR** Terima kasih, Tn Zul. Nyatakan jawatan dan tempat bertugas terkini.
13
14 **ZUL** Sekarang ini bertugas di Ibu Pejabat Polis Daerah Ampang Jaya,
15 Selangor. Jawatan saya sebagai ASP Risikan/Operasi Bahagian
16 Siasatan Jenayah.
17
18 **MFR** Boleh Tuan maklumkan bila pertukaran ini berlaku?
19
20 **ZUL** Pertukaran berlaku pada bulan Julai, 01.07.2021.
21
22 **MFR** Baru lebih kurang berapa minggu? Tak sampai sebulan ya?
23
24 **ZUL** Sebulan dua minggu lebih kurang.
25
26 **MFR** Sorry, Tuan. Boleh Tuan ulang balik bertugas di bahagian mana?
27 Bahagian apa?
28
29 **ZUL** Bahagian Siasatan Jenayah.
30
31 **MFR** Bahagian Siasatan Jenayah... baik. Tuan, adakah sebarang alasan
32 pertukaran ini berlaku?
33
34 **ZUL** Macam mana?
35
36 **MFR** Apakah alasan pertukaran ini berlaku? Adakah disebabkan kenaikan
37 pangkat ataupun kebiasaan memang masa untuk Tuan ditukar?

1

2 **ZUL** Oh tidak, memang kenaikan pangkat.

3

4 **MFR** Kenaikan pangkat. Baik, Tuan. Pihak Suhakam dan semua ahli-ahli di
5 sini dimaklumkan Tuan adalah pegawai penyiasat yang menyiasat
6 kehilangan Joshua Hilmi dan Ruth Sitepu sebelum ini. Boleh Tuan
7 nyatakan siapakah pegawai penyiasat terkini?

8

9 **ZUL** Pegawai penyiasat selepas saya ke atau sebelum saya?

10

11 **MFR** Selepas Tuan.

12

13 **ZUL** Selepas saya, saya difahamkan Ketua Polis Balai Sungai Way yang
14 baharu.

15

16 **MFR** Ada nama dia, Tuan?

17

18 **ZUL** Nama dia? Saya tak ingat. Ahmad Rozimi... Insp Ahmad Rozimi.

19

20 **MFR** Ahmad Rozimi. So, pertukaran fail siasatan ini dilakukan pada bila?

21

22 **ZUL** Pertukaran fail... ok pada bulan Februari, saya serahkan fail siasatan
23 kepada pihak AGC. Lepas itu saya difahamkan KEP untuk kes ini dan
24 diserahkan kepada pegawai penyiasat yang baharu.

25

26 **MFR** Tarikh serahan itu boleh Tuan nyatakan?

27

28 **ZUL** Yang itu saya tak pasti, Tuan, sebab selepas... semasa saya berpindah
29 ke IPD Ampang Jaya, saya difahamkan fail itu masih berada di AG
30 Chamber.

31

32 **MFR** Terima kasih, Tuan. So Tuan pernah berhubung dengan pegawai
33 penyiasat terkini?

34

35 **ZUL** Ada saya berhubung dengan dia.

36

37 **MFR** Apa status terkini kalau Tuan boleh tahu?

1

2 **ZUL** Saya ada maklumkan dengan dia berkaitan dengan siasatan kes KEP
3 Joshua Hilmi ini sedang berjalan di peringkat Suhakam dan saya minta
4 dia baca balik kesemua sekali lah apa tindakan yang saya sudah buat
5 dan untuk dia sambung siasatan.

6

7 **MFR** Baik, Tuan. So, boleh Tuan nyatakan apakah tindakan terakhir yang
8 Tuan buat berkaitan kes ini?

9

10 **ZUL** Tindakan terakhir yang saya buat saya hantar KEP tersebut kepada
11 pejabat AG Chamber.

12

13 **MFR** Pada? Pada? Februari?

14

15 **ZUL** Pada bulan Februari.

16

17 **MFR** Tarikh boleh nyatakan, Tuan?

18

19 **ZUL** Sekejap saya semak. Pada 08.02.2021.

20

21 **MFR** Baik. Terima kasih, Tuan. Ok, untuk soalan seterusnya, saya akan
22 merujuk beberapa dokumen daripada siasatan kes kehilangan Joshua
23 Hilmi. Ya Tuan?

24

25 **ZUL** Boleh, boleh.

26

27 **MFR** Untuk dokumen yang pertama Exhibit 122A, Zaidi, maklum balas
28 daripada Jabatan Imigresen Malaysia. Baik, Dato' Seri, panel members
29 dan observers, saya akan go through sekali semua dokumen ini dan di
30 akhir nanti saya akan bertanyakan soalan. So untuk lampiran yang
31 pertama, surat adalah surat maklum balas daripada Jabatan Imigresen
32 Malaysia bertarikh 10.04.2017 dan telah dirujuk kepada Ahmad Sibee
33 bin Nordin. Dan lampiran ini menyatakan semakan telah dibuat
34 terhadap Hilmi bin Hanim dengan nombor kad pengenalan 691106-08-
35 5307. Jabatan Imigresen maklumkan tiada rekod pergerakan masuk.
36 Baik, untuk lampiran yang kedua bertarikh 12.03.2018, maklum balas
37 ini dituju kepada Ketua Balai Polis Petaling Jaya yang maklumkan

1 tiada... pihak Imigresen telah menjalankan semakan melalui sistem dan
2 mengesahkan penama seperti Ruth nombor pasport AR681830 tidak
3 mempunyai rekod pergerakan keluar masuk Malaysia.
4
5 **CHM** En Faiz.
6
7 **MFR** Ya, Dato' Seri.
8
9 **CHM** Kita patah balik 122A tadi. Kita ada panggil pegawai Imigresen, bukan,
10 beri keterangan?
11
12 **MFR** Betul, Dato' Seri.
13
14 **CHM** In case... in case ada mana-mana dokumen telah diekshibitkan masa
15 yang saksi itu beri keterangan.
16
17 [00:30:00]
18
19 **MFR** Baik.
20
21 **CHM** Saksi itu open hearing, bukan?
22
23 **MFR** Betul, Dato' Seri.
24
25 **CHM** Jadi bila dia kemukakan, surat itu dah jadi in the public domain ya,
26 bukan?
27
28 **MFR** Betul, Dato' Seri.
29
30 **CHM** So, kalau kita come across such a letter which already been tendered
31 in the open by a witness, immigration kah, bank kah, just let us know.
32
33 **MFR** Baik. Tapi dokumen ini kita tidak pernah terima lagi, Dato' Seri.
34
35 **CHM** Oh.
36
37 **MFR** Kita tak pernah terima.

1
2 **CHM** Masa kita interview the immigration officer, dia tak ada beritahu surat-
3 surat ini kah?
4
5 **MFR** Dia ada beritahu tapi cuma dalam simpanan dia tak ada rekod surat ini.
6
7 **CHM** Ok.
8
9 **MFR** Ini yang first time kita terima, Dato' Seri.
10
11 **CHM** Ok. Ok thank you. Yes ok.
12
13 **MFR** Baik. Baik untuk yang lampiran ketiga tadi surat maklum balas daripada
14 Jabatan Imigresen bertarikh 17 Oktober. Ini berkaitan dengan...
15 Jabatan Imigresen maklumkan terdapat pergerakan keluar Joshua
16 Hilmi pada 19.07.2007 tetapi tiada pergerakan masuk. Zaidi, boleh
17 tengok Lampiran A. Ok cuba *rotatekan*. Baik seterusnya, untuk
18 lampiran yang keempat adalah surat daripada Imigresen bertarikh
19 08.09.2020 yang memaklumkan pergerakan keluar masuk Joshua
20 Hilmi... Zaidi, tolong turun ke bawah. Baik Dato' Seri, panel members,
21 maklumat ini kita telah perolehi semasa sesi pendengaran bersama
22 Jabatan Imigresen dan ditandakan sebagai Exhibit 114. Yang
23 membezakan maklum balas kepada PDRM dan Suhakam, maklum
24 balas kepada Suhakam lebih terperinci yang menyatakan maklumat
25 lokasi dan tarikh yang lebih banyak berbanding maklum balas yang
26 diterima daripada PDRM. Boleh saya teruskan, Dato' Seri?
27
28 **CHM** Ya.
29
30 **MFR** Baik. Seterusnya lampiran kelima adalah surat maklum balas daripada
31 Imigresen bertarikh yang sama 08.09.2020 yang memaklumkan
32 pergerakan keluar masuk Ruth Sitepu. Dan sekali lagi Imigresen
33 memaklumkan tiada pergerakan keluar masuk bagi penama Ruth
34 Sitepu. Baik soalan saya kepada Tn Zul, Tn Zul –
35
36 **CHM** Yang ini semua kita dah mark tadi?
37

1 **MFR** Dah mark, Dato' Seri.
2
3 **CHM** Ok, ok, thank you.
4
5 **MFR** Cuma Dato' Seri yang membezakan... yang saya maklumkan kita mark
6 atas satu PDF sebagai satu 122A... 122... melainkan Dato' Seri nak
7 pecahkan lagi... kita akan ambil masa, Dato' Seri. Cuma dokumen ini
8 telah diserahkan kepada panel... err kepada observers.
9
10 **CHM** Tapi tiap-tiap dokumen kena ditanda, bukan?
11
12 **MFR** Kalau macam saya maklumkan tadi, Dato' Seri, ia dibawah satu PDF
13 yang sama, 122A. So kalau kita nak pecah, kita kan jadi 122A(1)...
14 kalau Dato' Seri, panel members, setuju?
15
16 **CHM** Yes, we have to mark every document separately, every letter
17 separately.
18
19 **MFR** Baik, Dato' Seri. Baik. Boleh kita mulakan daripada awal, Zaidi? Baik
20 untuk lampiran surat Imigresen bertarikh 10.04.2017, kita akan mark
21 sebagai 122A(1).
22
23 **CHM** Ya.
24
25 **MFR** Untuk lampiran yang kedua, surat bertarikh 12 March, kita akan mark
26 sebagai 122A(2). Untuk lampiran surat bertarikh 17.10.2018, kita akan
27 mark sebagai 122A(3). Untuk surat bertarikh 08.09.2020, kita akan
28 mark sebagai 122A(4). Dan sekali lagi 8 September... surat bertarikh 8
29 September sebagai 122A(5). Boleh saya teruskan, Dato' Seri?
30
31 **CHM** Yes.
32
33 **MFR** Baik. Tn Zul.
34
35 **ZUL** Ya.
36

1 **MFR** Saya ada beberapa soalan berkaitan dokumen ini. Yang pertama sekali
2 Tn Zul sahkan ini adalah salah satu dokumen yang terdapat dalam
3 kertas siasatan, Tn Zul?
4
5 **ZUL** Betul. Betul, Pengerusi.
6
7 **MFR** Untuk soalan pertama saya, Tuan, saya nak rujuk dengan Lampiran
8 122A(1) surat maklum balas bertarikh 10.04.2017.
9
10 **ZUL** Ok.
11
12 **MFR** Ok di sini dimaklumkan pihak Imigresen maklumkan tiada sebarang
13 pergerakan masuk Joshua Hilmi... penama Hilmi bin Hanim. Walaupun
14 lampiran-lampiran seterusnya terdapat pergerakan masuk. Boleh Tuan
15 jelaskan bagaimana perkara ini boleh berlaku?
16
17 **ZUL** Ok kalau tengok surat yang pertama ini, yang di... Dato' Seri dan panel-
18 panel, surat pertama ini dipohon oleh IO yang pertama Sarjan Ahmad
19 Sibe. Betul... ia bertarikh 10 April. Dan next surat selepas itu saya
20 yang pohon. Selalunya feedback yang kita dapat ini adalah daripada
21 pihak Imigresen sendiri, Dato' Seri dan panel-panel. Jadi apa yang kita
22 terima daripada pihak Imigresen itu yang kita akan gunakan.
23
24 **MFR** So, jadinya Tuan ada maklumat kah kenapa surat yang pertama
25 menyatakan tiada rekod pergerakan keluar masuk?
26
27 **ZUL** Saya tak ada maklumat, Dato' Seri.
28
29 **MFR** Dato' Seri, panel members dan observers, saya telah membuat
30 penelitian terhadap surat ini, saya mendapati terdapat kesalahan dari
31 segi nombor kad pengenalan yang dikemukakan oleh Jabatan
32 Imigresen dimana kalau kita tengok nombor kad pengenalan Joshua
33 Hilmi berakhir dengan [REDACTED] dan bukan [REDACTED]. Dan mungkin for the
34 purpose of record maklum balas yang pertama dipohon oleh PDRM
35 mungkin terdapat kesilapan nombor kad pengenalan.
36

1 CHM Which one is the correct one? [REDACTED] or [REDACTED] Which one is the
2 correct one?
3
4 MFR [REDACTED]
5
6 CHM I see.
7
8 MFR Zaidi, kalau boleh turun ke bawah tengok lampiran. Bawah... bawah...
9 bawah... ok. Ok pusingkan. Ok, kalau di sini nombor kad pengenalan
10 Joshua Hilmi adalah [REDACTED]
11
12 CHM So that is the possible explanation why the earlier letter says there's no
13 record? Yes?
14
15 MFR Betul, Dato' Seri. Berdasarkan penelitian saya kemungkinan tiada
16 rekod disebabkan kesalahan nombor kad pengenalan yang
17 dikemukakan oleh PDRM.
18
19 CHM Who gave? Who gave the number... the wrong number [REDACTED]? Turun
20 balik. Turun balik. Tadi, tadi. Ok [REDACTED] this is from Immigration?
21
22 MFR Betul, Dato' Seri.
23
24 CHM So, the mistake is on the part of Immigration. The police gave them the
25 correct number, but they went... that is [REDACTED] but they went to look for
26 [REDACTED] Where does it lies the mistake? Is it the mistake on the part of
27 Immigration or the police gave them the wrong number in the first
28 place?
29
30 MFR Saya tak boleh sahkan perkara ini, Dato' Seri, sebab saya hanya
31 meneliti dokumen yang diterima.
32
33 CHM Ok. Ok dia kata, 'Saya dengan hormatnya merujuk kepada surat Tuan
34 dengan rujukan Sungai Way Report... ok, ASP Zulfadhly, boleh bantu
35 kita kot?
36
37 ZUL Ya, Dato' Seri.

1
2 **CHM** Ini respon kepada... inquiry daripada police, bukan?
3
4 **ZUL** Betul.
5
6 **CHM** The police's inquiry itu, apa nombor itu? Ada apa nombor yang
7 sebenarnya diberi?
8
9 **ZUL** Selalunya jawapan yang kita terima, Dato' Seri dan panel-panel,
10 daripada pasukan sahabat ini adalah berdasarkan daripada
11 permohonan IO untuk siasatan.
12
13 **CHM** Ok.
14
15 **ZUL** Ini adalah surat maklum balas daripada Imigresen kepada pihak polis,
16 Dato' Seri.
17
18 **CHM** Ok. Kesilapannya di nombor... the last four, bukan? Kesilapan... ASP?
19
20 **ZUL** [REDACTED]
21
22 **CHM** Yang ini silap?
23
24 **ZUL** Ya, Dato' Seri.
25
26 **CHM** Dimana datang kesilapan ini? Is it from the police or from Immigration?
27
28 **ZUL** Permohonan ini dibuat oleh IO. Saya percaya ada... bila... saya pun
29 pernah buat kesilapan... untuk makluman Dato' Seri dan panel-panel
30 bila saya jalankan siasatan. Saya pun pernah buat tugas pegawai
31 penyiasat sebelum ini. Error typo ini perkara yang akan terjadi, Dato'
32 Seri. Saya percaya sekarang ini nombor IC dia yang benar ialah [REDACTED]
33 [REDACTED] tetapi yang dihantar oleh Sarjan Ahmad Sibi adalah [REDACTED]
34
35 **CHM** Ok. Jadi kesilapan was on the part of the police, Sarjan Ahmad Sibi?
36

1 ZUL Ya. Tetapi saya dah pulang balik. Saya pun dah hantar balik nombor IC
2 yang betul.
3
4 CHM Ya, ya, kita faham. Kita faham. Ok so, this explains how the error came
5 about. We understand now... ok.
6
7 MSR Dengan izin Dato' Seri, saya rasa perkara ini perlu ditanya kepada IO
8 baru untuk melihat surat yang diserahkan oleh Sarjan Ahmad Sibi.
9 Adakah Sarjan Ahmad Sibi yang memberi IC yang salah ataupun pihak
10 Imigresen yang membuat key in yang salah.
11
12 CHM Yes, I think it will only delay the inquiry. But this is rather
13 inconsequential. I just want to know how. But I think it is an accepted
14 fact that [REDACTED] was erroneous. It should be [REDACTED] Yes ok.
15
16 MFR Ok Dato' Seri, boleh saya teruskan.
17
18 CHM Carry on, yes, yes.
19
20 MFR Baik. Zaidi, saya akan rujuk ke Lampiran kedua 122A(2). Untuk
21 pengesahan, Tn Zul, permohonan ini dibuat oleh siapa?
22
23 ZUL Ini dibuat oleh IO asal.
24
25 MFR Boleh Tuan sahkan yang mana satu?
26
27 ZUL Boleh tak *scrollkan* penuh, saya nak tengok? Naik atas lagi, Tuan, yang
28 di atas. 10 April, Sarjan Ahmad Sibi. Yang bawah, Tuan. Ok dokumen
29 ini memang ada dalam KEP. Tapi saya lupa siapa yang minta surat itu.
30 Samada Sarjan Ahmad Sibeer ataupun ASP Hairol antara dua itu.
31
32 MFR Baik. Terima kasih, Tuan. Cuma saya nak put on record, terdapat gap
33 yang agak lama diantara satu permohonan dengan satu permohonan
34 yang lain. Yang pertama bertarikh 10 April dan permohonan kedua ialah
35 12 Mac.
36
37 CHM Almost a year, isn't it?

1

2 **ZUL** Betul, Dato' Seri.

3

4 **MFR** Baik. Untuk seterusnya lampiran ketiga, 122A(3). Tn Zul, boleh sahkan
5 siapa yang membuat permohonan ini?
6

7 **ZUL** 17 Oktober ini dibuat oleh ASP Hairol.

8

9 **MFR** Turun bawah, Zaidi. Kalau Tuan masih ingat, setakat dalam
10 pengetahuan Tuan, maklumat pasport Hilmi bin Hanim hanya
11 diperolehi yang pertama sekali adalah maklumat pasport Hilmi kah?
12

13 **ZUL** Macam mana, Tuan? Maklumat yang pertama?

14

15 **MFR** Maklumat pasport Joshua Hilmi.

16

17 **ZUL** Ok.

18

19 **MFR** Yang pertama, adakah melalui kronologi siasatan? Maklumat
20 permohonan pasport yang pertama adalah maklumat pasport ini?
21

22 **ZUL** Maklumat yang pertama?

23

24 **MFR** Ya. Sebab kalau kita tengok yang bawah.

25

26 [00:45:00]

27

28 **ZUL** Ok.

29

30 **MFR** Kita dapat tiga lagi nombor pasport yang berlainan.

31

32 **ZUL** Ya.

33

34 **MFR** Adakah pada masa siasatan ASP Hairol, pasport yang pertama yang
35 diperolehi adalah pasport ini?
36

37 **ZUL** Yang itu Tuan kena tanya Tn Hairol.

1
2 **MFR** Baik. Terima kasih, Tn Zul. Members, on my part, I think I've no further
3 question.
4
5 **CHM** Are you not proceeding on the other documents, En Faiz? Is it open to
6 question now to observers?
7
8 **MFR** Yes. Yes, Dato' Seri. Kita boleh buka kepada pihak observers kalau ada
9 sebarang pertanyaan lanjut berkaitan dengan -
10
11 **CHM** We can now move to the next document?
12
13 **MFR** Betul, Dato' Seri.
14
15 **CHM** Ok. Open now to observers for question.
16
17 **RC** Dato' Seri, I don't have specific question. I will invite for this set of
18 documents... I will invite Ms Audrey whether she has any question or
19 Mr Cyrus. My co-observers.
20
21 **AP** I just have one question jika boleh ditanya Tn Zulfadhly?
22
23 **ZUL** Silakan.
24
25 **AP** Berdasarkan pengalaman Tn Zul.
26
27 **ZUL** Ya.
28
29 **AP** Sekiranya terdapat kesilapan dalam nombor IC, bukannya respons
30 yang akan diterima oleh jabatan yang berkaitan, bukannya mereka
31 akan respons beritahu tidak boleh dikesan sebab nombor dan nama
32 tiada kaitan? Betul ke? Bukan macam itu ke?
33
34 **ZUL** Macam mana?
35

1 **AP** Sekiranya Jabatan Imigresen terima nombor IC yang salah, bukannya
2 dia akan respons kata, 'Tidak boleh dikesan sebab nama dengan
3 nombor IC itu salah, tak ada, memang tak wujud'?

4

5 **ZUL** Betul. Betul. Kalau nama betul, then nombor IC salah, memang tak
6 akan keluar any record.

7

8 **AP** Ya. Ok, terima kasih. Saya tak ada soalan lain.

9

10 **ZUL** Ok.

11

12 **RC** Dato' Seri Chairman, I have one question to ask. May I, Dato' Seri?

13

14 **CHM** Yes please.

15

16 **RC** ASP, I think I need a clarification here mengenai Lampiran A. Ia
17 dicatitkan di sini tarikh keluar. Jadi dalam fahaman saya, dia keluar dari
18 Malaysia pada 19.07.2007. Dan di kolum yang sebelah, dia katakan
19 tarikh masuk 'tiada rekod'. Jadi tarikh masuk ini dalam fahaman
20 seseorang yang waras fikiran, memang dia masuk balik ke Malaysia.
21 Jadi boleh beri penjelasan mengapa seseorang itu dia keluar pada satu
22 tarikh, kemudian tarikh masuk tiada dalam rekod? Saya cuba mendapat
23 connection tetapi saya tidak boleh membuat demikian. Jadi boleh
24 memberi penjelasan, ASP?

25

26 **ZUL** Dato' Seri Pengerusi dan panel-panel. Saya rasa soalan itu kena
27 panggil pihak Imigresen sebab laporan ini dikeluarkan oleh pihak
28 Imigresen Malaysia, Jabatan Imigresen Malaysia, bukan PDRM yang
29 keluarkan.

30

31 **RC** Soalan kepada Imigresen?

32

33 **PM2** Mr Roger.

34

35 **RC** Yes.

36

37 **PM2** I think this question has been ventilated before.

1
2 **RC** Before? Ok.
3
4 **PM2** Immigration witness had already taken the stand. So, you can check
5 the record for the answers. Thank you.
6
7 **RC** Ok. I will leave that in that case. Thanks, Sir.
8
9 **CHM** Anymore question, Mr Roger Chan? Tak ada?
10
11 **RC** No, no further question. Thank you very much, Dato' Seri Chairman.
12
13 **TFW** Dato' Seri Chairman, maybe I just ask a few questions here... if I may?
14
15 **CHM** Yes, Cyrus. Is that you, Cyrus?
16
17 **TFW** Yes, yes, yes.
18
19 **CHM** Yes.
20
21 **TFW** En ASP, Tn ASP Zul.
22
23 **ZUL** Saya.
24
25 **TFW** Pada tarikh yang lepas 11 Januari.
26
27 **ZUL** Ok.
28
29 **TFW** Ya 11 Januari, tarikh lepas Tuan ada beri keterangan di Suhakam. Itu
30 tarikh lepas yang Tuan beri keterangan. So, di dalam keterangan Tuan,
31 panel Chairman ada tanya sama ada Tn Zul ada bawa diari siasatan
32 untuk dirujuk supaya... kerana ada banyak soalan yang ditanya tapi
33 Tuan tidak ingat dan tidak pasti.
34
35 **ZUL** Saya tak ingat.
36
37 **TFW** So, lepas itu saya... Ya? Tak ingat?

1
2 **ZUL** Ok (00:51:16).
3
4 **TFW** So pada pagi ini Tuan ada bawa untuk rujukan diari siasatan?
5
6 **ZUL** Tak ada.
7
8 **TFW** Tak ada lagi, ya?
9
10 **ZUL** Tak ada.
11
12 **TFW** Ok, ok. So, bagi siasatan kes berkenaan kes ini, dalam tangan Tuan...
13 adakah Tuan... tadi ada ditunjuk surat kepada Jabatan Agama Negeri
14 Sembilan berkenaan sama ada terdapat siasatan oleh Jabatan Agama
15 terhadap Joshua Hilmi. So, yang ini dihantar oleh Suhakam. So,
16 adakah... seingat Tuan lah, adakah pihak Tn Zulfadhly ataupun IO-IO
17 yang sebelum ini pernah berhubung dengan Jabatan Agama
18 berkenaan dengan siasatan kes ini?
19
20 **ZUL** Dato' Seri dan panel-panel, kita dah jalankan... dah buka kertas
21 siasatan under KEP orang hilang. Ok jadi, kita fokus kepada siasatan
22 kehilangan Joshua Hilmi bin Hanim dan Ruth Sitepu. Ok.
23
24 **TFW** Ok, saya rujuk balik... sebelum ini ada laporan Chembong... laporan
25 polis Chembong terhadap Joshua Hilmi iaitu Hilmi bin Hanim berkenaan
26 dengan... yang ada ura-ura yang kata laporan terhadap dia dikatakan ada
27 Facebook posting yang dilakukan olehnya dan ada Ketua Wira Perkasa
28 yang buat laporan terhadap Joshua. So berdasarkan... so sebagai
29 seorang pegawai penyiasat, adakah Tuan berhubung dengan pegawai
30 penyiasat kes tersebut dan meneliti sama ada Joshua Hilmi mempunyai
31 kaitan atau ada leads-leads yang berkenaan, boleh didapati daripada
32 laporan tersebut? Adakah Tuan menyiasat lebih kepada arah itu
33 walaupun ini kes orang hilang?
34
35 **ZUL** Saya rasa Suhakam pun dah panggil IO yang siasat kes yang
36 Chembong Report itu.
37

1 **TFW** Ya. Bukan... soalan saya adakah Tuan IO sendiri membuat siasatan
2 menjurus kepada arah tersebut? Ada atau tidak?
3

4 **ZUL** Siasatan seperti yang kita buat ini, Dato' Pengerusi dan panel-panel
5 adalah siasatan secara menyeluruh. Ok bila satu-satu KEP telah
6 dibuka, maksud kita akan siasat daripada semua sudut. Walaupun
7 ambil masa, walaupun makan masa, siasatan tetap kita jalankan.
8

9 **TFW** So Tuan, para IO adakah menyiasat berkenaan dengan leads-leads
10 yang berkenaan dengan laporan Chembong tersebut? Soalan saya.
11

12 **ZUL** Ada. Kita pun ada masukkan dalam kertas siasatan, berkaitan semua
13 posting-posting yang lama, dari laporan-laporan polis.
14

15 **TFW** So, berkenaan laporan Chembong, adakah Tuan IO pergi ambil
16 statement berkenaan dengan pengadu yang membuat laporan
17 terhadap Joshua Hilmi tersebut?
18

19 **ZUL** Yang itu saya nak kena semak balik dalam kertas siasatan sebab
20 statement IO untuk Chembong itu memang kita ada ambil.
21

22 **TFW** Statement IO you ada ambil, tapi statement Ketua Wira, pengadu
23 tersebut, Tuan pernah ambil kah?
24

25 **ZUL** Yang itu IO memang dah ambil, Tuan, Dato' Pengerusi, dan panel-
26 panel, untuk makluman.
27

28 **TFW** Bukan... berkenaan kes... kes kehilangan ini, Tuan IO sendiri untuk
29 siasatan, sebagai IO kes ini, Tuan ada mengambil statement ke,
30 pengadu tersebut?
31

32 **ZUL** Yang itu IO asal dah ambil. IO Chembong dah ambil statement mereka.
33 Saya tak ambil.
34

35 **TFW** Ya, ya. Saya tahu IO Chembong sudah ambil. Tapi sebagai siasatan
36 kes yang Joshua Hilmi ini, kerana sudah beberapa tahun telah berlepas
37 sebelum kehilangan Joshua Hilmi ini, so selepas laporan berkenaan

1 dengan Joshua Hilmi dibuat oleh Peter Pormannan, adakah Tn Zul
2 mengambil langkah untuk mengambil statement pengadu kes laporan
3 Chembong tersebut? Soalan saya, ada atau tidak?
4

5 **ZUL** Saya tak ambil.

6

7 **TFW** Ok. Ok panel members, I think that's all my questioning. Thank you so
8 much.
9

10 **PK** Dato' Seri, may I add a question? May I ask a question?
11

12 **CHM** Yes please.
13

14 **PK** Thank you. Thank you. Selamat pagi, Tuan. Congratulations for your
15 promotion.
16

17 **ZUL** Good morning, Sir. Yes, Sir.
18

19 **PK** We have met before. Thank you. Thank you. Tuan, apabila Tuan
20 menyiasat satu-satu kes –
21

22 **ZUL** Ok.
23

24 **PK** Kemungkinan Tuan, adakah satu teori mengenai bagaimana lah
25 seseorang telah diculik kah, atau dia hilang ke, mestilah ada satu teori.
26 Adakah Tuan ada teori bagaimana Joshua Hilmi dan Ruth Sitepu hilang
27 sendiri ke atau dihilangkan? Apakah teori Tuan? Ada bagaimana Tuan
28 membuat penyiasatan? Adakah teori? Ini teori sahaja, bukan pasti.
29

30 **ZUL** Ya, Tuan. Ok Dato' Seri dan panel-panel, saya nak buat satu teori
31 ataupun conclusion. Saya pun telah dinaikkan pangkat, dapat
32 promotion pangkat, jadi saya pindah ke tempat baru. Jika saya siasat
33 kes ini sehingga habis, saya boleh kemukakan teori. Tapi saya pun tak
34 dapat siasat habis, so tak ada teori yang saya boleh kemukakan.
35

36 **PK** No, Tuan. You tak faham saya. Apabila Tuan menyiasat, kita tahu pada
37 saat Tuan berikan kenyataan dulu, Tuan sudah pergi ke tempat Kelana

1 Jaya, Tuan sudah pun ada penyiasatan mengenai... ada ciri-ciri atau
2 kenyataan bahawa mungkinkah couple ini, suami dan isteri ini
3 memurtadkan, memurtadkan orang-orang Muslim dan Melayu. Adakah
4 Tuan jumpa ciri-ciri seperti itu?
5

6 **ZUL** Saya tak pernah dengar pun dia memurtadkan Melayu. Sebab saya pun
7 tak kenal dia. So saya siasat sahaja. Saya menyiasat untuk mencari
8 dimana Joshua dan Ruth sekarang.
9

10 **PK** Pada saat itu, pada saat itu Tuan Ketua Sungai Way.
11

12 **ZUL** Ok betul.
13

14 **PK** Saya sudah menyoal Tuan.
15

16 **ZUL** Ok.
17

18 **PK** Adakah you berkomunikasi dengan komuniti dan juga fahamkan
19 bahawa banyak di berita-berita, Suhakam pun ada, di sosial media,
20 bahawa ada hearing on enforced disappearance dan berkaitan dengan
21 disappearance Raymond Koh dan Amri dan juga isteri dan suami ini.
22 Memang hebat lah you know berita. So Tuan masuk untuk menyiasat
23 tidak, kita bukan nak buat keputusan. Kita bukan, hakikatnya mereka
24 diambil atau hilangkan orang, dari orang ciri-ciri yang ganas ke atau
25 apa. Kita tidak ada keputusan. Mesti ada teori satu kes untuk
26 menyiasat. Bagaimana kata tidak ada teori?
27

28 [01:00:00]
29

30 **ZUL** Nope. No theory.
31

32 **PK** So, you masukkan ke siasatan, tidak ada teori kes? You just sia-sia,
33 bukan sia-sia. You just, oh, ok, menyoal ini, menyoal ini. Ok, kita
34 mengikut SOP, cukup lah. Tuan, dengan hormatnya, dia, saya bukan
35 buat keteguran, kita nak faham bagaimana SOP polis, inilah kes, oh,
36 ordinary sahaja, sebab kita just write in, mungkin kita tidak lah probe
37 dengan lebih dalam. Tuan, bolehkah menjawab? I mean, ini kes SOP

1 sahaja, kita menulis satu surat, kita, seperti kawan saya yang menyoal,
2 ada Chembong kata, 'Wah, ini sangat hebat ini. Dia punya polis repot.
3 Oh, tak payahlah kita menyiasat lebih dalam mengenai kemungkinan
4 ada orang dari saat itu, dari sasaran itu, mungkin ada berkaitan dengan
5 ini, sebab polis repot itu sangat kuat dia punya kenyataan.' Tuan tidak
6 ada melihat, 'Oh, ini mungkin. Mungkin kita mesti siasat ini.' Tidak?
7
8 **ZUL** Semua laporan yang kita terima, kita siasat, ok.
9
10 **PK** Ya.
11
12 **ZUL** Untuk makluman Dato' Seri dan ahli-ahli panel, kes repot orang hilang
13 di Malaysia ini banyak, tapi bukannya satu sahaja.
14
15 **PK** Ya.
16
17 **ZUL** Kita terima banyak laporan mengenai orang keluar rumah, tak balik ke
18 rumah, dan kita siasat –
19
20 **PK** Ok.
21
22 **ZUL** Perkara yang sama, ok. Memang kita ikut SOP polis, saya pun dah
23 terangkan apa SOP polis sebelum ini berkaitan dengan kes orang
24 hilang, ok. Selagi hasil siasatan, kita tak jumpa lagi orang itu, kita akan
25 berusaha lah, tulis surat, kesan.
26
27 **PK** Ya.
28
29 **ZUL** Kesan family, ok. Bila kita dah jumpa itu, baru kita boleh buat satu
30 conclusion kan. Selagi siasatan tak selesai, saya tak boleh nak
31 keluarkan apa-apa teori.
32
33 **PK** Tuan?
34
35 **ZUL** Ya.
36
37 **PK** Suhakam dengan officer-officer yang bukan penyiasat orang –

1
2 **ZUL** Ya.
3
4 **PK** Pun tulis surat kepada Jabatan Agama Seremban.
5
6 **ZUL** Ya.
7
8 **PK** Mengapa PDRM tidak mengikut sasaran seperti itu? Mungkin juga
9 Jabatan Islam Selangor, Kelana Jaya, alright, tidak sempit sahaja
10 Seremban, tetapi Seremban ialah sebab Chembong, alright.
11
12 **ZUL** Ok.
13
14 **PK** So, orang-orang yang officer, bukan penyiasat ya, dia pun pada
15 saat(01:03:12) menulis untuk menyiasat. Mengapa Tuan-Tuan PDRM
16 just mengikut, saya faham, IGP Khalid pun kata dalam Raymond Koh,
17 'Oh, ada banyak orang hilang', tetapi ini bukan kes yang biasa. Ini
18 hangat pun sudah berita yang menyinggung hati jiran-jiran di Sungai, di
19 Klang Valley. Ini yang bukan kes biasa, 'Oh, kes biasa, kita SOP
20 sahaja', alright. Itulah soalan saya, alright. Kesan-kesan, you know,
21 tidak menyiasat lebih mendalam. Tak apalah. You, Tuan sudah
22 menjawab, you mengikut SOP sahaja dan tidak lebih mendalam, ya.
23 Terima kasih. Thank you, Dato' Seri for the opportunity to question him.
24
25 **AP** Panel members, if I could just seek permission to just ask one additional
26 question, if that could be allowed?
27
28 **CHM** Yes. That's Audrey, isn't it? Yes.
29
30 **AP** Yes, Audrey, Panel Chairman. Thank you so much, honourable
31 commissioners.
32
33 **CHM** Ya.
34
35 **AP** Tn Zul, jika saya boleh tanya.
36
37 **ZUL** Ya, saya.

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AP Apabila Tn Zul mengambil alih sebagai IO, ada tak tanya Inspektor Hairol kenapa masa berlalu antara Mac dengan April, lebih kurang satu tahun, iaitu Exhibit 122A(1) bertarikh 10.04.2017 –

ZUL Ya.

AP Dan Exhibit 122A(2) bertarikh 12.03.2018. Jadi, bila Tuan mengambil alih tugas, ada tak tanya IO sebelum itu, kenapa jauh sangat masa itu?

ZUL Ok. Dato' Pengerusi, Dato' Seri dan, Dato' Seri Pengerusi dan ahli panel. Berkaitan soalan tadi itu, ok, kenapa jauh masa, sebab laporan yang dibuat oleh pengadu, oleh Mr Peter Pormannan, ok, dia mengatakan yang Hilmy dengan isteri dia tak balik ke rumah lah. Ok. Bila, saya percaya yang IO asal, dia hantar surat bertarikh 10 April ya, ok, yang tadi En Faiz paparkan dalam skrin itu, 10.04.2017, ok, bila dia tak terima jawapan, ini adalah proses siasatan, ok. Bila tak dapat satu, kita akan go through. Bukannya kata kita tak pergi secara mendalam, ok. Dia orang kena ingat, bukannya kita apply daripada agensi-agensi yang kerajaan lain, hari ini apply, hari ini dapat, tidak. Ok, ambil masa untuk makluman Dato' Seri dan ahli-ahli panel. Ok. Dia memang begitu cara siasatan PDRM. Lepas itu saya nak minta En Faiz buka balik surat yang 10.04.2017. Dengan izin, Dato' Seri. Saya minta buka balik. Surat jawapan daripada Imigresen. Ok. Dato' Seri tengok di sini, yang nombor kad pengenalan Hilmi bin Hanim, [REDACTED] ok. Setelah En Tn Faiz kita buat semakan, kata ada kesalahan nombor IC lah. Actually, saya percaya, lepas ini boleh panggil pegawai penyiasat yang baru, suruh dia kemukakan surat yang asal yang Sarjan Ahmad Sibee buat. Sebab apa yang saya lihat, Sarjan Ahmad Sibee hantar pada 10 April, nombor IC dia memang betul. Ok, tetapi reply yang diterima ini, daripada Imigresen adalah [REDACTED] untuk makluman Dato' Seri dan panel.

CHM So the mistake was on the part of Immigration lah ya, not on the part of the police (01:07:40)?

ZUL Ya. Memang dekat simpanan saya, yang dihantar oleh Sarjan Ahmad Sibee adalah [REDACTED]

1
2 **CHM** But we have to see the surat lah kan.
3
4 **ZUL** Ya.
5
6 **CHM** Because sometime, typo error often occurs, kan?
7
8 **ZUL** Ya, Dato' Seri.
9
10 **AP** Jadi, Tn Zul?
11
12 **ZUL** Ya, saya.
13
14 **AP** Kesimpulan yang kita boleh buat daripada jawapan Tn Zul adalah tiada
15 SOP PDRM berkenaan dengan follow up, ya? Untuk masa, masa untuk
16 follow up dengan agensi-agensi yang memberi respons, tiada SOP
17 berkenaan dengan masa untuk follow up. Betul ke?
18
19 **ZUL** Maksud tiada SOP?
20
21 **AP** Ya, macam, kalau untuk menyiasat kes orang hilang seperti ini...
22
23 **ZUL** Ok.
24
25 **AP** Bila hantar surat kepada agensi kerajaan untuk meminta maklumat
26 diberikan –
27
28 **ZUL** Ya.
29
30 **AP** Ada tak SOP PDRM untuk menyatakan, ok, dalam masa seminggu, you
31 kena follow up dengan agensi kerajaan, tak ada ke?
32
33 **ZUL** Dia terpulang kepada agensi kerajaan yang kita minta itu. Ok, macam
34 contoh sekarang ini, kita refer kepada surat Jabatan Imigresen, ya.
35
36 **AP** Minta maaf, Tn Zul. Yang saya tanya –
37

1 **ZUL** Ya.

2

3 **AP** SOP dari segi, dari PDRM, bukan agensi kerajaan. Maksud saya –

4

5 **ZUL** Itulah saya nak... tahu. Itulah yang saya nak terangkan, ok.

6

7 **AP** Ok. Minta maaf, ok.

8

9 **ZUL** Untuk (01:09:10), Sarjan Ahmad Sibee, bagi surat 10 April, ok. So bila

10 Imigresen, kalau dia reply cepat, so kita akan masukkan lah dia punya

11 dokumen sokongan yang kita terima itu. Dia terpulang kepada ini,

12 daripada jabatan-jabatan luar itu.

13

14 **AP** Jadi... ya.

15

16 **PM2** Tuan ASP ya, selamat pagi.

17

18 **ZUL** Ya, saya, panel.

19

20 **PM2** Baik. Selamat pagi, apa khabar. Tuan, daripada paparan ini,

21 nampaknya, bila-bila pihak polis menulis surat ke pihak Imigresen,

22 jawapan dia agak cepat. Saya dah check semua letter itu dalam, tak

23 lebih tujuh hari. Ada satu hari pun, dia jawab.

24

25 **ZUL** Ya.

26

27 **PM2** So, the replies from Immigration agak cepat. So, I think bukan

28 persoalan sebelah sana lah. So, persoalan dia adalah, dalam

29 perjalanan siasatan, yang membuat keputusan untuk mengeluarkan

30 surat untuk meminta pertolongan agensi lain, itu terpulang kepada IO,

31 tidak ada SOP dalam waktu perjalanan untuk penyiasatan, maksud dia,

32 dalam masa seminggu ke, sebulan ke nak hantar surat, itu terpulang

33 kepada IO untuk dia rasa kita kena cepat-cepat hantar surat ke, kita

34 buat penyiasatan lagi baru hantar surat. Itulah saya ingat pokok

35 persoalan dia itu. Sebab dari segi pihak Imigresen, cepat dia balas.

36 Semua surat ini, dia jawab cepat bila dapat dari pihak polis, ya. So

37 mungkin boleh jelaskan sedikit, adakah itu benar yang terpulang

1 kepada IO selaku apa yang diperlukan lah dalam menolong
2 penyiasatan itu untuk hantar surat bila-bila dia nak?
3
4 **ZUL** Ok. Dengan izin, Tuan Pengerusi. Dato' Seri, dengan izin ya, Dato' Seri.
5 Ok. Memang betul, siasatan kena... ok. Tn Jerald, ok, daripada semua
6 aspek kita kena hantar, Imigresen, JPJ, Jabatan Pendaftaran Negara.
7 Ok, memang semua itu kena buat, kena hantar, ok, untuk kita perolehi
8 maklumat. Ok, maklumat berkaitan di mana dia pergi, di mana tempat
9 tinggal yang latest, semua itu kita akan buat. Ok. So, yang reply by the
10 other agency, terpulang kepada mereka. Ada yang saya dapat awal, itu
11 saya tak nafikan, ada yang saya dapat almost 14 days. Lepas itu, ada
12 bila kita punya permohonan silap, dia akan reject balik, dia suruh kita
13 apply baru, pun ada, untuk makluman Dato' Seri dan ahli-ahli panel.
14
15 **PM2** So, dari sebelah pihak agensi lain, kita faham tapi dari sebelah pihak
16 polis, itu terpulang kepada IO lah untuk bila dia nak tulis surat mengikut
17 keperluan, tapi SOP kena tulis lah, kita tahu itu. Kena tulis kepada
18 semua agensi berkenaan, tapi bilakah dia seharusnya menulis itu,
19 minggu pertama ke, kedua ke, ketiga, tak ada macam itu lah, terpulang
20 kepada IO. Adakah itu betul? Ya?
21
22 **ZUL** Betul.
23
24 **PM2** Ok, thanks, ASP.
25
26 **CHM** Mari kita rujuk atas, the other exhibit itu. 12th March, ya? 122A(2).
27
28 **MFR** Jadi, surat seterusnya, 7 April (01:12:36).
29
30 **CHM** Ini pun surat daripada Imigresen, kan?
31
32 **MFR** Betul, Dato' Seri.
33
34 **CHM** Kepada polis, PDRM, 12th March. 12th March, and so, I think the
35 concern raised by Ms Audrey was this step was taken a year later kan?
36 It is very, you know, when a concerned disappearance... if, it must be
37 treated with urgency, ya. Wait, 12th March. On 12th March. First para itu,

1 'Dengan hormatnya', blah, blah, blah, blah, bertarikh 7th of March. Jadi
2 dari segi Imigresen, dia orang respon cepat ya. Respon cepat ya, En
3 Zulfadhly, dia orang respon cepat ya.
4
5 **ZUL** Saya, Dato'. Betul.
6
7 **CHM** Ya. Tapi yang tak sedap, yang, you know, yang terkilan itu –
8
9 **ZUL** Ok.
10
11 **CHM** Di antara first letter dengan satu, this letter. Setahun ya, jarak dia. Itu
12 yang pihak-pihak kami rasa terkilan lah sebab masa lama sangat ya.
13
14 **ZUL** Ya, Dato'. Dato', saya rasa kena panggil balik pegawai-pegawai
15 penyiasat yang sebelum saya itu.
16
17 **CHM** Ok. Yang sini, siapa dia pegawai penyiasat ini? Yang –
18
19 **MFR** Sarjan Ahmad Sibee, Dato' Seri.
20
21 **CHM** Sibee?
22
23 **MFR** Betul, Dato' Seri.
24
25 **CHM** Yang dia, earlier letter pun, Sarjan Sibee juga?
26
27 **MFR** Betul.
28
29 **ZUL** Sarjan Sibee, Dato' Seri.
30
31 **CHM** Ok. Ok, ya. Ok.
32
33 **PM1** Dato' Seri?
34
35 **CHM** Ok, but we couldn't call Sarjan Sibee kan? You know the reason, kan?
36 Dia tak sihat. Ya. Yes –
37

1 **PM1** Dato' Seri?
2
3 **CHM** Dr Madeline, ya.
4
5 **PM1** Ya. Terima kasih, Dato' Seri. Thank you very much ya, for the
6 opportunity. ASP Zulfadhly?
7
8 **ZUL** Saya, Dato'.
9
10 **PM1** Ok. Saya ingin bertanya ya, saya ingin menyambung soalan yang
11 dikemukakan oleh En Raymond Koh dan juga Commissioner Gerald
12 tadi. Dalam siasatan polis ya, adakah you all ada yang kes-kes yang
13 diutamakan, ataupun semua status yang sama? Maksudnya macam tadi
14 ya, isu di sini ialah berkaitan dengan masa.
15
16 **[01:15:00]**
17
18 Seperti yang disebutkan tadi, kes kehilangan Ruth Sitepu dan juga
19 suaminya adalah suatu kes yang hangat dibicarakan. Tetapi kalau
20 saya, cara saya melihat urusan surat menyurat ini, macam seolah-olah
21 ia hanya satu cerita biasa sahaja bagi pihak penyiasat. Adakah salah
22 anggapan saya, boleh Tuan jelaskan, apa, maksudnya seolah-olah tidak
23 ada keutamaan dalam konteks untuk ada benda yang diutamakan, ada
24 benda yang kurang diutamakan. Is that how the police conduct the
25 investigation dalam kes yang dianggap sebagai penting sebegini?
26 Boleh tak Tuan jelaskan kepada saya?
27
28 **ZUL** Ok.
29
30 **PM1** Terima kasih ya, Tuan. Ya.
31
32 **ZUL** Dan terima kasih Dato'. Dato' Seri Pengerusi, saya jawab. Semua
33 siasatan yang, laporan polis yang kita terima, kita anggap itu adalah
34 satu laporan daripada pengadu, semua itu adalah penting, Dato', ok.
35 Semua kes kita siasat, kita anggap laporan yang pengadu buat itu,
36 even, contoh ya, walaupun kes kecil, even ada pencurian pasu pun, kita
37 tetap siasat sama macam kes-kes penting yang lain. Dan semua

1 evidence yang kita terima ini, ok, seperti yang contoh, tadi ada
2 dibangkitkan, dia kata kenapa lewat, apa semua, kita mengikut situasi
3 evidence. Kalau kita terima evidence, seperti contoh macam yang last
4 year, saya masuk dengan Suhakam, Suhakam ada beritahu lah, contoh
5 ada emel yang diterima daripada box (01:16:47), ok. So, bila kita terima
6 emel itu, terus kita hantar ke agensi yang berkaitan, ok. Jadi
7 maksudnya di sini, apa-apa laporan yang kita terima, kita anggap
8 semua itu penting. Tak ada kata, 'Ok, ini kes biasa, kita anak tirikan',
9 tak ada.

10

11 **PM1** Ok.

12

13 **ZUL** Terima kasih ya.

14

15 **PM1** Terima kasih, Tn Zul. Ya.

16

17 **ZUL** Terima kasih, Dato'.

18

19 **PM1** Terima kasih.

20

21 **CHM** En Zul, saya nak tanya ini. Dalam penyiasatan En Zul –

22

23 **ZUL** Ya, Dato' Seri.

24

25 **CHM** Did you come across activity of baptism conducted by Joshua and
26 Ruth? Did you come across activity of baptism at the house in Kelana
27 Jaya?

28

29 **ZUL** Maksudnya, Dato' Seri?

30

31 **CHM** Aktiviti baptism.

32

33 **ZUL** Ok.

34

35 **CHM** Di sebuah rumah di Kelana Jaya, Kampung Tunku? Ada come across
36 this evidence? Because in our inquiry, we did come across this
37 evidence. So, but you are the investigating officer. Surely in, benda-

1 benda macam ini, the police akan mendahului kami. Sebelum kami
2 discover, you all dah discover dulu. I should have think it should be in
3 normal macam itu lah ya? Mendahului kami. So, ok, itu nak tanya lah.
4 Dalam investigation, ada come across tak aktiviti baptism di sebuah
5 rumah di Kampung Tunku?
6
7 **ZUL** Maksud dia, saya... saya cross, maksudnya saya mendapati lah,
8 macam itu? Betul, Dato' Seri?
9
10 **CHM** Did you come across evidence of baptism?
11
12 **ZUL** Tak ada, Dato' Seri.
13
14 **CHM** Faham ke soalan saya? Do you come across evidence of activity of
15 baptism conducted by Joshua and Hilmy at the house in Kampung
16 Tunku?
17
18 **ZUL** Siasatan saya tak ada lead ke arah itu, Dato' Seri.
19
20 **CHM** Ok. To me, that is strange lah, kan? It's strange. A police investigation,
21 but don't stumble across that evidence. Tak ada, ya?
22
23 **ZUL** Tiada.
24
25 **CHM** Not in the IP? Come across by the predecessor, Sarjan Sibee ke, it's in
26 the record ke, aktiviti baptism? Ada tak?
27
28 **ZUL** Saya siasat, Dato' Seri, bila laporan yang kita terima mengenai
29 kehilangan dia. Ok, saya menjurus ke arah siasatan orang hilang, ok.
30 Lepas itu, saya pun tak ada lead yang mengatakan pasal yang Dato'
31 Seri cakap lah. Pasal baptism, apa semua, memang tak ada, Dato' Seri.
32
33 **CHM** Ok, tak ada ya? You didn't come across that evidence, ya?
34
35 **ZUL** Ya, Dato' Seri.
36

1 **CHM** Ok. Any more question? Any question from other observers? PDRM,
2 soalan?
3
4 **MSR** Dengan izin, Dato' Seri. Pihak PDRM tiada sebarang soalan.
5
6 **CHM** KontraS?
7
8 **SB** Hello. I just want... ok, may I? Hello?
9
10 **CHM** Proceed.
11
12 **MFR** Yes. Please, Banu.
13
14 **SB** May I ask question?
15
16 **MFR** Yes. Please, Banu.
17
18 **SB** Yes. Tn Zulfadhly, meneruskan pertanyaan Mrs Audrey, apakah SOP
19 PDRM, itu punya situasi emergency tertentu yang memerlukan
20 tanggapan cepat PDRM?
21
22 **ZUL** SOP PDRM?
23
24 **SB** Adakah, yes. Adakah SOP PDRM yang punya situasi emergency
25 tertentu yang memerlukan tanggapan cepat PDRM?
26
27 **ZUL** Saya rasa boleh tanya pada DSP Sabri kut. Ya, untuk, boleh tanya pada
28 pihak-pihak observer.
29
30 **MSR** Dengan izin, Dato' Seri. Minta maaf tadi, saya ada isu tadi. Dato' Seri,
31 berkenaan dengan SOP tersebut, saya perlu lihat kembali ya, SOP
32 tersebut, sebab dari sudut pandangan saya yang saya pernah jadi IO
33 sebelum ini, adalah semua siasatan berjalan sepenting, seperti mana
34 yang dimaklumkan oleh Tn ASP Zul, yang mana semua siasatan
35 dijalankan mengikut kehendak-kehendak SOP yang telah ditetapkan
36 oleh pucuk pimpinan.
37

1 **SB** Bererti yang menentukan apakah persoalan tersebut, emergency atau
2 tidak, adalah pimpinan ini, bukan SOP berdasarkan level-level
3 (01:22:08) kasus, betul?
4

5 **MSR** Dengan izin, saya tak faham apakah emergency. Adakah emergency
6 kes-kes berat? Sebagai contoh, kes culik, kes bunuh. Adakah maksud
7 tersebut?
8

9 **SB** Ya.
10

11 **MFR** Dengan izin, Dato' Seri. Mungkin saya boleh recap soalan daripada Ms
12 Banu, DSP Sabri dan Tn Zul. Soalan daripada Ms Banu mungkin
13 bertanyakan berkaitan dengan apakah klasifikasi kes yang dianggap
14 sebagai urgent, atau emergency oleh PDRM yang perlukan tindakan
15 pantas. Betul, Ms Banu? Am I asking the correct question?
16

17 **SB** Yes. Is any emergency situation that include PDRM need to fast
18 respond from PDRM?
19

20 **MFR** What kind of cases?
21

22 **SB** Yes.
23

24 **MFR** Alright.
25

26 **MSR** Ya, dengan izin, Dato' Seri. Berdasarkan apa yang dimaksudkan lah,
27 saya bagi salah satu contoh, yang di mana kalau kes penculikan
28 melibatkan wang tebusan, yang mana ahli keluarga telah mendapat
29 panggilan telefon meminta wang, itu memang perlukan tindakan cepat,
30 sebab dia melibatkan, apa ini, ke, apa ini, keselamatan dan nyawa
31 seorang tersebut dalam tempoh tersebut. Jadi, itu adalah tindakan yang
32 urgent. Yang seperti mana yang Dato' Seri sedia maklum, dan penilaian
33 (01:23:52), yang saya maklumkan, seperti, contohnya D8. Di situ lah
34 tindakan urgent akan dimasuk. Terima kasih, Dato' Seri.
35

36 **SB** Tetapi jika penculikan itu berkaitan dengan politik, itu bukan merupakan
37 emergency?

1

2 **MSR** Saya tidak faham soalan tersebut. Apakah dimaksud, saya rasa saya
3 dah terang dengan betulnya, bahawa penculikan melibatkan wang
4 tebusan. Dan semua siasatan berdasarkan evidence. Sekarang ini
5 adalah adakah evidence atau tidak.

6

7 **PM1** Dato' Seri?

8

9 **CHM** Ya.

10

11 **PM1** Dato' Seri, izinkan ya. Tn DSP Muhammad ya. Just sekadar nak
12 penjelasan pada persoalan itu tadi. Adakah, bolehkah kita katakan kes
13 ini bukan dalam kes dianggap emergency, sebab dia bukan melibatkan
14 DB? Bolehkah kita kata begitu? Boleh saya kata begitu? Sebab ini
15 hanya kes hilang, bukan kes penculikan. Is that correct? Maka ia tidak,
16 boleh saya guna inverted comma, "It's not considered a priority case".
17 Dia dianggap sama, kalau hilang pasu dengan orang hilang, sama
18 perhatian yang diberikan. Boleh, ya, boleh beri (01:25:31) penjelasan?
19 I just need your clarification, ya.

20

21 **MSR** Ok. Dengan izin, Dato' Seri.

22

23 **PM1** Ya.

24

25 **MSR** Untuk makluman Dato' Dr, ok, setiap siasatan dijalankan oleh pegawai
26 penyiasat yang berbeza.

27

28 **PM1** Ok.

29

30 **MSR** Ok. Yang mana semuanya ada, berdasarkan apa yang diberikan.
31 Contohnya untuk OCS, untuk kes orang hilang ini adalah kes serius
32 dalam, untuk OCS.

33

34 **PM1** Ok.

35

36 **MSR** Berbanding dengan kes yang lain.

37

1 **PM1** Ok.
2
3 **MSR** Jadi, berdasarkan apa bantuan-bantuan lain, sebagai contoh yang D8
4 itu, itu adalah bantuan tambahan untuk urgent.
5
6 **PM1** Ok. Terima kasih. Thank you.
7
8 **MSR** Terima kasih.
9
10 **CHM** Ok.
11
12 **PK** Dato' Seri, may I just ask one follow up question ya? Just one.
13
14 **CHM** Yes.
15
16 **PK** Thank you. Tuan, tetapi dari berita yang am, kita tahu, kalau ada
17 seorang hilang seperti kanak, or seperti mungkin orang asing, mungkin
18 orang putih, sangat hangat dengan SOP polis. Adakah sebab ini ialah
19 sahaja orang Indo, alright, national itu Indo sahaja, sia-sia lah ini SOP
20 ya, tak apa lah, banyak ada Indo lah hilang lah, mungkin dia penolong
21 rumah lah, atau di dalam, you know, a factory lah, itu sia-sia sahaja lah.
22 Tuan, adakah pendapat atau sikap PDRM mengenai orang Indo itu
23 tidak seperti sangat mustahak?
24
25 **PM2** I think, Mr Philip, I think you mean orang Indonesia, I think.
26
27 **PK** Ya, orang Indonesia. Ya, sorry.
28
29 **PM2** Must use the proper terminology. Thank you.
30
31 **PK** I apologize. Orang Indonesia yang bernasional Indonesian, alright.
32 Sebab ada banyak orang Indonesian di dalam Semenanjung. Saya
33 bukan kata PDRM anti-Indonesia ya, saya bukan kata. Tetapi adakah
34 sebab banyak pekerja-pekerja Indonesia, alright, di dalam
35 Semenanjung ya, mungkin kehilangan dia biasa lah sahaja satu, bukan
36 seperti orang putih di dalam Cameron Highland, you know. Oh, itu

1 sangat hangat lah, you know. Mesti 48 hours, kita mesti menyiasat, ya.
2 Adakah, apakah pendapat Tuan mengenai soalan saya?

3

4 **MSR** Minta maaf, apa ini, Tuan, apa ini, Tn Philip Koh, tanya kepada wakil
5 PDRM ke, ataupun kepada saksi ini, sebenarnya?

6

7 **PK** No, pada saksi. Saya tak menyoal PDRM observer. You bukan saksi.
8 Tetapi terima kasih, Tuan. Ya. Itu sahaja pendapat. Saya bukan kata
9 you racial, atau, bukan ya. Memang orang manusia hilang, memang ok,
10 PDRM beban, alright, memang. Tetapi sebab, kata Tuan, banyak orang
11 hilang, and then orang Indonesia mungkin banyak lah, you know. Tuan
12 punya rumah kata, 'Aiyo', you know, 'Tuan, penolong kita sudah hilang.'
13 So, mungkin ini, 'Aiya, ini sahaja seorang Indonesia, wanita. Mungkin
14 mereka pergi luar negeri atau yang lain.' Adakah seperti kah sebab itu,
15 PDRM tidak mendalami penyiasatan ini? Mungkin. Apakah pendapat
16 Tn Zulfadhly?

17

18 **ZUL** Tuan, Dato' Pengerusi dan Dato', panel-panel. Jika kita tak concern
19 dengan kes ini, ok, maka tiada siasatan yang kita akan jalankan. Itu
20 yang disebabkan kita concern, kita pun tak kisah ini orang Malaysia ke,
21 orang Indonesia ke, orang Singapore ke. Disebabkan kita concern, kita
22 jalankan siasatan.

23

24 **PK** Ok.

25

26 **ZUL** Ok. Walaupun saya adalah IO ketiga, Dato' Seri Pengerusi dan panel-
27 panel, walaupun saya adalah IO ketiga, banyak tindakan yang saya
28 telah lakukan untuk membantu mengesan di mana Hilmi bin Hanim dan
29 isterinya. Terima kasih.

30

31 **PK** Ok. Terima kasih.

32

33 [01:30:00]

34

35 **CHM** Anyone else from among the observers? We are done on this
36 document. Thank you. Thank you for –

37

1 **TFW** Tuan... Mr Panel, maybe I ask a last question, is that possible? Just a
2 last question.
3
4 **CHM** Ok, Cyrus. Yes.
5
6 **TFW** Yes, just a last question. Tn Zul ialah ASP.
7
8 **ZUL** Saya.
9
10 **TFW** Di dalam... soalan yang terakhir saya adalah, di dalam kes-kes sebegini
11 yang melibatkan orang Melayu yang murtad, adakah satu kemungkinan
12 bahawa orang-orang sebegini, iaitu orang yang murtad, iaitu seorang
13 pastor yang beragama, sekarang beragama Kristian, diambil atau
14 ditahan oleh jabatan-jabatan agama?
15
16 **ZUL** Saya tak pasti, sebab saya pun tak tahu dia ini murtad ke tak murtad.
17 You yang cakap.
18
19 **TFW** Ok. So, di dalam kes ini, sememangnya Tuan, setahu Tuan, tak ada
20 menyemak dengan jabatan agama-agama yang lain di dalam negeri
21 Selangor atau negeri-negeri yang lain lah?
22
23 **ZUL** Tak ada.
24
25 **TFW** Tak ada ya? Ok. Itu sahaja, Thank you.
26
27 **CHM** Ok, then, we'll move on. We will move on. Yes, En Faiz, we move on to
28 the next document.
29
30 **MFR** Terima kasih, Dato' Seri. Untuk dokumen seterusnya, adalah 122B,
31 maklum balas daripada Suruhanjaya Pilihan Raya Malaysia.
32 Berdasarkan maklum balas ini, SPR telah mengesahkan bahawa,
33 Joshua Hilmy salah seorang pengundi yang berdaftar lah. Cuma satu
34 soalan daripada saya, Tn Zul.
35
36 **ZUL** Ya, saya.
37

1 **MFR** Adakah sebarang maklum balas rasmi daripada SPR, atau surat
2 menyurat dari SPR?
3
4 **ZUL** Dato' Seri dan panel-panel, yang kita terima adalah yang seperti
5 lampiran ini.
6
7 **MFR** Kalau boleh Tuan ingat, siapakah yang buat semakan ini?
8
9 **ZUL** Saya rasa IO yang pertama, Sarjan Ahmad Sibee.
10
11 **MFR** Baik. Terima kasih, Tn Zul. Panel members, I don't have other question
12 for this document.
13
14 **CHM** En Faiz, what, where is PDRM punya surat ya, requesting... or there's
15 no letter?
16
17 **MFR** Tak ada. Tiada, Dato' Seri.
18
19 **CHM** Tiada, ya? Ok. Could be, what, semakan over the counter kut, ya?
20
21 **MSR** Dengan izin, Dato' Seri, sebab saya ada buat pemeriksaan –
22
23 **CHM** Ya.
24
25 **MSR** Dia orang serahkan dokumen tersebut kepada kami, dan saya periksa,
26 memang ada surat daripada Sarjan Sibee buat permohonan, lepas itu
27 terus dapat lampiran ini sahaja daripada, dari JPN. Maknanya macam
28 Dato' Seri kata lah, dapat daripada kaunter itu.
29
30 **CHM** But we don't have a copy of that letter by Sarjan Sibee ya. Ok. It should
31 be in police file, kan, in the IP? A copy must be there, isn't it? Any
32 answer? DSP ya, atau Inspektor Zulfadhly?
33
34 **ZUL** Saya, Dato' Seri.
35
36 **CHM** Surat request butir ini daripada polis, ada tak?
37

1 **ZUL** Ada, dalam kertas siasatan.
2
3 **CHM** Ya? Ada?
4
5 **ZUL** Saya rasa ada, Dato' Seri.
6
7 **CHM** Tak bagi kat En Faiz ya?
8
9 **ZUL** Saya dah, sekarang ini IP, KAP dengan pegawai penyiasat yang baru.
10
11 **CHM** So, oh, now you don't have that document, ya?
12
13 **ZUL** Saya dah pindah. Saya dah tak ada access dah, Dato' Seri, untuk
14 catatan tersebut.
15
16 **CHM** Ok.
17
18 **MSR** Dengan izin, Dato' Seri. Sebab pihak Suhakam meminta maklum balas
19 sahaja.
20
21 **CHM** I see. Ok. Ok, fair enough. Ok, what do we make of this? What do we
22 make of this document? His address, IC number, ya. That's all, isn't it?
23
24 **MFR** Itu sahaja, Dato' Seri.
25
26 **CHM** Ok. Yes. Ok. Any date? Any date for this document? Ada tarikh tak?
27
28 **MFR** Tiada, Dato' Seri.
29
30 **CHM** Ok. Ok, move. Dah tanda dah, this document?
31
32 **MFR** Dah tanda, Dato' Seri. 122B.
33
34 **CHM** Ok, move on to the next document now.
35
36 **MFR** Baik. So, seterusnya adalah –
37

1 **AP** Could we just –
2
3 **CHM** Hold on.
4
5 **AP** Ask a question here –
6
7 **CHM** Hold on, any question? Any question? Yes, sorry.
8
9 **AP** Thank you. Thank you, Panel Chairman. If I could just ask one question
10 to ASP Zulfadhly.
11
12 **ZUL** Ya.
13
14 **AP** Tuan, boleh saya tanya...
15
16 **ZUL** Boleh.
17
18 **AP** Berdasarkan rekod yang disimpan oleh Tuan, ataupun apa yang diingat
19 oleh Tn Zul –
20
21 **ZUL** Ya.
22
23 **AP** Apakah maklumat yang sebenarnya diminta oleh PDRM sebelum
24 menerima jawapan yang ini? Adakah diminta hanya untuk sahkan
25 alamat sahaja?
26
27 **ZUL** Yang dalam dokumen yang dipaparkan ke ataupun yang lain?
28
29 **AP** Dari SPR. Jadi, adakah hanya untuk pihak PDRM mengetahui alamat
30 sahaja, ataupun maklumat yang lain?
31
32 **ZUL** SPR, kalau PDRM minta surat ke, hantar surat kepada SPR, memang
33 kita nak tahu di mana alamat yang dia pernah tinggal, sama ada alamat
34 terkini, ataupun alamat yang sebelum ini.
35

1 **AP** Selain daripada alamat, adakah PDRM pernah minta tempat di mana
2 penama ini, the last place he voted. Manakah tempat terakhir beliau
3 undi. Ada minta informasi itu ke?
4

5 **ZUL** Inilah yang diberi. Itu lah, ini yang kita minta dan diberi ini. Diberi
6 jawapan oleh pihak SPR.
7

8 **AP** Sebab bila kita rujuk kepada dokumen yang ini, tiada sebarang
9 maklumat berkenaan dengan tempat di mana penama undi last sekali.
10 Jadi, soalan saya, berdasarkan pengalaman Inspektor Zul, adakah
11 pernah minta tak, manakah penama ini, last sekali undi, tempat dan
12 bila? Ada tak?
13

14 **ZUL** Kita panggil pihak SPR beri keterangan.
15

16 **AP** Jadi, dari segi PDRM, PDRM tak minta lah, secara biasa, tak minta
17 informasi ini lah?
18

19 **ZUL** Kita minta, inilah yang diberi.
20

21 **AP** Jadi, adakah Tn Zul mengatakan, berdasarkan pengalaman secara am
22 –
23

24 **ZUL** Ok.
25

26 **AP** Bila polis minta di manakah penama ini undi, last sekali bila, dan
27 dimana, dan SPR jawab seperti ini dengan informasi am sahaja, tiada
28 soalan follow up ditanya? PDRM akan terima sahaja maklumat am.
29 Betul ke?
30

31 **CHM** Hello. Hello, Audrey?
32

33 **AP** Yes, Dato' Chairman.
34

35 **CHM** Audrey? That last question, I have a difficulty. I think you are putting
36 something, assumptions into the witness, kan? I think the witness has
37 made it clear, the purpose of writing is not to know, not to ask when did

1 a, this person, or where, last voted. And as you all know, not everybody
2 will go out and vote, sesetengah orang dia daftar, tapi tak vote, kan. So,
3 ASP?
4

5 **ZUL** Ya, Dato' Seri.

6

7 **CHM** Tujuan SPRM ini, buat surat macam ini, kepada SPR, cuma nak tahu
8 alamat sahaja, ataupun nak tahu alamat dan butir-butir di mana dia
9 pernah mengundi? Itu soalan peguam lah.

10

11 **ZUL** Ok.

12

13 **CHM** Sila jawab, ya.

14

15 **ZUL** Ok.

16

17 **AP** Much obliged.

18

19 **ZUL** Bila dia dah terpapar maklumat dia, yang SPR beri ini, ok, maksudnya
20 itulah alamat yang didaftar oleh Hilmy bin Hanim lah, untuk dia
21 mengundi. Jadi inilah yang dikeluarkan oleh pihak SPR.

22

23 **CHM** Ok. Adakah maksud En Zulfadhly –

24

25 **ZUL** Ya, Dato' Seri.

26

27 **CHM** Bahawa tujuan PDRM menulis surat kepada SPR, bukanlah nak tahu
28 di mana dia akhir mengundi. Bukan, ya? Cuma nak tahu alamat sahaja?

29

30 **ZUL** Ya. Alamat yang dia pergi –

31

32 **CHM** Adakah begitu? Adakah –

33

34 **ZUL** Daftar...

35

36 **CHM** Ya?

37

1 **ZUL** Alamat, Dato' Seri.
2
3 **CHM** Alamat sahaja?
4
5 **ZUL** Ya. Alamat sahaja, sebab ini yang saya panggil siasatan secara
6 menyeluruh, ok. Dan salah satu part dia adalah SPR. Kita hantar surat,
7 kita nak tahu di mana pengadu ini daftar, mengundi di mana, untuk kita
8 mengesan di mana alamat yang dia pernah tinggal, bagi tujuan
9 pencarian. Ya, Dato' Seri.
10
11 **CHM** Bukan nak tanya sama ada si polan, si polan ni Hilmy pernah mengundi
12 kali terakhir, dan di mana dia mengundi. Bukan ya?
13
14 **ZUL** Bukan. Bukan, Dato' Seri.
15
16 **CHM** Cuma nak tahu alamat sahaja?
17
18 **ZUL** Saya nak tahu di mana dia, alamat dia menetap.
19
20 **CHM** Ok. Ok, Ms Audrey. That is the question and that is the answer. Does
21 it... ok?
22
23 **AP** Yes. I'm much obliged, honourable Chairman.
24
25 **CHM** Alright. Ok. Alright. Can you... yes?
26
27 **PM2** Dato' Seri, I think the, I'm worried if there was an answer to the question
28 by Ms Audrey, because that will be against the secrecy of voting. I think
29 they don't keep records on who voted where, what, when. And there is
30 a timeline for destroying of such documents legally. So, I think that is
31 not even, if he can try to search, it will be dangerous if that information
32 is available anywhere. But it's not right to ask the police officer on this.
33 These are matters before the SPR. Yes. Thank you.
34
35 **AP** I'm much obliged.
36

1 **CHM** Yes, it did occur to my mind, but I thought the secrecy is, who you voted.
2 I think that one, you can't... that's the secret, kan? But I'm not sure
3 whether where, when did the person voted and where, I think, I'm not
4 sure whether that is also a secret. But maybe both are secrets, yes. Ok.
5 We'll leave it at that, ok. Yes. Alright. Anymore question? Tak ada? Ok,
6 next document, En Faiz.
7
8 **MFR** Terima kasih, Dato' Seri.
9
10 **CHM** Kita akan stop at 12:45PM ya. Ya.
11
12 **MFR** Baik, Dato' Seri. Ok, untuk seterusnya adalah maklum balas daripada
13 Jabatan Pengangkutan Jalan, melalui surat bertarikh 4 Mac. So,
14 berdasarkan maklum balas ini, JPJ telah memaklumkan Joshua Hilmy
15 mempunyai kenderaan jenis Perodua Kancil, dengan nombor
16 pendaftaran ACW 7498. So, hasil semakan JPJ sehingga 04.03.2020
17 mendapati tiada rekod saman terhadap penama Hilmi bin Hanim,
18 ataupun Joshua Hilmy. So, Dato' Seri, dia ada beberapa lampiran
19 dokumen dalam ini. Boleh kita tandakan sebagai 122C(1) untuk
20 maklum balas yang pertama?
21
22 **CHM** Ya. Yes.
23
24 **MFR** Baik. Untuk seterusnya, pihak urus setia mendapati terdapat semakan
25 juga telah dibuat terhadap penama Iqbal Mirza dan Fadzlina. Fadzlina,
26 sorry. Untuk lampiran yang pertama, iaitu semakan terhadap Iqbal
27 Mirza, mendapati pemilik individu ini memiliki kenderaan jenis Potron
28 Saga FL dengan nombor pendaftaran W1576X dan sebuah motosikal
29 berjenama Comel dengan nombor pendaftaran WKQ 9165. So, melalui
30 semakan JPJ, individu ini tidak mempunyai sebarang, dia tidak pernah
31 disenaraihitamkan lah. So, untuk maklumat yang kedua ini, kita
32 tandakan sebagai 122C(2). Baik, untuk seterusnya adalah maklumat
33 semakan JPJ terhadap Fadzlina Binti Amran. Bawah lagi, Zaidi, scroll
34 bawah. Bawah lagi. Bawah. Lagi. Ok. Ok, untuk lampiran ini, kita
35 tandakan sebagai 122C(3), di mana semakan telah dibuat, mendapati
36 individu ini mempunyai kenderaan jenis Toyota Vios dengan nombor

1 kenderaan WPV 3552, dan melalui semakan rekod, tidak pernah
2 disenaraihitamkan.
3
4 **CHM** En Faiz?
5
6 **MFR** Ya, Dato' Seri.
7
8 **CHM** On Iqbal Mirza and... where is it? Fadzlina?
9
10 **MFR** Fadzlina.
11
12 **CHM** Fadzlina, this semakan dengan JPJ ini, polis yang buat atau kita yang
13 buat? Suhakam yang buat?
14
15 **MFR** PDRM yang buat. Kami dapat –
16
17 **CHM** PDRM? Ok.
18
19 **MFR** Daripada –
20
21 **CHM** Ya.
22
23 **MFR** Baik.
24
25 **CHM** So, they must have a reason. Maybe En Zulfadhly can enlighten us,
26 kan? Ya?
27
28 **MFR** Baik. Seterusnya, Dato' Seri, saya akan bertanyakan soalan kepada Tn
29 Zul.
30
31 **CHM** Ya. Yes.
32
33 **MFR** Baik. Tn Zul, soalan pertama saya.
34
35 **ZUL** Ya.
36

1 **MFR** Adakah semakan kepada JPJ ini adalah semakan pertama kali? Sebab
2 surat ini adalah bertarikh 04.03.2020.
3
4 **[01:45:00]**
5
6 **ZUL** Betul.
7
8 **MFR** Makna kata, sebelum ini, tidak pernah buat semakan terhadap JPJ?
9
10 **ZUL** Ok, yang sebelum ini, Tuan, kita kena refer balik pada dalam kertas
11 siasatan, Tuan. Sebab seingat saya, ada buat semakan yang untuk ini,
12 tapi saya buat, saya suka buat kerja itu berulang supaya saya tak miss
13 apa-apa evidence.
14
15 **MFR** Baik. So, maksudnya, ini bukan semakan yang pertama lah?
16
17 **ZUL** Ya, saya rasa bukan yang pertama, sebab sebelum ini, Sarjan Ahmad
18 Sibee pun ada buat itu.
19
20 **MFR** So, dokumen ini adalah melalui siasatan Tuan sendiri?
21
22 **ZUL** Betul.
23
24 **MFR** Terima kasih, Tuan.
25
26 **MSR** Dengan izin. Saya rasa permohonan ini disebabkan yang permohonan
27 Suhakam ini tak mencari, PDRM mencari penama ini. Penama, apa,
28 Fadzlina dan Iqbal itu ya?
29
30 **MFR** Minta maaf, DSP? Permohonan ini dibuat berdasarkan permohonan
31 Suhakam?
32
33 **MSR** Tak. Maksud saya, pasal isu Iqbal dengan Fadzlina itu, permohonan
34 tersebut disebabkan pihak Suhakam yang mohon pihak PDRM mencari
35 penama Iqbal bin, Iqbal Mirza dengan Fadzlina kan?
36
37 **MFR** Ya. Baik. Terima kasih, DSP, di atas clarification. So, Tn Zul.

1
2 **ZUL** Ya, saya.
3
4 **MFR** Adakah semakan terhadap Iqbal Mirza dan Fadzlina ini dibuat oleh
5 Tuan?
6
7 **ZUL** Saya buat.
8
9 **MFR** Baik. So, kalau Tuan boleh sahkan balik, tujuan semakan ini dibuat
10 adalah disebabkan?
11
12 **ZUL** Adalah disebabkan inkuiri sebelum ini, Bukit Aman ada beri kepada
13 saya butir-butir Iqbal Mirza dengan Fadzlina Amran ini. Jadi saya buat
14 untuk kesan orang untuk direkod, untuk dirakam percakapan dia orang
15 as a witness, sebagai saksi. Jadi saya hantar lah. Sebab, saya hantar
16 semua surat-surat itu, nak tahu di mana alamat rumah beliau terkini.
17
18 **MFR** Terima kasih, Tn Zul.
19
20 **ZUL** Sama-sama.
21
22 **MFR** Baik. Mungkin soalan saya, pertama tadi, Tn Zul telah sahkan bahawa
23 semakan ini bukan lah, adalah semakan yang pertama. So, kalau
24 setakat ikatan Tn Zul, memang ada maklum balas yang lain lah,
25 daripada JPJ?
26
27 **ZUL** Saya rasa ada. Sebab kami, kalau untuk setakat check rekod, kita boleh
28 buat secara dalam sistem polis pun boleh check. Saya masukkan
29 nama, nombor IC, memang akan keluar lah. Ok. Tetapi kalau untuk
30 siasatan ini, untuk membuktikan yang kita telah melaksanakan perkara-
31 perkara tersebut, kita akan hantar surat. Kita akan hantar secara rasmi
32 lah.
33
34 **MFR** Cuma dokumen semakan sebelum ini tak diberikan kepada Suhakam.
35 So...
36
37 **ZUL** Ya.

1

2 **MFR** Kita nak tengok, apa, tarikh waktu, kronologi masa –

3

4 **ZUL** Ok. Ok, yang itu Tuan kena, kita kena refer balik. Kena panggil balik IO
5 baru, Tuan, untuk buat pengesahan.

6

7 **MFR** Baik. Terima kasih, Tn Zul. Dato' Seri, itu sahaja soalan daripada saya,
8 berkaitan dengan dokumen ini.

9

10 **CHM** I looked at the number of the car, ACW 7498 ya. Ok, tak apa. En
11 Zulfadhly will have to... this is a, will have to answer lah, kan? Answer
12 the question, kan? Mana dapat ini, ACW 7498 ini?

13

14 **ZUL** Memang dalam status dia, Dato' Seri. Memang kenderaan itu
15 didaftarkan atas nama dia.

16

17 **CHM** Wait. Oh, I see. The JPJ, wait. JPJ confirmed lah, that's it ya? Tapi there
18 is no record of saman ya? Ok.

19

20 **ZUL** Ya, Dato' Seri.

21

22 **CHM** Ok. Right. Any question from observers?

23

24 **PK** Dato' Seri –

25

26 **CHM** Ok.

27

28 **PK** Maybe I can start. I need some clarity here, I don't seem to follow, I
29 apologize. Tn Zul?

30

31 **ZUL** Ya, saya, Tuan. Saya, Tuan.

32

33 **PK** Adakah PDRM membuat penyiasatan mengenai En Iqbal dan Fadzlina
34 ini, atau itu bukan lah dalam penyiasatan Tn Zul?

35

36 **ZUL** Bukan. Ia bukan penyiasatan. Saya cuma, masa itu, saya just dapat
37 butiran Iqbal Mirza dan Fadzlina. Jadi, saya, bila kita, seseorang

1 pegawai penyiasat ini dapat nama, nombor IC dan alamat, so, kita
2 boleh access dekat sistem kita, ya, untuk semak lah, di mana alamat
3 dia, apa semua. Sebab dia, mereka berdua adalah saksi saya. Dia
4 orang bukannya suspek.
5
6 **PK** Saya faham bukan suspek. Tetapi nama-nama ini telah diberi kepada
7 IO. Pada saat Tuan menjadi IO –
8
9 **ZUL** Ok.
10
11 **PK** Adakah itulah berikat dengan soalan yang saya dulu ya, pada pagi ini.
12 Adakah Tuan ada pendapat mengapa dua orang ini ialah di dalam radar
13 untuk penyiasatan? Bukan suspek ya, tetapi dengan, people, a person
14 of interest. I mean, not suspect ya, a person of interest, for investigation.
15 Is there such a category in PDRM? A person of interest. Not, suspect.
16
17 **ZUL** A person of interest, tak ada kut. Sebab saya pun, nama-nama saksi ini
18 diberi oleh pihak Bukit Aman, ok, untuk kita rekod, untuk dia membantu
19 siasatan.
20
21 **PK** Ok.
22
23 **ZUL** Tak ada isu pun (01:51:20).
24
25 **PK** Tuan, itu lah yang kes ini berbeza dengan lain. Apabila Tuan
26 mengambil jawatan ketua polis Sungai Way, ya, ada banyak-banyak
27 kes, saya faham. Tetapi Bukit Aman beritahu, 'Sila menyiasat ini
28 dengan lebih terperinci', alright. Dan dua nama ini telah diberi kepada
29 Tn Zulfadhly. Adakah Tuan menjalani, menyoal kedua-dua orang ini?
30
31 **ZUL** Yang nama diberi, bukan dua nama ini sahaja. Sebelum ini pun ada
32 juga.
33
34 **PK** Ya, faham. Saya nak dua orang ini sahaja, sebab ini lah surat yang kita
35 mendapati. Adakah Tuan menjalani siasatan mengenai mengapa dua
36 orang ini, nama diberi dari Bukit Aman? Mungkin, ada Tuan menjalani
37 siasatan untuk menyoal mereka?

1
2 **ZUL** Kita panggil ambil statement.
3
4 **PK** So dah ambil statement, ya?
5
6 **ZUL** Ya.
7
8 **PK** Ok. Di dalam statement itu –
9
10 **ZUL** Ok.
11
12 **PK** Atau bukan terperinci, mungkin itu OSA atau apa ya. Apakah yang Tuan
13 sebagai IO, mendapati bahawa kedua-dua orang ini dan hubungan
14 mereka kepada Joshua Hilmy dan Ruth Sitepu?
15
16 **ZUL** Itu saya dah lupa lah. Saya kena tengok balik IP.
17
18 **PK** Terlupa?
19
20 **ZUL** Saya kena tengok balik IP sebab pagi ini, saya dimaklumkan hanya nak
21 tanya berkaitan dengan maklum balas.
22
23 **PK** Ok. Tuan –
24
25 **ZUL** (01:53:02 inaudible) ini –
26
27 **PK** Tuan, apabila you menjalan siasatan, adakah Tuan dapat kenyataan
28 bahawa inilah orang Pastor Joshua Hilmy, pastor, alright. Dia seperti,
29 dia sudah, yang kawan saya dia menyoal, dia ialah orang yang murtad.
30 Nama dia 'Hilmi', tetapi dia ada nama 'Joshua', alright. So adakah Tuan
31 tahu bahawa ini lah seorang yang murtad, dan juga ada jawatan seperti
32 pastor, seorang yang agama Kristian. Adakah Tuan dapat tahu
33 kenyataan itu, Joshua Hilmy?
34
35 **ZUL** Saya tak tahu, Tuan. Cuma yang bila saya rekod dua-dua statement
36 husband and wife ini, Iqbal Mirza dengan Fadzlina binti Amran ini, yang
37 saya ingat dia just cakap, jumpa untuk dapatkan rawatan.

1
2 **PK** Ok.
3
4 **ZUL** Dia tak ada pernah sebutkan kata pastor ke, dia tak pernah sebut.
5
6 **PK** Baik. 'Jumpa untuk rawatan', apakah makna itu?
7
8 **ZUL** Rawatan tradisional. Seperti yang saya ingat lah, yang Fadzlina
9 beritahu lah.
10
11 **PK** Alright. Itu lah rawatan tradisional? Itu lah yang you boleh ingat ya?
12
13 **ZUL** Ya.
14
15 **PK** Tak payah tengok statement. Ini yang berhubung dengan soalan Dato'
16 Seri, alright. Dia menggunakan satu perkataan 'baptism'. Mungkin itu
17 yang, kenyataan yang Tuan tak faham, alright. Di dalam rawatan, ada
18 berhubung ya, saya bagi you tahu. Dengan rawatan itu, apakah
19 Fadzlina dan Iqbal berkata dengan Tuan? Adakah mengikut mandi
20 untuk mencucikan diri atau apa. Adakah mereka beritahu seperti itu
21 kepada Tuan?
22
23 **ZUL** Oh, yang itu saya dah, yang itu memang saya tak ingat lah. Saya rasa
24 tak ada itu. Sebab dia cakap dengan saya, yang saya ingat lah, sebab
25 saya rekod statement dia, dia kata dia nak dapatkan rawatan.
26
27 **PK** So, you tak mengikut kenyataan itu kata, 'Rawatan apa? Ini, orang
28 Joshua bukan lah doktor', you know, bukan doktor, bukan, you know –
29
30 **ZUL** Saya rasa, Tuan, Suhakam ada panggil tahu, dua-dua ini bagi
31 keterangan ya.
32
33 **PK** Saya tahu, Suhakam tahu.
34
35 **ZUL** Ya.
36

1 **PK** Saya nak, bagaimanakah dalam pendapat Tuan apabila mendengar
2 kedua-dua orang ini berhubungan dengan ialah untuk rawatan.
3 Rawatan ialah, nak ada sembuh sesuatu. Sembuh apa? Adakah Tuan
4 menyoal kah?
5

6 **ZUL** Ok. Saya nak guna, tengok statement balik lah, Tuan. Ok?
7

8 **PK** No. Memang ada hairan sedikit. Ada dua orang kata, 'Saya pergi
9 rawatan.' Dua orang ini bukan doktor. Adakah orang ke (01:56:02)
10 bomoh ke, you know, shaman ke?
11

12 **ZUL** Supposed tanya pada saksi itu Tuan, dia pergi untuk apa Tuan.
13

14 **PK** No, you tak faham. Saya nak ingat, bagaimana Tuan, apabila
15 mendengar perkataan 'rawatan', adakah follow up soalan sahaja?
16 Mesti ada soalan, jangan kata tak ingat.
17

18 **ZUL** Tak ingat, Tuan. Sebab saya tak ada, kertas siasatan tak ada dengan
19 saya. Takkan suruh saya nak reka-reka cerita dalam pendengaran
20 inkuiri, tak boleh.
21

22 **PK** So, you di dalam panel ini kata, you tak ingat sebab orang itu kata saya
23 menjumpa, berjumpa dengan Joshua Hilmy dan Ruth untuk rawatan,
24 dan you tak ada ingatan apa-apa yang you follow up?
25

26 **ZUL** Apa yang saya ingat, masa saya rekod, dia kata untuk dapatkan
27 rawatan.
28

29 **PK** So, you sudah satisfied, answer itu 'rawatan', ya?
30

31 **ZUL** Saya ada tanya soalan lanjut juga, tapi memang saya lupa lah, sebab
32 statement itu ada dalam kertas siasatan.
33

34 **PK** Sebab ini berikat dengan Dato' Seri soalan, yang baptism, dan, ok, saya
35 akan beritahu. Kenyataan yang mereka beri kepada Suhakam, pergi,
36 mereka pergi untuk bercuci dengan seperti orang yang ada, you know,

1 dengan ayat suci ke, atau apa kah, you know. Mereka datang ke...
2 memang, adakah kenyataan sebegitu diberitahu kepada Tuan?
3
4 **ZUL** This, bersuci dengan ayat suci?
5
6 **PK** Ya. Bermandi, mandi dengan ayat suci. Adakah seperti kenyataan itu?
7
8 **ZUL** Mandi dengan ayat suci, ya? Saya lupa lah. Tapi –
9
10 **PK** Dah lupa?
11
12 **ZUL** Ya. Saya nak kena refer balik dekat saya punya ini, pada statement
13 yang saya ambil dengan mereka.
14
15 **PK** So, apakah, tidak ada syaki-mensyaki bagaimana dua orang pergi
16 rawatan dalam satu rumah, alright, rawatan apa? Tidak menjalani
17 penyiasatan lebih mendalam mengenai rawatan itu? Tidak, ya? Itu dah
18 lupa, atau tidak?
19
20 **ZUL** Dia beritahu dia just buat rawatan. Yang saya ingat, lepas itu Fadzlina
21 pun ada kata dua kali jumpa, lepas itu dah tak jumpa dah. Yang seingat
22 saya, nak kena tengok balik, saya. Tuan tak boleh nak kata, bila saya
23 tak ingat, tak ada jalani, apa, siasatan lanjut. No, itu tak betul, kan.
24 Kalau tak ada buat siasatan lanjut, saya tak panggil dua-dua itu datang
25 untuk rekod statement, Tuan. Terima kasih.
26
27 **PK** Ok. Itu lah sahaja soalan. Terima kasih, Tuan.
28
29 **ZUL** Terima kasih, Tuan.
30
31 **PK** Ms Audrey, would you like to ask question? If my co-counsel want to
32 ask, please ask together, if you can. Unless it's for clarification.
33
34 **AP** Yes.
35
36 **PK** Yes.
37

1 **AP** Ok. Thank you, Mr Koh. Tn Zul, boleh saya tanya?
2
3 **ZUL** Ya.
4
5 **AP** Setiap kali hadir untuk inkuiri di Suhakam –
6
7 **ZUL** Ya.
8
9 **AP** Memang tak dapat bawa apa-apa rekod untuk buat rujukan ke? Sebab
10 –
11
12 **ZUL** Hari itu saya di Suhakam, saya ada bawa.
13
14 **AP** Jadi kali ini –
15
16 **ZUL** Ya.
17
18 **AP** Sebab memang PDRM tahu bahawa Tn Zul telah ditukar tempat kerja.
19 Jadi, tak dapat bekalkan dengan informasi supaya dapat jawab soalan
20 ke?
21
22 **ZUL** Sebab saya difahamkan hari ini just maklum balas, apa yang diberi oleh
23 pihak Bukit Aman kepada Suhakam. Kemudian ada counter question
24 lah daripada Suhakam. Maklum balas berkenaan dokumen. Dan saya
25 percaya sebelum ini punya inkuiri, saya dah beri full commitment, ok.
26 Berkaitan dengan –
27
28 **AP** Ok, jadi –
29
30 **ZUL** Dengan statement. Later, Ms boleh check balik dengan Suhakam.
31
32 **AP** Ya. Memang kita faham, tapi sekarang ini, bila kita tanya soalan
33 berkenaan dengan dokumen yang dikemukakan, didapati memang
34 sukar untuk dapatkan jawapan.
35
36 [02:00:00]
37

1 **ZUL** Maksudnya? Berkaitann dokumen, apa yang susah dapatkan jawapan?
2

3 **AP** Ok. Sekarang kita rujuk kepada Exhibit 122C yang En Zaidi telah
4 paparkan di skrin.
5

6 **ZUL** 122C, ok. Boleh scroll balik saya tengok?
7

8 **AP** Ok, ok. Jadi, tadi Tn Zul bagi tahu surat jawapan yang diberikan oleh
9 JPJ ini adalah sekadar prosidur sebab sebenarnya PDRM sudah pun
10 mendapat informasi dari sistem sendiri berkenaan dengan saman. Jadi,
11 bila kita rujuk kepada perenggan ketiga menyatakan hasil semakan
12 sehingga 04.03.2020 mendapati tiada rekod saman terhadap individu
13 dan kenderaan milikan penama tersebut. Jadi soalan saya. Apakah
14 yang diminta oleh PDRM untuk mendapatkan jawapan seperti ini?
15 Adakah sekadar saman sahaja, rekod saman sahaja sebab itu memang
16 berada dalam sistem PDRM sendiri? Jadi, apakah yang sebenarnya
17 diminta oleh PDRM?
18

19 **ZUL** Kita minta, ok. Contoh rekod saman yang Puan tengok, para 3,
20 mendapati tiada rekod saman, ok. Sekarang ini, kita minta hantar nama
21 dan nombor IC dia untuk tahu... ok, contoh sama ada dia ini pernah
22 kena saman atau pun tidak. Ok, sekarang ini sebelum itu, kan ada
23 siasatan yang IO, IO lama buat dan minta rekod SPR. Ok, kalau Puan
24 tengok paparan dekat rekod SPR itu adalah alamat di Pulau Pinang.
25 Ok, untuk kembangkan lagi siasatan ini, kita hantar pula kepada JPJ.
26 Mana tahu, Hilmy ini pernah kena saman di Shah Alam Kenapa kita nak
27 (02:02:00) rekod begini? Kita kembangkan siasatan, Puan. Ok.
28

29 **AP** Jadi, apa yang En Zul maklumkan adalah pada 04.03.2020, ini adalah
30 siasatan dalaman yang dibuat oleh Tn Zul.
31

32 **ZUL** Ok.
33

34 **AP** Untuk semak dengan JPJ sama ada terdapat saman JPJ. Itu ke? Itu
35 yang betul ke?
36

37 **ZUL** Kamu... sekali lagi, Puan. Saya (02:02:31 inaudible).

1

2 **AP** Maksud saya, bila Tn Zul bagi tahu panel bahawa apa yang telah
3 diminta oleh PDRM kepada JPJ sama ada untuk confirm JPJ ada isu
4 saman atau tidak kepada Hilmy bin Hanim.

5

6 **ZUL** Betul.

7

8 **AP** Ok. Sebab saya lihat di perenggan kedua ini, masih terdapat kesilapan
9 dalam dia punya nombor kad pengenalan. Jadi, tapi di sini, masih dapat
10 informasi yang diminta.

11

12 **ZUL** Surat yang saya hantar itu memang IC betul. Ini semakan daripada ini,
13 maklumbalas JPJ. Boleh panggil En Hamir bin Harith itu.

14

15 **AP** So jadi, Tn Zul boleh confirm bahawa PDRM telah bagi nombor IC yang
16 betul.

17

18 **ZUL** Betul, betul.

19

20 **AP** Tapi bila dia isu surat ini, ada kesilapan taip. Ya?

21

22 **ZUL** Ya. Ini daripada maklumbalas daripada JPJ itu.

23

24 **AP** Ok.

25

26 **RC** Dato' Seri Chairman, if I may. Roger Chan from the Bar Council. ASP,
27 tadi kita ada problem lah dengan the IC.

28

29 **ZUL** Problem'apa itu? Ya?

30

31 **RC** Tadi kita ada problem, masalah dengan nombor IC. [REDACTED] itu salah.
32 Sudah diberi keterangan. Memang [REDACTED] itu berhubung dengan
33 Imigresen lah dan all the exhibits connected with the Immigration letter.
34 Now with another problem here is [REDACTED] that is something very material.
35 So, sudah dua kali, ini IC berkenaan dengan Hilmy bin Hanim sudah
36 timbul. Jadi, apakah penjelasan Tn Zul di sini? Tak kan setiap kali IC
37 nombor ini salah?

1
2 **ZUL** Ok, terima kasih, Tuan. Tuan tengok tadi yang mula-mula dokumen
3 yang En Faiz lampirkan berkaitan dengan feedback from immigration,
4 ok. Nombor IC tersilap, [REDACTED] Betul? Ok?
5
6 **RC** Ya.
7
8 **ZUL** Ok, so –
9
10 **RC** Sekarang [REDACTED]
11
12 **ZUL** Tak apa, saya jawab satu-satu dulu, ok.
13
14 **RC** Ya.
15
16 **ZUL** That's for Immigration. Then, saya pun ada (02:05:17 inaudible) yang
17 baru dengan nombor IC yang betul. Sebab itu keluarnya rekod-rekod
18 yang tak pernah keluar sebelum ini. Saya percaya En Faiz akan
19 kemukakan dalam, kita punya pendengaran inquiry sekejap lagi, ok.
20
21 **RC** Dan, dan Tn Zul faham atau tidak, dalam zaman digital sekarang –
22
23 **ZUL** Ok.
24
25 **RC** Kalau saya lupa you punya nama, saya gunakan IC saja, IC yang
26 salah boleh timbulkan maklumat tiada rekod. Betul atau tidak? Setuju
27 atau tidak?
28
29 **ZUL** Setuju.
30
31 **RC** Ya. Tn Zul, tadi saya dengar, kalau tidak silap, bahawa Tn Zul tidak ada
32 satu teori apabila menyiasat kes ini. Betul atau tidak? Tn Zul, betul atau
33 tidak bahawa tadi Tn Zul sudah memberitahu panel bahawa you tidak
34 mempunyai satu teori apabila membuat satu penyiasatan polis? Betul
35 atau tidak? Yang dikatakan oleh Tn Zul pada pagi tadi.
36

1 **ZUL** Jika siasatan tak habis, Tuan, atau pun siasatan masih belum sampai
2 dia punya, what you call, bila kita punya evidence pun kurang, macam
3 mana saya nak keluarkan (02:06:52 inaudible) –
4
5 **RC** Tn Zul, you silap dalam fahaman lah. Tn Zul tidak ada satu hypothesis,
6 tidak ada teori seperti yang dikatakan pagi tadi. Setuju atau tidak?
7
8 **ZUL** Setuju atau tidak? (02:07:08 inaudible).
9
10 **RC** Ya. You tidak ada teori atau pun satu hypothesis.
11
12 **ZUL** Saya setuju.
13
14 **RC** Tak apa. I will just look at my record here. You said that you did not
15 have a theory apabila ditanya oleh rakan bijaksana saya, Prof Koh.
16 Sekarang saya nak tanya. Kalau you tidak ada satu hypothesis atau
17 pun teori dalam penyiasatan, adakah sekurang-kurangnya Tn Zul
18 mengklasifikasikan jenis, apa, kesalahan yang mungkin akan
19 membantu penyiasatan Tn Zul? Saya berikan beberapa contoh.
20
21 **ZUL** Ok.
22
23 **RC** Seperti kidnapping, 302, dan ini kebiasaan polis dalam media mereka,
24 dia katakan kesalahan ini disiasat di bawah 302, 402. Adakah ini dibuat,
25 for example, is it a religious problem? Is it a model? Is it a kidnapping?
26 Macam, macam. Dan selepas itu, penyiasatan itu akan *dinarrow down*
27 supaya ada satu gambaran yang lebih jelas. Adakah dibuat klasifikasi
28 seperti yang saya katakan tadi?
29
30 **ZUL** Kita, klasifikasi, classified as a orang hilang, Tuan.
31
32 **RC** Orang hilang. Dan orang hilang ini hanya satu klasifikasi? Ada
33 klasifikasi yang lain?
34
35 **ZUL** Tak ada, Tuan.
36

1 **RC** Kalau tidak ada, mengapa tulis surat kepada Majlis Agama Islam,
2 Selangor, semua? Imigresen semua?
3

4 **ZUL** Untuk siasatan, Tuan. Untuk kita kesan dia dekat mana.
5

6 **RC** Ya, You bersetuju dengan saya satu siasatan polis tidak boleh tembak
7 sini, tembak sana. Dia mesti ada parameter dia supaya you boleh
8 memfokus itu siasatan. Setuju atau tidak?
9

10 **ZUL** Saya setuju. Dia –
11

12 **RC** Tidak boleh tembak sini, tembak sana.
13

14 **ZUL** Betul, betul. Saya pun tak (02:09:30) tembak lah.
15

16 **RC** Dan juga, dan juga dalam, apa, CPC, Criminal Procedure Code, ada
17 masa diberikan untuk menyelesaikan siasatan tersebut. Betul atau
18 tidak?
19

20 **ZUL** Betul.
21

22 **RC** Dan dalam kes ini, adanya satu public interest yang amat penting,
23 kehilangan. Bukan saja kehilangan, you know. And force, you know,
24 secara paksa. Dan ini bererti bahawa –
25

26 **CHM** I think Mr Roger Chan.
27

28 **RC** Yes. Yes –
29

30 **CHM** I think all these, I think you were not around, you were not around.
31

32 **RC** Yes.
33

34 **CHM** All these question –
35

36 **RC** Has been ventilated?
37

1 **CHM** Yes. When –
2
3 **RC** Ok.
4
5 **CHM** In the first round, yes, yes. Yes.
6
7 **RC** Alright, yes, yes. My apologies.
8
9 **CHM** Yes.
10
11 **RC** Dato' Seri Chairman. In which case, I will narrow down to very specific
12 question. Ok, let's go to the exhibit. ASP, berdasarkan dengan exhibit,
13 bersetuju dengan saya bahawa ada dua jenis saman secara am, saman
14 polis dan saman bukan polis? Bersetuju atau tidak?
15
16 **CHM** What do you mean, Mr Roger? Saman polis dan saman bukan?
17
18 **RC** There is actually a saman polis because if you go to the police station,
19 Dato' Seri, then you can check as to whether the particular registration
20 number actually attracted some police summon.
21
22 **CHM** Ok.
23
24 **RC** Whereas, whereas the non-police summon actually could be from
25 Bandaraya, it could be the JPJ.
26
27 **CHM** Ok, ok. Biasanya, JPJ dengan Bandaraya lah. Parking, kan?
28
29 **RC** Ya, ya. The JPJ actually it, actually occurs to more on commercial
30 vehicles like lorry and all that. So, my question, ASP ialah, sekiranya
31 ada saman jenis polis dan bukan polis, apakah yang... what is the
32 basis? Apakah, what you call, theory atau pun hypothesis dalam
33 penyiasatan yang, yang menyebabkan ASP menulis satu surat seperti
34 ini kepada JPJ, Jabatan Pengangkutan Jalanraya? What is your, what
35 is your theory, your motive?
36
37 **ZUL** Ok, Dato' Seri –

1
2 **RC** You can check your information in the police system. Why, why you
3 want to write a letter and with a materially wrong IC number in this
4 particular aspect?
5
6 **CHM** Ok, let the witness answer.
7
8 **RC** Yes.
9
10 **CHM** Apakah, apakah tujuan menulis surat ini?
11
12 **ZUL** Ok, Dato' Seri.
13
14 **CHM** Satus saman (02:12:55 inaudible).
15
16 **ZUL** Dato' –
17
18 **CHM** Status saman, apakah tujuan itu?
19
20 **ZUL** Ok, Dato' Seri dan pihak panel, ok. Saya buat semakan, kita hantar
21 semua betul, nombor IC. Saya yakin lepas ini, Suhakam boleh panggil
22 balik IO yang terbaru untuk dia beri semua lah surat-surat yang kita
23 tulis. Tujuan saya tulis ini, saya dah bagi tahu tadi ok, untuk kita kesan
24 alamat terbaru atau pun alamat terkini lah. Sebab itu Dato' Seri boleh
25 tengok semakan sehingga 04.03.2020, ok. Dan bila ada, contoh, andai
26 kata dia, Hilmy ni pernah kena saman di Shah Alam ke, di Klang ke, so
27 kita dapat satu petunjuk yang baru lah. Tujuan saya tulis surat kepada
28 trafik ke, kepada JPJ ke, adalah untuk pembuktian (02:13:45) di dalam
29 siasatan, ok. Maksudnya, setiap, kalau Dato' Seri pun, Dato' Seri
30 Pengerusi pun sebenarnya daripada Hakim Mahkamah, apa semua.
31 Dalam, di Mahkamah, andaikata semua yang ditanya, kita kena tender,
32 ok. Kena tender by letter. So itulah tujuan saya tulis surat. Dan letter-
33 letter ini, kita masukkan di dalam kertas siasatan.
34
35 **CHM** Tak, tak. Maksud soal En Roger Chan itu.
36
37 **ZUL** Ya, Dato'.

1

2 **CHM** Apakah tujuan untuk mendapatkan maklumat? Tajuk dia, maklumat
3 status saman individu. Saman ini mesti saman kereta lah, ya.

4

5 **ZUL** Ya.

6

7 **CHM** Kereta kan, ok. Kalau kita dapat maklumat itu daripada JPJ, apakah
8 kesimpulan? Jadi kita tulis surat itu, mesti ada tujuan, kan. Nak dapat
9 status.

10

11 **ZUL** Ya, saya –

12

13 **CHM** Kalau kita dapat tahu dia ini kena saman, saman speeding di Kuala
14 Kangsar. Saman, saman wrong parking, kan. So, maklumat-maklumat
15 –

16

17 **ZUL** Ya.

18

19 [02:15:00]

20

21 **CHM** Tentang kereta saman itu, bagaimana boleh, boleh membantu? Itu
22 soalan peguam lah. Membantu siasatan ASP dalam kes hilang ini.
23 Ok, itu soalan peguam itu, tujuan soalan itu.

24

25 **ZUL** Ok. Saya terus jawab secara yang mudah, Dato' Seri. Andaikata, ok
26 contoh Dato' Seri tengok, andaikata pada tahun ini, atau pun tahun
27 lepas, keputusan yang alamat baru penama ini, so kita akan terus pergi
28 ke alamat tersebut, ok. Kita nak kesan alamat dia yang seperti ini, Dato'
29 Seri.

30

31 **CHM** Kalau nak tahu alamat terkini, pasal apa tajuk itu saman? Pasal apa
32 kita, in the saman itu?

33

34 **ZUL** Memang dekat JPJ, kita punya dengan JPJ memang kita nak kesan
35 satu saman dulu. Yang mana-mana individu yang ada disaman, contoh
36 Dato' Seri, contoh Dato' Seri keluar daripada ofis, masuk Kuala
37 Lumpur, di Sogo, di KLCC, kena tangkap tak pakai tali pinggang. So

1 bila, contoh saya buat semakan, ok, maksudnya nama ini memang
2 disaman lah di situ. Contoh, Dato' Seri. Ok, jadi maksudnya ada
3 pergerakan lah individu tersebut. Sebab itu saya tulis maklumat status
4 saman individu.
5
6 **CHM** To track pergerakan?
7
8 **ZUL** Bukan pergerakan. Maksud dia, ini lah, betul lah, dia pergi ke mana.
9
10 **CHM** To track pergerakan lah.
11
12 **ZUL** Ya, Dato' Seri.
13
14 **CHM** Dia kena saman di Kuala Kangsar, kena saman di Johor Bahru, mana
15 dia biasa dia berada di Kuala Kangsar, dia biasa berada di Johor Bahru.
16
17 **ZUL** Ya, Dato' Seri.
18
19 **CHM** Itu, itu tujuan?
20
21 **ZUL** Betul, Dato' Seri.
22
23 **CHM** Itu tujuan, ok. Ok, En Roger Chan, ya.
24
25 **RC** Yes, Sir. Thank you, Dato' Seri. That's all for my question.
26
27 **CHM** Ok. On this document, any question from the other... I think yang last
28 PDRM dah tanya dah?
29
30 **MSR** Dengan izin, Dato' Seri, tiada apa-apa dari pihak PDRM.
31
32 **CHM** Ok, terima kasih. KontraS?
33
34 **SB** Tidak, Tuan.
35
36 **CHM** Ok, thank you. Ok. Ok, En Faiz, next document.
37

1 **PK** Dato' Seri, Dato' Seri, I think there was one question that my colleague
2 wanted to ask on the JPJ thing. Is it alright for Mr Cyrus? Mr Cyrus, can
3 you please speak up quickly? Don't wait until people close the session
4 to ask.
5
6 **TFW** Yes. Tuan Panel, Mr Panel, I want to ask one question relating to this
7 document. Yes, in relation to... Tn Zul, berkenaan dengan dokumen ini,
8 adakah, adakah Tuan menyemak CCTV berkenaan, berdekatan
9 dengan rumah terakhir yang didiami oleh Joshua Hilmy, berkenaan
10 dengan nombor plot ACW 7498?
11
12 **ZUL** Tuan, semak apa, Tuan?
13
14 **CHM** CCTV.
15
16 **TFW** CCTV.
17
18 **ZUL** CCTV. Semak CCTV di mana itu?
19
20 **CHM** Di rumah Kampung Tunku.
21
22 **TFW** Ya.
23
24 **ZUL** Kampung Tunku, di rumah Hilmy ini?
25
26 **TFW** Ya, ya, ya. Jalan-jalan yang berdekatan dengan jalan keluar masuk
27 rumah Tunku tersebut.
28
29 **CHM** Kampung Tunku, ya.
30
31 **TFW** Ya.
32
33 **ZUL** Ok. Saya ada tanya pada Sarjan Ahmad Sibee masa, lepas saya dapat
34 siasatan ini, saya difahamkan dia ada buat semakan itu sebab saya
35 terima IP 2018. Sarjan Ahmad Sibee memang ada buat semakan.
36

1 **TFW** Berdasarkan ingatan Tn Zul berkenaan dengan siasatan ini, adakah...
2 setahu saya sekiranya ada semakan, then snapshot-snapshot iaitu
3 gambar-gambar still yang berkaitan dengan masa-masa yang terdekat
4 akan diambil untuk siasatan lanjut. Adakah ia diambil dalam kes ini?
5
6 **ZUL** Itu saya kena semak balik dengan, pada kertas siasatan.
7
8 **TFW** Ok.
9
10 **ZUL** Ok.
11
12 **TFW** So maksudnya, Tuan tidak ingat lah setakat ini?
13
14 **ZUL** Ya.
15
16 **TFW** Ok, ok. So setakat semakan JPJ berkenaan dengan saman, adakah
17 semakan lain seperti, seperti keesahan, validity of the road tax, berapa
18 lama dan bilakah ia *direnew*, di manakah ia *direnew*? Berkenaan
19 dengan, soalan-soalan berkenaan dengan pembaharuan road tax
20 kereta, ACW 7498. Adakah ia disemak?
21
22 **ZUL** Itu saya lupa lah. Saya rasa ada buat semakan.
23
24 **TFW** Ada permohonan daripada pihak Tn Zul ke atau daripada Tuan Sarjan
25 Sibee?
26
27 **ZUL** Yang itu nak kena semak balik kertas siasatan. Kena panggil balik lah.
28
29 **TFW** Ok. So, kena semak balik lah. Tuan tak ingat lah.
30
31 **ZUL** Saya tak ingat.
32
33 **TFW** So, Tuan tak ingat. So, sama ada ada ke tidak, Tuan memang tak ingat?
34 Sama ada road tax tersebut, bilakah ia tamat pun Tuan tak ingat, ya?
35
36 **ZUL** Pun saya tak ingat.
37

1 TFW Ok, ok. Itu saja soalan saya lah. Thank you.
2
3 ZUL Ok, terima kasih.
4
5 CHM Ok, that's all for this document. Yes, En Faiz, next document.
6
7 MFR Thank you, Dato' Seri. Untuk dokumen yang seterusnya adalah
8 maklumbalas daripada KWSP, ditandakan sebagai Exhibit 122J
9 berdasarkan maklumbalas surat KWSP bertarikh 15.10.2018 untuk
10 perhatian ASP Hairol Azhar. KWSP memaklumkan bahawa rekod
11 terakhir caruman Joshua Hilmy adalah pada 01.02.1999. Untuk
12 dokumen ini, saya tiada soalan, Dato' Seri.
13
14 CHM Any question from observers?
15
16 AP No, I have no further questions on the KWSP document. Thank you,
17 panel members.
18
19 RC Dato' Seri Chairman, my simple question again is, apakah tujuan surat
20 ini kepada EPF atau pun KWSP? ASP?
21
22 ZUL Ok. Surat ini dipohon oleh ASP Hairol dan saya percaya Tuan, tujuan
23 dia adalah sama untuk mengesan alamat-alamat terkini.
24
25 RC Ok. Itu saja my soalan, Dato' Seri. Thank you.
26
27 CHM Ok. If there are no question from any other parties, then we move on to
28 the next document.
29
30 MFR Baik, terima kasih, Dato' Seri. Untuk dokumen seterusnya adalah
31 Exhibit 122E. So untuk lampiran yang pertama ini adalah emel rujukan
32 yang dibuat daripada Celcom bertarikh 7hb Jun kepada Ketua Balai
33 Polis Sungei Way dan maklumat yang di, terdapat dalam lampiran ini
34 adalah Celcom memaklumkan nombor telefon 6011 [REDACTED]
35 unavailable. Tidak terdapat. Disebabkan terdapat ada beberapa
36 lampiran, boleh saya, boleh kita tandakan dokumen ini sebagai
37 122E(1)?

1
2
3
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5
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35
36
37

CHM Ya.

MFR Baik. Terima kasih, Dato' Seri. Untuk lampiran seterusnya adalah maklumbalas daripada Maxis merupakan jadual semakan nombor telefon bagi penama Joshua Hilmy dan Ruth. Dokumen ini, daripada pihak Suhakam, kita telah tender sebagai Exhibit 112E. And untuk sesi hari ini, mungkin saya nak minta tanda sebagai 122E2. Baik. Untuk lampiran seterusnya adalah perakuan di bawah Seksyen 90A(2), Akta Keterangan, 1950, oleh pegawai Maxis, En Mohd Azhar Bin Baba pada 24.06.2019. Surat ini, seterusnya... bawah, Zaidi, bawah. Dan seterusnya adalah surat daripada Maxis bertarikh 24.06.2019 untuk rujukan Inspektor Zulfadhly mengenai butir-butir pemilik dan bil terperinci bagi Joshua Hilmy dan Ruth Sitepu. Untuk kedua-dua dokumen ini, saya mohon untuk tanda sebagai 122E(3). Baik, Dato' Seri, untuk dokumen ini semua daripada saya, tak ada soalan lanjut, Dato' Seri.

CHM Any question from members of the observers? No questions, then we can move on?

AP We have questions, honourable panel Chairman.

CHM Yes.

AP This is in relation to the Maxis letter. If En Faiz could just tell us the exhibit for the Maxis letter dated 24.06.2019. Just once more for clarification.

MFR Come again, Ms Audrey. What is your question?

AP Yes. The letter dated 24.06.2019 from Maxis.

MFR Ok.

AP Yes.

1 MFR Ok, bawah, Zaidi, Zaidi. 122 –
2
3 AP Yes. The exhibit, exhibit number and the exhibit –
4
5 MFR The exhibit number? 122E(3).
6
7 AP 122E?
8
9 MFR Yes. (3).
10
11 AP (3)?
12
13 MFR Yes.
14
15 AP Ok. So if we could have this, this document on the screen. Soalan saya,
16 Tn Zul.
17
18 ZUL Ok.
19
20 AP Surat ini bertarikh 24.06.2019.
21
22 ZUL Ya.
23
24 AP Pegawai Maxis, pada kali terakhir, telah memberi keterangan –
25
26 ZUL Ya.
27
28 AP Bahawa terdapat... permintaan kali pertama adalah pada 23.10.2018
29 dan seterusnya, daripada Tn Zul pada 08.04.2019.
30
31 ZUL Ya.
32
33 AP Dan susulan kepada permintaan tersebut, keluar surat Maxis yang ini,
34 yang dipaparkan, 24.06.2019. Jadi soalan saya, Tn Zul, adalah bila Tn
35 Zul mengambil alih siasatan ini, ada tak tanya ASP Hairol –
36
37 ZUL Ok.

1

2 **AP** Kenapa tiada follow up dibuat antara 23.10.2018 sehingga 08.04.2019?

3

4 **ZUL** Saya tanya pada Hairol, pada ASP Hairol?

5

6 **AP** Ada tak Tn Zul tanya kepada ASP Hairol?

7

8 **ZUL** Ada. Saya ada tanya itu.

9

10 **AP** Jadi apakah jawapan dia? Kenapa berbulan-bulan berlalu tanpa apa-
11 apa follow up dengan Maxis?

12

13 **ZUL** Saya, ASP bagi dekat kepada saya, saya sambung siasatan. Apply apa
14 yang, apa, buat permintaan macam Maxis ini kan, buat permintaan apa
15 yang belum dibuat lagi.

16

17 **AP** Jadi kesimpulan yang kita boleh buat adalah sama seperti jawapan
18 pada pagi tadi, bahawa apabila Tn Zul mengambil alih, hanya follow up
19 saja apa yang telah dibuat dan sekiranya terdapat masa yang lama
20 berlalu, itu tiada sebarang SOP untuk merangkumi follow up lah dengan
21 agensi.

22

23 **ZUL** Selain daripada yang, apa ini, untuk macam surat, ok, ini kita nak tahu
24 lah berperingkat. Kita hantar Maxis dulu, Celcom, SPR yang buat
25 sebelum saya, JPJ. Kita akan buat satu-satu supaya tak miss apa-apa
26 evidence yang kita terima.

27

28 **AP** Ok. Jadi sekarang saya nak rujuk kepada permintaan ya, permintaan
29 yang dibuat oleh Insp Zul pada masa itu.

30

31 **ZUL** Ya.

32

33 **AP** Pada masa siasatan dimulakan dengan Maxis.

34

35 **ZUL** Ya.

36

1 **AP** En Faiz, if I could just seek the assistance for Exhibit 118C, that is the
2 request that was initially made.
3
4 **MFR** Zaidi, 118C.
5
6 **AZB** 118?
7
8 **AP** C.
9
10 [02:30:00]
11
12 **AZB** Ok, on screen.
13
14 **AP** Ok. Jadi boleh confirm, Tn Zul, ini adalah permintaan pertama Tn Zul,
15 ya?
16
17 **ZUL** Betul.
18
19 **AP** Ok. Jika rujuk kepada dokumen ini, tiada sebarang rujukan kepada apa
20 yang telah diminta terdahulu oleh ASP Hairol. Betul?
21
22 **ZUL** Betul.
23
24 **AP** Jadi mengikut SOP PDRM, sekiranya IO yang sebelum membuat
25 permintaan, tidak perlu membuat rujukan sebelum itu, ke? Atau pun, is
26 treated as a new application?
27
28 **ZUL** Apa yang saya ingat, dalam kertas siasatan (02:31:05e), sebelum saya
29 mohon Maxis ini, mereka ada, Sarjan Ahmad Sibee ada mohon tahu,
30 dekat telco lain, ok. Kita akan go through by, satu demi satu. Kalau
31 hantar pergi Celcom atau pun any telco tak dapat jawapan, kami akan
32 pergi sebelah pula. Selalunya begitu lah.
33
34 **AP** Ok. Merujuk kepada exhibit yang dipaparkan.
35
36 **ZUL** Ok.
37

1 **AP** Jika dirujuk, dinyatakan permohonan mendapatkan alamat rumah dan
2 butiran pemilik, jadi adakah itu sahaja siasatan Tn Zul, sekadar alamat
3 rumah dan butiran pemilik sahaja yang dikehendaki?
4

5 **ZUL** Ini surat yang pertama, Puan. Kan ada dua, dua ini, dua kali surat. Yang
6 kali pertama saya hantar ini, they reject. So saya buat surat yang kedua.
7

8 **AP** Ok. Jadi soalan saya, permintaan yang pertama ini, mengapakah Tn
9 Zul hanya meminta alamat rumah dan butiran pemilik sahaja?
10

11 **ZUL** Ok, salah sebab itu saya buat yang kali kedua.
12

13 **AP** Tak, soalan saya, Tn Zul. Berdasarkan siasatan yang dikendalikan oleh
14 Tn Zul, permintaan yang dikendalikan oleh Tn Zul tak, kita tak rujuk
15 balik kepada apa yang dibuat oleh ASP Hairol. Kenapakah Tn Zul
16 hanya meminta alamat rumah dan butiran pemilik sahaja?
17

18 **ZUL** Puan, saya dah jawab lah, Puan. Saya cakap ini surat pertama, saya
19 salah. Lepas itu, saya dah hantar surat yang kedua.
20

21 **AP** So adakah Tn Zul mengatakan –
22

23 **ZUL** Ok.
24

25 **AP** Maksud Tn Zul bila katakan salah, itu salah format ke salah informasi
26 yang terhad saja yang diminta? Mana satu?
27

28 **ZUL** Salah format, Puan, Format.
29

30 **AP** Salah format.
31

32 **ZUL** Lepas itu, pada... sekejap, Puan. Pada sebelum, inquiry sebelum ini
33 pun saya dah cerita dah. Saya pun dah rekod statemen Azhar Baba ini,
34 En Azhar Baba kan. Saya dah cerita semua, Puan. Saya dah bagi full
35 ini dah.
36

1 **AP** Kita faham tapi ini kali pertama, kita dapat rujuk exhibit ini kepada Tn
2 Zul sebab sebelum ini, exhibit ini tak timbul di depan inkuiri.
3
4 **ZUL** Ok.
5
6 **AP** Jadi sekarang kita tanya.
7
8 **ZUL** Ok.
9
10 **AP** Bila Tn Zul mengendalikan siasatan.
11
12 **ZUL** Ok.
13
14 **AP** Kali pertama isu surat kepada Maxis, kenapa tanya hanya sekadar
15 alamat rumah dan butiran pemilik sahaja? Itu soalan saya. Bukan,
16 bukan merujuk kepada format.
17
18 **ZUL** Bukan merujuk... sebab yang pertama, saya buat salah. Lepas itu, saya
19 tukar lah. Bila dah dapat jawapan daripada Maxis, kita akan rekod
20 pegawai yang keluarkan jawapan itu untuk tanya lebih detail.
21
22 **AP** Ok. Jadi kesimpulan yang kita boleh buat hari ini, pada masa surat ini
23 dikeluarkan, Tn Zul hanya nak dapatkan alamat rumah dan butiran
24 pemilik sahaja, sekadar itu sahaja. Betul ke?
25
26 **ZUL** Betul.
27
28 **AP** Ok. Sekarang saya rujuk kepada jadual yang tertera dalam exhibit ini,
29 di bawah seksyen itu, di bawah kolom seksyen. Adakah ini merujuk
30 kepada kertas siasatan yang dibuka?
31
32 **ZUL** Oleh seksyen nombor?
33
34 **AP** Yang JP/KEP(OH), adakah ini merujuk kepada kertas siasatan?
35
36 **ZUL** Betul.
37

1 **AP** Ok. Soalan saya seterusnya, Tn Zul.
2
3 **ZUL** Ya.
4
5 **AP** Pada masa surat ini dikeluarkan.
6
7 **ZUL** Ya.
8
9 **AP** Ada tak Tn Zul berurusan dengan sesiapa lain di Maxis selain daripada
10 En Azhar?
11
12 **ZUL** Tak ada.
13
14 **AP** Tak ada ya, ok. Sepanjang pengalaman Tn Zul, pernah tak dapat
15 maklumat daripada telco –
16
17 **ZUL** Ok.
18
19 **AP** Selebihnya, that means outside of this format. Maksud saya, you tak
20 payah ikut format Maxis, you boleh tanya lebih daripada apa yang
21 tertera dalam exhibit ini. Pernah tak?
22
23 **ZUL** Maksud dia?
24
25 **AP** That means you are not limited by the format that Maxis has given. Bila
26 PDRM memerlukan butir-butir yang lanjut, informasi yang selebihnya,
27 you tak payah mengikut yang ini, you boleh minta informasi lebih
28 daripada Maxis.
29
30 **ZUL** Format ini... Puan, format ini, Maxis yang bagi. So kita –
31
32 **AP** Saya faham.
33
34 **ZUL** Ok, dalam surat jawapan yang kita terima daripada Maxis, bila kita rasa
35 macam maklumat ini tak cukup, so kita akan rekod keterangan dia di
36 bawah Seksyen 112, Puan.
37

1 **AP** Ok. Jadi saya tanya soalan macam ini pula, ya.
2
3 **ZUL** Ya.
4
5 **AP** Sekiranya PDRM memerlukan maklumat yang lebih lanjut daripada apa
6 yang tertera dalam format ini, apakah PDRM akan buat?
7
8 **ZUL** Saya akan rekod statement dia, Puan. Saya akan panggil dia hadir bagi
9 keterangan.
10
11 **AP** Ok. Jadi dalam kes ini, ada tak rekod statement daripada pegawai
12 Maxis untuk dapatkan informasi yang selanjutnya?
13
14 **ZUL** Ada. Saya dah ceritakan lah kepada Suhakam sebelum ini.
15
16 **AP** Ok. Jadi bila rekodkan statement, ada tak dapat informasi bahawa
17 sebenarnya Maxis simpan informasi customer dia untuk tujuh tahun?
18 Ada tak dapat informasi?
19
20 **ZUL** Tak ada. Saya, saya ada yang pertanyaan saya terhadap En Azhar bin
21 Baba ini, ini yang berkaitan dengan bil terperinci. Ok, bil terperinci ini,
22 untuk makluman Dato' Seri dan ahli panel, ini bukanlah bil, bil yang kita
23 bayar, bil month (02:37:10 inaudible) tu, tak ada. Bil terperinci maksud
24 dia semua rekod panggilan keluar masuk, apa semua. Lepas itu, yang
25 tadi berkaitan dengan... apa tadi, Puan yang tanya itu?
26
27 **AP** Saya tanya berkenaan dengan tujuh tahun dia simpan maklumat.
28
29 **ZUL** Tujuh tahun. Sekejap, Puan. Saya kena refer balik kepada kertas
30 siastan itu, Puan, sebab memang En Azhar Baba ini, saya memang ada
31 rekod statement dia. Saya ada tanya tahu pasal, pasal yang nombor
32 yang tidak, yang sudah disconnection itu ada berapa lama lagi dia boleh
33 simpan. Memang saya ada rekod statement dia. Statement dia pun
34 saya rekod bertarikh 12hb Februari.
35
36 **AP** 12hb Februari, tahun?
37

1 **ZUL** 12hb Februari tahun... Nanti saya semak balik, Puan. Nak kena semak
2 balik dalam itu, Puan, dalam kertas siasatan itu.
3
4 **AP** Ok. Jadi soalan saya seterusnya.
5
6 **ZUL** Ya, Puan.
7
8 **AP** Sorry, En Zaidi. I need the next exhibit which I think it is, the following,
9 following application that was made by Tn Zul. Sorry, En Faiz. I need
10 your help.
11
12 **MFR** Exhibit berapa, Puan?
13
14 **AP** It's the one after this. That means it is the one in June. Let me just
15 double check. Yes. That means it's the police request on the 24th of
16 June. Before Maxis' response.
17
18 **PM2** Zaidi, just go down and show us the next document.
19
20 **AZB** Ok. Satu, satu ini saja, bos, En Jerald. Ini kalau, yang ini yang C lah
21 (02:39:36 inaudible).
22
23 **AP** Yes. Yes, thank you. Thank you, En Zaidi. This is the one.
24
25 **AZB** This one?
26
27 **AP** Yes.
28
29 **AZB** Ok, alright.
30
31 **AP** Ok. Jadi Tn Zul, kalau kita merujuk kepada dokumen yang ini, kolum
32 yang terakhir sekali, tarikh bil dipohon. Boleh tolong jelaskan kepada
33 panel kenapa diminta bulan Oktober sahaja untuk kedua-dua nombor?
34
35 **ZUL** Ya? Tak dengar.
36
37 **AP** Kolum yang last sekali.

1
2 **ZUL** Ya.
3
4 **AP** Tarikh bil, tarikh bil dipohon.
5
6 **ZUL** Ok.
7
8 **AP** Tarikh yang tertera di sana adalah 01.10.2016 hingga 31.10.2016 untuk
9 dua nombor.
10
11 **ZUL** Untuk dua nombor ini –
12
13 **AP** Dua nombor telefon.
14
15 **ZUL** Tarikh, tarikh bil dipohon.
16
17 **AP** Nombor telefon.
18
19 **ZUL** Ok, Puan, Dato' Seri dan panel-panel. Ok, ini format yang second lah,
20 yang saya terima daripada Maxis. Ok, jadi tarikh bil itu yang saya pohon
21 01.10.2016 hingga 31.10.2016, ada dalam statemen yang saya rekod,
22 apa nama, En Azhar Baba ini. Dia dah jelaskan, dia ada maklumkan
23 kepada saya start bila activation date dia, apa semua. Jadi ini just
24 dalam format dia saja, Puan, Dato' Seri dan panel-panel, yang saya
25 letak tarikh itu. Sebab bila kita dapat jawapan daripada pegawai Maxis
26 ini, baru mintakan rekod secara detail. Apa yang, input yang Maxis
27 boleh bagi untuk bantu kita dalam siasatan kes ini.
28
29 **CHM** En Zulfadhly.
30
31 **ZUL** Saya, Dato' Seri.
32
33 **CHM** Tengok kolum yang terakhir itu, nampak gayanya fokus, tumpuan En
34 Zulfadhly adalah satu bulan, ya?
35
36 **ZUL** Ya, Dato' Seri.
37

1 **CHM** Iaitu bulan Oktober, ya. Oktober. Bagi kedua-dua handphone itu, kan?
2

3 **ZUL** Ya, Dato' Seri.
4

5 **CHM** Kedua nombor itu, fokus Oktober saja. Satu bulan, tahu. Oktober. So
6 soalan peguam ialah mengapa Oktober ini difokuskan? Apa yang minat
7 En Zulfadhly tentang Oktober ini? Apa yang minat?
8

9 **ZUL** Saya buat secara random saja, Dato' Seri.
10

11 **CHM** Ok. Kita boleh buat secara random –
12

13 **ZUL** Ya.
14

15 **CHM** Tapi mengapa pilih Oktober? Ada sebab?
16

17 **ZUL** Masa yang kali pertama saya apply, dia orang dah reject dah. So, Maxis
18 bagi tahu ada format baru. So kita ikut format yang Maxis bagi ini. Lepas
19 itu, saya tak tahu lah letak tarikh yang mana ini, saya letak saja bulan
20 Oktober 2016. Lepas itu, saya ada maklum kepada En Azhar, saya
21 cakap 'kalau keluar saja yang penama ini punya nama, nombor IC ini
22 dan nombor telefon, siapa pemilik dia, siapa dia punya ini, saya nak
23 datang rekod statemen. Jadi yang tarikh bil dipohon ini, Dato' Seri, saya
24 just letak random sahaja.
25

26 **CHM** Random sahaja. Just random saja.
27

28 **ZUL** Ya.
29

30 **CHM** Tidak ada kaitan dengan tarikh kehilangan, ya? Tak ada kaitan, ya.
31 Random saja.
32

33 **ZUL** Sebab laporan yang saya terima pun pada 2017, Dato' Seri. Tak ada ni
34 pun Dato' Seri. Sebab kalau, ok, throwback balik apa yang saksi cakap,
35 bulan, anak Peter Promannan pun dah bagi keterangan, apa semua,
36 maksud yang mereka bersama dengan Joshua itu kan, di rumah.
37

1 **CHM** Ok. Secara random, ya?
2 **ZUL** Secara random, Dato' Seri.
3
4 **CHM** Bukan bagi apa-apa tujuan khusus ya, berkaitan dengan kehilangan?
5
6 **ZUL** Tak. Tak ada, Dato' Seri.
7
8 **CHM** Ok, baik, ya. Ok, counsel, that's the answer, alright.
9
10 **AP** I'm much obliged, honourable Commissioner. Tn Zul, jadi saya nak
11 tanya, bila Tn Zul mengambilalih siasatan pada tahun 2018, terdapat
12 dalam kertas siasatan –
13
14 **ZUL** Ok.
15
16 **AP** Tarikh last kali yang, apa ini, dilihat, yang orang hilang ini, pasangan
17 ini di, dia last kali dilihat pada 30.11.2016. So, soalan saya, kenapa Tn
18 Zul tak minta Maxis untuk rekod bulan November dan bulan December,
19 tahun 2016?
20
21 **ZUL** Sebab kita minta yang sebelum itu, sebab bila, contoh dikatakan, hilang
22 itu contoh bulan November, memang kita akan refer yang sebulan
23 sebelum itu, ok. Jadi sebulan punya itu mungkin ada perbualan yang
24 menarik ke atau apa-apa isu yang menarik, kita akan minta dan bila kita
25 perolehi jawapan begini, kita akan panggil pula pegawai Maxis itu untuk
26 kita rekod dia punya keterangan.
27
28 **CHM** Tapi En Zulfadhly.
29
30 **ZUL** Saya, Dato' Seri.
31
32 **CHM** Kehilangan 30hb November, counsel? 30th November, ya?
33
34 **AP** That was the last date, Honourable Commissioner. They were last seen
35 on the 30th of November, Panel Chairman.
36
37

[02:45:00]

1
2 **CHM** Kalau kita ambil the whole of month, whole of November, dah satu
3 bulan, kan? 30 days. Pasal apa tak nak pilih November tapi –
4
5 **ZUL** Kita ambil sebulan random. Kita ambil sebulan itu, Dato' Seri.
6
7 **CHM** Ok, ok. Random. The answer is random lah. Yes.
8
9 **AP** Jadi soalan saya. Boleh tak kita buat kesimpulan bahawa bila PDRM
10 menerima jawapan daripada Maxis sekadar apa yang telah diminta oleh
11 PDRM, PDRM telah terima maklumat itu dan selesai. Tak ada sebarang
12 pertanyaan lanjut kepada Maxis. Betul ke?
13
14 **ZUL** Pertanyaan lanjut berkaitan apa tu?
15
16 **AP** That means apabila PDRM terima maklumat yang tadi, surat Maxis
17 yang tertera, selain daripada itu, tiada soalan lanjut ditanya kepada
18 Maxis berkenaan dengan apa-apa informasi lain. Bil, bil selanjutnya
19 atau pun maklumat.
20
21 **ZUL** Saya ada tanya. Saya ada rekod statemen Azhar, En Azhar Baba itu.
22 Memang saya ada tanya.
23
24 **AP** Jadi bila tanya kepada En Azhar, langsung tak keluar bahawa Maxi
25 menyimpan rekod mereka selama tujuh tahun?
26
27 **ZUL** Betul.
28
29 **AP** Jadi sepanjang pengetahuan Tn Zul sehingga hari ini, Tn Zul tak, tak
30 tahu ke bahawa Maxis menyimpan maklumat customer mereka untuk
31 tujuh tahun?
32
33 **ZUL** Tak tahu. Yang itu saya tak tahu.
34
35 **AP** Ok.
36

1 **ZUL** Tapi saya ingat rekod statement Azhar Baba itu, saya minta bil
2 terperinci untuk semak rekod panggilan masuk. Dia pun cakap tiada.
3 Yang itu memang saya.
4

5 **AP** Jadi, bila buat siasatan sama ada Tn Zul ke, yang sebelum ke, selepas,
6 tiada officer yang senior dalam PDRM yang memantau kes ini ke? Yang
7 memberitahu bahawa telco sememangnya kena simpan dia punya
8 rekod untuk tujuh tahun?
9

10 **ZUL** Puan, kita dapat jawapan ini berdasarkan apa yang Maxis beri, Puan,
11 Jadi kalau dia cakap tiada, kita pun rekod tiada lah, Puan.
12

13 **AP** Ok. Soalan saya tadi, Tn Zul.
14

15 **ZUL** Ya.
16

17 **AP** Ada tak sesiapa senior, pegawai yang senior, yang kanan di PDRM
18 bagi tahu bahawa telco sepatutnya, di bawah undang-undang, simpan
19 maklumat customer mereka untuk tujuh tahun? Ada tak sesiapa
20 pegawai PDRM yang senior yang maklumkan kepada IO?
21

22 **ZUL** Saya yakin kalau Puan panggil mana-mana pegawai senior PDRM,
23 saya yakin mereka pun tidak tahu, Puan.
24

25 **AP** Jadi –
26

27 **ZUL** Sekarang ni, base kepada apa yang Maxis beri, Puan.
28

29 **AP** Ok. Jadi, untuk Tn Zul lah, sebagai IO yang pegang dari 2018 –
30

31 **ZUL** Ya.
32

33 **AP** Memang tiada sebarang pegawai kanan PDRM bagi tahu Tn Zul
34 bahawa telco dikehendaki simpan maklumat tujuh tahun bagi customer
35 mereka. Setuju ke?
36

37 **ZUL** Pegawai, pegawai Maxis ke atau pegawai –

1

2 **AP** Tak, pegawai PDRM yang kanan. Ada tak sesiapa dalam PDRM bagi
3 tahu En Zul bahawa setiap telco dikehendaki, di bawah undang-
4 undang, untuk simpan maklumat mereka untuk tujuh tahun, customer
5 information?
6

7 **ZUL** Ok.
8

9 **AP** Ada tak pegawai PDRM bagi tahu?
10

11 **ZUL** Tak ada.
12

13 **AP** Tak ada, ok. I have no further question, panel members.
14

15 **PK** Dato' Seri, can I just follow up with one or two questions, with your
16 permission, quickly?
17

18 **CHM** Yes, yes.
19

20 **PK** Thank you. Tn Zulfadhly.
21

22 **ZUL** Ok.
23

24 **PK** Tahun 2016, November.
25

26 **ZUL** Ya.
27

28 **PK** Kedua-dua orang ini dikeluarkan dari rumah. Kereta dan mereka dihilang,
29 hilang. Bagaimana Tuan tidak ada, tidak ada arahan untuk kata
30 mungkin telefon bimbit ada log-log atau apa-apa ciri-ciri yang
31 kenyataan yang mustahak? Bagaimana tidak menyiasat secara
32 mendalam-dalam dari Maxis? Bagaimana Tuan tidak ada arahan itu?
33 Kita bukan orang yang, penyiasat yang matang seperti Tuan, alright.
34 Tetapi Tuan menulis surat dan random tarikh, bukan tarikh November
35 atau Disember. Bagaimana? Bolehkah beri, mengapa tidak mengikut
36 arahan mendapat log-log?
37

1 **ZUL** Log? Ok.
2
3 **PK** Daripada telefon bimbit, log bimbit. Telefon bimbit.
4
5 **ZUL** Log apa?
6
7 **PK** Log bimbit, telefon bimbit dari Maxis. Mengapa tidak?
8
9 **ZUL** Arahan memang diberikan untuk siasat daripada semua angle.
10
11 **PK** Ya.
12
13 **ZUL** Saya terima kertas siasatan, ok. Saya dah, saya percaya Tuan pun ada
14 daripada first saya bagi keterangan sehingga hari ini, ok, apa tindakan-
15 tindakan yang saya dah buat. Kes setiap bulan apa yang kita buat follow
16 up, ok. Maxis bagi format begini dan apa yang kita terima, bukannya
17 kita, saya simpan jawapan itu dalam kertas siasatan. Tidak. Saya
18 panggil juga En Azhar Baba ini untuk saya dapatkan secara detail, ok.
19 Bukit Aman, saya rasa observer PDRM mungkin boleh beri apa yang,
20 yang saya rekod –
21
22 **PK** Saya menyoal Tuan, bukan PDRM. En Azhar itu ialah officer yang
23 sangat junior dan kalau you menyoal, dia kata oh, saya bil sahaja, saya
24 boleh print out –
25
26 **CHM** Mr Philip Koh, Mr Philip Koh.
27
28 **PK** Ya.
29
30 **CHM** Ask a simple direct question kan, and you will get, you will get the
31 answer and later on, you will make your submissions.
32
33 **PK** Ok.
34
35 **CHM** You know what –
36
37 **PK** Ok.

1
2 **CHM** You know my (02:51:38 inaudible) I'm getting at.
3
4 **PK** I understand.
5
6 **MFR** Sorry, Dato' Seri. Sorry, Mr Philip. Before I proceed, just to inform that
7 PDRM observers dah left daripada sesi ini sebab blackout. Mereka
8 menghadapi masalah teknikal.
9
10 **PK** Then we shouldn't continue without them. It's not fair. I understand
11 Dato' Seri your direction. Yes, I will take note.
12
13 **CHM** Yes, but we can continue, kan? We will continue, yes.
14
15 **MFR** Thank you, Dato' Seri.
16
17 **CHM** Yes. But ask, ask simple questions, yes. And then when it come to
18 submissions, you know how to submit.
19
20 **PK** Ok. Ini berikat dengan kes, soalan saya dan juga En Roger Chan.
21 Memang kalau satu orang hilang, ada dua-dua hypothesis. Dia mungkin
22 diculik, mungkin hilang diri. Right? Kalau culik atau hilang, memang
23 pada tempat yang mustahak ialah telefon rekod, bukan billing. Ya atau
24 tidak, Tn Zulfadhly?
25
26 **ZUL** Macam mana? Macam mana, Tuan?
27
28 **PK** Adakah penyiasatan –
29
30 **ZUL** Ya.
31
32 **PK** Bukanlah billing sahaja, tetapi, tetapi detail dari telefon bimbit itu. Ada
33 orang menelefon kah? Siapa menelefon kah? Mungkin itulah yang
34 mustahak ya, Tuan?
35
36 **ZUL** Bukan itu saja. Bukan telefon saja. Kadang-kadang kenalan, ahli
37 keluarga –

1

2 **PK** Ya, tapi, tetapi kita kata, now sekarang Maxis, you menulis ke Maxis,
3 you bukan menyoal sahaja orang yang, jawatan sangat rendah. Oh,
4 ada apa-apa ciri, dia bagi you billing sahaja. Itulah you satisfied, is it?
5 You menerima dan you tidak menjalankan siasatan lagi?

6

7 **ZUL** Bukan. Memang saya dah pindah, ok. Saya dah pindah. So ada IO
8 baru. If Maxis cakap, ada dua tahun punya siasatan yang disimpan, kita
9 akan apply baru. Kita akan tengok apa yang Maxis boleh beri, dan kita
10 akan jalankan siasatan.

11

12 **PK** Ok. Saya... Dato' Seri, I don't want to pursue this anymore. I think I'm
13 drawing a blank. Thank you very much. I will do my submissions, yes.

14

15 **CHM** Alright, yes. Ok, yes. Alright. Ok, any more questions from anyone?

16

17 **TFW** Yes, Mr Panel. Maybe I ask one question, one question. If, with your
18 permission.

19

20 **CHM** Yes.

21

22 **TFW** Tn Zul, so Tuan tahu betapa pentingnya daripada siasatan awal
23 bahawa Joshua Hilmy menerima satu panggilan sebelum dia keluar
24 daripada rumah beliau. Tuan tahu, ya?

25

26 **ZUL** Ok.

27

28 **TFW** Dia menerima satu panggilan. Menurut statement yang diberikan oleh
29 anak Peter Pormannan –

30

31 **ZUL** Betul, betul.

32

33 **CHM** Sebentar, sebentar, sebentar. You ask your question, let him answer
34 first, kan.

35

36 **TFW** Yes. Tuan tahu dia menerima satu panggilan? Tuan tahu tak?

37

1 **CHM** Or you know dia tak tahu, yes. Do you know?
2
3 **TFW** Tuan?
4
5 **CHM** Adakah En Zul tahu?
6
7 **ZUL** Tak, saya... tahu ini.
8
9 **CHM** Ok. Then you follow your question. Cepat, yes.
10
11 **TFW** Yes. Tuan tahu, ya. So, Tuan tahu juga tarikh dia menerima tarikh dia
12 menerima panggilan tersebut. Ya?
13
14 **ZUL** Ok, tarikh itu saya lupa.
15
16 **CHM** Tapi ada tarikh lah.
17
18 **TFW** Tuan tahu lah daripada statement.
19
20 **ZUL** Saya tahu. Ok, yes.
21
22 **TFW** So, so, berdasarkan pengetahuan Tuan, Tuan tahu bahawa dia
23 menerima panggilan telefon dan panggilan tersebut mungkin
24 mempunyai satu lead yang sangat penting lah. Betul? Betul saya cakap
25 begitu?
26
27 **ZUL** Tak faham. Macam mana?
28
29 **TFW** Berdasarkan siasatan awal –
30
31 **ZUL** Ok.
32
33 **TFW** Iaitu statemen daripada anak Peter Pormannan.
34
35 **ZUL** Ok.
36

1 **TFW** Josiah, Tuan tahu dia ada menerima satu panggilan sebelum Joshua
2 Hilmy dan Ruth Sitepu keluar daripada rumah. Tuan tahu, ya?
3
4 **ZUL** Ya.
5
6 **TFW** Tadi Tuan cakap tahu. So, setujukah dengan saya panggilan tersebut
7 mungkin memberi satu lead yang sangat penting kepada kes ini? Tuan
8 setuju?
9
10 **ZUL** Saya tak setuju sebab saya tak tahu apa kandungannya.
11
12 **TFW** Tapi dia akan, mungkin akan memberi satu lead lah. Mungkin lah.
13 Kerana itu panggilan terakhir yang dia dapat.
14
15 **ZUL** Panggilan terakhir yang siapa dapat? Hilmy ke?
16
17 **TFW** Ya, Hilmy.
18
19 **ZUL** Ok.
20
21 **TFW** Ya. Setuju atau tidak?
22
23 **ZUL** Setuju untuk?
24
25 **TFW** Bahawa ia akan memberi satu lead kepada pihak polis dalam siasatan
26 kes ini.
27
28 **ZUL** Setuju atau tidak?
29
30 **TFW** Ya. Ia akan, mungkin akan memberi satu lead kepada siasatan kes ini.
31
32 **ZUL** Ok.
33
34 **TFW** Jawapan? Ya, Tuan? Jawapan Tuan?
35
36 **ZUL** Ya, ya. Ya, ya.
37

1 **TFW** Jawapan Tuan?
2
3 **ZUL** Saya dengar.
4
5 **CHM** Cyrus, Cyrus. Cyrus?
6
7 **ZUL** Boleh dengar? Yes? Ok? Ya, ya.
8
9 **CHM** We are dealing with the same witness.
10
11 **ZUL** Ya, ya.
12
13 **CHM** Same witness.
14
15 **TFW** Yes.
16
17 **CHM** You went, you went through one round last time.
18
19 **TFW** Yes.
20
21 **CHM** Don't, don't go with that I think.
22
23 **TFW** Ok, alright. Ok.
24
25 **CHM** You are supposed to ask on the documents. Only on the documents
26 that he tendered.
27
28 **TFW** Ok, ok. I think, I think that's all for my questioning lah. That's all.
29
30 **CHM** Ok.
31
32 **TFW** Thank you, panel. Yes.
33
34 **CHM** Any question from any other observers? Tak ada, ya. Ok, next
35 document.
36

1 **MFR** Dato' Seri, for your information, for the three document, next will
2 supposedly in the closed session.
3
4 **CHM** Ok.
5
6 **MFR** So should we invite media or other parties to leave this session?
7
8 **CHM** Do we want to proceed now? Because we, it's almost 12:45PM lah. Can
9 we stop now here? Kita berhenti lah. Ok. Next will be a closed session.
10 Ada banyak dokumen lagi ke?
11
12 **MFR** Tiga dokumen, Dato' Seri.
13
14 **CHM** Tiga, I see. Ok. Dokumen daripada mana itu?
15
16 **MFR** Dokumen, untuk Exhibits 1 –
17
18 **CHM** Maybank.
19
20 **MFR** Maybank. Untuk Exhibit 122F daripada JPN. Exhibit 122... sorry, 122G
21 daripada SKM dengan 122H daripada Maybank.
22
23 **CHM** Ok. Right, so I think we will come to the end of today's session and we'll
24 proceed at the next session on the remaining documents. Remaining
25 documents, apart from Simon, yes Faiz, apart from continuing with
26 those documents next session, what else?
27
28 **SK** Dato' Seri, we also have received a reply from Maybank on our part,
29 our correspondent with Maybank, which is also confidential. I think we
30 can also present it at the same hearing.
31
32 **CHM** I see, ok. Right.
33
34 [03:00:00]
35

1 **PM2** Simon, I think in the interest of managing it altogether in the closed
2 session, maybe the officers can work on the OCBC document, if there
3 is a need to be brought at that same time also, yes.
4
5 **SK** Will do. Will do, panel members.
6
7 **CHM** Ok. When is the next hearing date?
8
9 **SK** 26th of August at 02:00PM.
10
11 **CHM** Ok. 26th of August, right, yes. 02:00PM?
12
13 **SK** Yes, afternoon session.
14
15 **CHM** Ok. With that, I would like to thank everyone today, yes. For today's
16 session. We will see you all again, right. Ok.
17
18 **SK** Ok, thank you.
19
20 **AP** Thank you.
21
22 **SB** Thank you.
23
24 **CHM** Thank you, everyone. Yes.
25
26 **RC** Ok, bye.
27
28 **END**
29
30 **TIME :** [03:00:55]

**SUHAKAM PUBLIC INQUIRY OF
PASTOR JOSHUA HILMY
RUTH SITEPU**

DATE : 04.10.2021
VIDEO TITLE: GMT20211004-013532_Recording_1686x728

NOTES OF INQUIRY

Coram

Chairman Panel Member 1 Panel Member 2	Dato' Seri Hishamuddin Yunus Dato' Dr Madeline Berma Jerald Joseph	CHM PM1 PM2
PDRM Observer	SAC Ahmad Dzaffir Bin Mohd Youssof DSP Muhammad Sabri bin Mohd Raziff	ADY MSR
Family Observer	Philip Koh Cyrus Tiu Foo Woei Audrey Pillai	PK TFW AP
Bar Council Observer	Andrew Khoo Lim Heng Sen Roger Chan SP Chanra	AK LHS RC SPC
SUHAKAM Panel	Simon a/l Karunagaram Muhammad Faiz Bin Abd Rahman Puveethra Raja Segaran Aida Suraya Haron Ahmad Zaidi bin Baharuddin	SK MFR PRS ASH AZB
Indonesian Embassy	Tuan Junjungan Sigalingging Tuan Henry Dian Dwiharto	SJ HDD


KontraS	Syahr Banu	SB
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Witness

1	Peter Pormannan a/l Annamalai	PETER
2	Grace Thangamalar a/p Peter Pormannan	GRACE
3	Josiahnandan Emmanuel a/l Peter	JOSIAH
4	Ramanathan a/l Manickavasagan	RAMA
5	Selvakumar Peace John Harris	SELVA
6	Ram Ram Elisabeth	RAM
7	Iman Setiawan Sitepu	IMAN
8		
9		
10	Susandi Bin Basari	SUSANDI
11	ASP Shafiee Bin Marsidi	SHAFIEE
12	Insp Nurul Huda Bin Bustami	NURUL
13	ASP Hairol Azhar	HAIROL
14	Insp Zulfadhly Bin Yaacob	ZUL
15	DSP Supari Bin Muhammad	SUPARI

16	Iqbal Mirza Bin Mohd Jalaludin	MIRZA
17	DCP (B) Dato' Awaluddin Bin Jadid	AWAL
18	Fadzlina Binti Amran	FADZLINA
19	DSP (B) Omar bin Hassan	OMAR
20	Ahmad Sibee bin Nordin	SIBEE
21	Junainh Binti Dalugamin	JUNAINH
22	Zulkarnain Md Yasin	ZULMY
23	Azhar Baba	AZHAR

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START

1

2

3 **PK** Good morning, can you all hear?

4

5 **CHM** Yes.

6

7 **SK** Good morning, Philip. We can hear you.

8

9 **PK** Good morning, Dato' Seri. Good morning, Dato' Dr Madeline.

10

11 **CHM** Yes

12

13 **PM1** Hi.

14

15 **PK** How are you?

16

17 **PM1** Good, good.

18

19 **PK** Mr Jerald, good morning.

20

21 **PM2** Morning.

22

23 **SK** I didn't see anyone from Bar Council. Anyone from Bar Council is
24 around?

25

26 **AZB** It's Andrew, Andrew Khoo.

27

28 **SK** Andrew? Andrew ada, ya?

29

30 **AZB** Ada.

31

32 **PK** And Saudari Banu, ya, KontraS, hi, good morning.

33

34 **SB** Good morning, it has been a while.

35

36 **SK** Ok semua dah masuk, ya, Aida kecuali saksi, ya? Good morning, dear
37 panel members, Dato' Seri, boleh kita mula?

1
2 **CHM** Thank you.
3
4 **PM1** Ok.
5
6 **PK** Ok bye. Be well, keep safe.
7
8 **PM1** Keep safe yes.
9
10 **END**
11
12 **TIME :** [02:57:46]

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**SUHAKAM PUBLIC INQUIRY OF
PASTOR JOSHUA HILMY
RUTH SITEPU**

DATE : 01.12.2021
VIDEO TITLE: GMT20211201-062857_Recording_1686x768

NOTES OF INQUIRY

Coram

Chairman Panel Member 1 Panel Member 2	Dato' Seri Hishamuddin Yunus Dr Madeline Berma Jerald Joseph	CHM PM1 PM2
PDRM Observer	SAC Ahmad Dzaffir Bin Mohd Youssof DSP Muhammad Sabri bin Mohd Raziff	ADY MSR
Family Observer	Philip Koh Cyrus Tiu Foo Woei Audrey Pillai	PK TFW AP
Bar Council Observer	Andrew Khoo Lim Heng Sen Roger Chan SP Chanra	AK LHS RC SPC
SUHAKAM Panel	Simon a/l Karunagaram Muhammad Faiz Bin Abd Rahman Puveethra Raja Segaran Aida Suraya Haron Ahmad Zaidi bin Baharuddin	SK MFR PRS ASH AZB
Indonesian Embassy	Tuan Junjungan Sigalingging Tuan Henry Dian Dwiharto	SJ HDD

KontraS	Syahr Banu	SB
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3 **Witness**

1	Peter Pormannan a/l Annamalai	PETER
2	Grace Thangamalar a/p Peter Pormannan	GRACE
3	Josiahndan Emmanuel a/l Peter	JOSIAH
4	Ramanathan a/l Manickavasagan	RAMA
5	Selvakumar Peace John Harris	SELVA
6	Ram Sivakumar Elisabeth	RAM
7	Iman Setiawan Sitepu	IMAN
8	[REDACTED]	
9	[REDACTED]	
10	Susandi Bin Basari	SUSANDI
11	ASP Shafiee Bin Marsidi	SHAFIEE
12	Insp Nurul Huda Bin Bustami	NURUL
13	ASP Hairol Azhar	HAIROL
14	Insp Zulfadhly Bin Yaacob	ZUL
15	DSP Supari Bin Muhammad	SUPARI

16	Iqbal Mirza Bin Mohd Jalaludin	MIRZA
17	DCP (B) Dato' Awaluddin Bin Jadid	AWAL
18	Fadzlina Binti Amran	FADZLINA
19	DSP (B) Omar bin Hassan	OMAR
20	Ahmad Sibee bin Nordin	SIBEE
21	Junainh Binti Dalugamin	JUNAINH
22	Zulkarnain Md Yasin	ZULMY
23	Azhar Baba	AZHAR

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START

1
2
3 **PK** Afternoon, Simon. Thank you.
4
5 **SK** Good afternoon, Philip.
6
7 **PK** You can hear me? Thank you.
8
9 **SK** Yes.
10
11 **PK** Hi, Ms Chanra.
12
13 **SPC** Hi, Philip. How are you?
14
15 **PK** I am well. Thank you. And hi Faiz and hi Commissioners Panel. How
16 are you, Dato' Dr Madeline, are you well? Thank you. Hi, Ms Banu, how
17 are you, Kontras?
18
19 **SB** Pretty good.
20
21 **PK** And Senior Assistant Commissioner, PDRM, selamat petang.
22
23 **ADY** Selamat petang.
24
25 **PK** And my good friends, Audrey and Cyrus, welcome, yes.
26
27 **TFW** Good afternoon, good afternoon, Good afternoon, Commissioner,
28 Assistant Commissioner, En Faiz, PDRM and Kontras and my
29 colleague from Bar Council, Chanra, Ms Chanra, Mr Simon.
30
31 **SK** Hi.
32
33 **TFW** Hi.
34
35 **SK** Hi, Cyrus.
36
37 **AP** Good afternoon, everyone. It's good to see everyone again.

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PK And Chairman, Dato' Seri, and Chairman, Dato' Seri, good afternoon.
Thank you for convening this.

CHM Good afternoon, Mr Koh. Good afternoon to everyone.

SK Good afternoon, Mr Chairman.

CHM Good afternoon. So, can we start?

SK Yes, Dato' Seri. The Panel members, observers from the legal counsel from the family, PDRM, there also Bar Council and Kontras, all are present today. Panel members, so, we may begin now? Today, the 22nd day of hearing. This time we've only invited the parties, the observers without any other outsiders. The purpose of the meeting today –

CHM Simon?

SK Yes, Dato' Seri.

CHM As you know the observers would like to introduce themselves.

SK Yes, Dato' Seri. Yes. I just want to explain the objective then I'll invite them to introduce –

CHM Yes, ok.

SK Alright. So, the objective is to update all the parties about the progress. The last hearing was on the 10th, sorry, on the 4th of October, where we had the Inspektor Zulfadhly to reappear and since then, we have been trying to gather some information. So, SUHAKAM secretariat will provide the information. If all ok, then maybe, we'll move on to proceed to fix dates for the submission. So, that's the purpose of the hearing today. So, before we proceed, Dato' Seri, so, invite all the parties to introduce themselves. From SUHAKAM, I am Simon and together with me is En Faiz Abd Rahman. May I now invite the legal counsel for the family?

1

2 **PK** Thank you. Esteemed members of the Panel, good afternoon and
3 blessed advent season for the December and the closing of the year.
4 My name is Philip Koh and we have been representing the family.
5 Together with me are my learned colleague, Ms Audrey Pillai and Mr
6 Cyrus Tiu, who I would like to happily announce may actually tie the
7 knot finally in marriage towards the end of this year. So, we want to
8 congratulate him on that. Or either that, we commiserate with him.
9 Sorry, Cyrus, I am just, not trying to make light your matter, but may the
10 good Lord watch over you and have a great blessed matrimonial.

11

12 **TFW** Thank you.

13

14 **PK** For me, it has been real humbling experience to share this platform with
15 so might of my learned colleagues, both from the Bar Council and also
16 the PDRM, which had been very kind in assisting us, and of course, the
17 members of the SUHAKAM. With that, we would like to then hear what
18 the case management is about and then we will give our response.
19 Thank you, Dato' Seri and members of the Panel.

20

21 **SK** Thank you, Philip and the team. May I invite the observers from the
22 PDRM?

23

24 **ADY** Good afternoon, Yang Arif Dato' Seri, distinguished Commissioners,
25 ladies and gentlemen, I am Senior Assistant Commissioner Ahmad
26 Dzaffir Mohd Youssof representing, observer from the Royal Malaysian
27 Police. And together with me is DSP Sabri, also from the Royal
28 Malaysian Police. So, yes, as like what learned Mr Philip Koh, so, we
29 are now going to the end of the case and we hope to have a date for
30 the written and as well as oral submission. Thank you.

31

32 **SK** Thank you, Tuan ASC Dzaffir. Now, may I invite the observers from the
33 Bar Council?

34

35 **SPC** Yes. Good afternoon, honourable Panel members, the family's
36 observers and PDRM, good afternoon and I am also eagerly waiting for

1 the end, to see the results. And shall be waiting to see the case
2 management. Thank you very much.
3
4 **SK** Thank you. Ms Chanra, you are alone today?
5
6 **SPC** Yes, I am. I believe so. Yes. I don't see anybody else in the system.
7
8 **SK** Ok. Thank you. And last but not least, our observer from Kontras.
9
10 **SB** Good afternoon. I am Banu. I am from commission for the Disappeared
11 and Victim of Violence, Indonesia, and I am the family representative of
12 Ruth Sitepu from Indonesia. Thank you.
13
14 **SK** Thank you, Ibu Banu. Thank you everyone. Dear Panel members, Dato'
15 Seri, may I, the secretariat proceed to provide the updates since the last
16 hearing?
17
18 **CHM** Please proceed, yes.
19
20 **SK** Alright. So, for that, I invite En Faiz to provide the updates. Silakan Faiz.
21
22 **MFR** Thank you, Mr Simon. Dengan izin, Yang Berbahagia Dato' Seri,
23 assalamualaikum dan selamat petang. Panel members and observers,
24 hari ini saya akan membentangkan beberapa dokumen, perkembangan
25 terkini berkaitan dengan siasatan Joshua Hilmy dan Ruth Sitepu. So,
26 berdasarkan keterangan daripada saksi sebelum ini, kita telah
27 dimaklumkan bahawa terdapat satu panggilan call yang diterima oleh
28 Joshua Hilmy pada 30.11.2016, di mana kali terakhir beliau dilihat
29 bersama isteri dan, beliau dilihat bersama isteri. So, kami telah, pihak
30 urusetia telah membuat rujukan dengan Maxis untuk mendapatkan
31 rekod panggilan pada tarikh tersebut iaitu 30.11.2016. Baik. Hasil
32 maklum balas yang diberikan daripada Maxis pada 14 September, ok,
33 hasil maklum balas daripada Maxis pada 14 September menyatakan
34 terdapat satu panggilan yang diterima oleh Joshua Hilmy melalui
35 nombor 016-██████████. Coincidentally, pada tarikh tersebut, hanya
36 panggilan ini sahaja yang diterima oleh Joshua Hilmy. Daripada
37 nombor-nombor yang lain, milik Joshua Hilmy dan isterinya, tiada rekod

1 panggilan. Ok. Kalau saya boleh break down maklumat ini, panggilan
2 pertama yang diterima oleh Joshua Hilmy adalah pada pukul 10:48AM
3 dan berakhir pada 10:58AM. Panggilan dibuat selama 10 minit.
4 Panggilan kedua, daripada nombor yang sama, pada jam 09:09PM dan
5 berakhir pada 09:39PM. Panggilan dibuat selama 30 minit. Panggilan
6 ketiga adalah pada pukul 09:39PM dan berakhir pada pukul 10:00PM.
7 Panggilan dibuat selama 39 minit. So, Dato' Seri, izinkan saya untuk
8 tender dokumen ini sebagai Exhibit 126? Baik, Dato' Seri, ini untuk
9 dokumen yang pertama. Boleh saya teruskan kepada dokumen yang
10 kedua?

11

12 **CHM** Teruskan.

13

14 **MFR** Baik. Dato' Seri, berdasarkan nombor ini, kita telah membuat rujukan
15 dengan pihak telekomunikasi daripada Digi dan Umobile, untuk
16 mengenal pasti siapakah pemilik nombor ini dan hasil maklum balas
17 daripada Digi pada 25 Oktober, Digi memaklumkan pemilik nombor ini
18 adalah En Munusamy A/L Arumugam, nombor kad pengenalan,
19 [REDACTED] beralamat di No.20, Dataran Perpaduan 9, Ulu Kinta,
20 Perak. Ok. Nombor ini telah didaftarkan pada 25.01.2006 dan
21 ditamatkan pada 19.11.2016 dan plan bagi nombor ini adalah prepaid.
22 Boleh kita tandakan dokumen ini sebagai Exhibit 127? Dato' Seri, saya
23 akan teruskan dengan dokumen seterusnya. Kita telah membuat
24 rujukan dengan pihak Umobile, dan hasil maklum balas yang diterima,
25 minta maaf, Dato' Seri, ada technical problem sedikit. Ok. Hasil maklum
26 balas yang diterima pada, daripada Umobile adalah pada 02.11.2021,
27 dan maklumat adalah sama, sepertimana Digi, di mana pemilik nombor
28 016 [REDACTED] adalah En Munusamy A/L Arumugam dan beralamat di
29 No.20, Dataran Perpaduan, Ulu Kinta, Perak. Walaubagaimanapun,
30 nombor ini telah didaftarkan di bawah plan post paid dan mula
31 didaftarkan pada 28.04.2017. Ok. Seterusnya Dato' Seri, pihak urusetia
32 telah menjejaki penama ini di alamat seperti yang berikut dan kita telah
33 berjumpa dengan En Munusamy dan hasil pertemuan saya dengan En
34 Munusamy, kami mendapati beliau dalam keadaan lumpuh dan kita
35 telah bercakap dengan anaknya, iaitu Annanthan A/L Munusamy dan
36 beliau menyatakan bapa dia telah mengalami stroke pada Disember
37 2020 dan sejak itu, bapa beliau, En Munusamy telah mengalami

1 lumpuh dan tidak boleh bercakap dengan, dengan proper lah, tidak
2 boleh berkomunikasi. So, daripada situ kita telah mendapat maklumat
3 daripada En Annanthan bahawa dia juga pernah tinggal bersama
4 Joshua Hilmy pada 2015 dan beliau sekeluarga mengenali Joshua
5 Hilmy sejak 2015. Kami telah mendapatkan rekod keterangan bersama
6 Annanthan. Dan, ok, rekod keterangan ini, kita akan kongsi
7 bersama dengan pihak observers. Dan berkaitan –

8

9 ??? (00:14:31 inaudible)

10

11 **MFR** Alright. So, berdasarkan komunikasi dengan Annanthan, memang bapa
12 dia mengenali, En Munusamy mengenali Joshua Hilmy sejak 2015,
13 setelah mereka sekeluarga memeluk agama Kristian di Ipoh, di Gereja
14 Shakina. So, selepas itu, beliau telah berkenalan dengan Joshua Hilmy
15 dan Joshua Hilmy sering melawat mereka sekeluarga di Ipoh jika ada
16 urusan di Perak.

17

18 [00:15:00]

19

20 Dan berkaitan dengan panggilan yang terakhir dibuat oleh En
21 Munusamy, memang secara, apa, beliau pernah membuat panggilan
22 kepada Joshua Hilmy, namun panggilan itu sebentar sahaja. Dan
23 apabila beliau cuba untuk menghubungi Joshua Hilmy kembali,
24 memang tidak boleh dihubungilah. Manakala En Annanthan, kali
25 terakhir beliau berjumpa dengan Joshua Hilmy adalah pada 2015, di
26 mana beliau telah tinggal bersama Joshua Hilmy selama seminggu dan
27 selepas daripada itu, beliau telah mendapat pekerjaan di Kuala Lumpur
28 dan hanya dua kali selepas mendapat pekerjaan itu, beliau hanya
29 berjumpa Joshua Hilmy. Baik, Dato' Seri, itu sahaja pembentangan
30 saya untuk hari ini.

31

32 **CHM** What about your attempt to communicate with the sister of Joshua?

33

34 **MFR** Ya, baik, Dato' Seri. Ok. Untuk makluman semua, pihak urusetia telah
35 menghubungi adik kepada Joshua Hilmy iaitu Norani bin Hanim.
36 Maklumat ini telah diperolehi daripada dokumen yang diberikan oleh
37 PDRM. Dan saya telah buat rujukan dengan maklumat tersebut dan kita

1 telah menghubungi suami kepada Norani binti Hanim iaitu En Sheikh
2 Ammar Syamim bin Sheikh Agil pada 01.11.2021, saya telah bercakap
3 dengan Sheikh Ammar dan menerangkan tujuan dan kronologi
4 siasatan SUHAKAM. Dan pada mulanya, Sheikh Ammar memberikan
5 kerjasama dan setuju untuk memberi keterangan.
6 Walaubagaimanapun, pada hari keesokannya, iaitu 2 November,
7 nombor saya telah *diblock* dan saya tidak dapat lagi menghubungi
8 Sheikh Ammar tersebut, En Ammar.
9
10 **CHM** Ok.
11
12 **MFR** Itu sahaja, Dato' Seri. Terima kasih.
13
14 **CHM** Thank you, En Faiz. Is our proceeding today recorded? But we don't
15 have a transcriber kan?
16
17 **SK** It's being recorded, Dato' Seri, and it will be transcribed, as usual.
18
19 **CHM** Ok. Just a moment. Yes. Sorry, about the interruption. Can you hear
20 me now? Can you hear?
21
22 **SK** Yes, Dato' Seri.
23
24 **CHM** Ok. Right, so, there'll be a transcription of what's being said by Faiz
25 today, yes?
26
27 **SK** Yes, Dato' Seri.
28
29 **CHM** Yes. Alright. So, please proceed, Simon, to address the hearing.
30
31 **SK** So, that's the update from the SUHAKAM secretariat, Dato' Seri. Maybe
32 we can now open it for the parties, the observers, if they need any
33 clarifications?
34
35 **PK** Dato' Seri Chairman, thank you so much. I want to record my gratitude
36 to SUHAKAM officers to pursue this matter in a manner that help us to
37 understand on the day of 30th November, who are the callers and it

1 appears that the caller is as disclosed just now by saudara Faiz
2 Rahman, who was a person that experience a conversion by Joshua
3 Hilmy and there was these communications between them. That's very
4 helpful indeed. But it does leave me, and I like to, it's not a submission,
5 I just making an observation in passing, I wonder what happen, why
6 Joshua was, there was a witness that say that he was agitated and there
7 was a call that seems to agitate him before he left the house on that
8 fateful day and when he disappeared. We didn't seem to have any other
9 numbers, yes, that called the phone? Can I clarify from En Faiz? It's not
10 so much to question the work of SUHAKAM, but the numbers that,
11 during that relevant laid afternoon, where a witness testify that Joshua
12 got a call she sounded agitated before leaving with Ruth, our client, in
13 a Myvi. and never to be seen again. So, it only seems to be a number
14 from Munusamy, is it?

15

16 **MFR** Yes –

17

18 **PK** Yes.

19

20 **MFR** Mr Philip.

21

22 **PK** Ok. Thank you.

23

24 **SK** Mr Philip, if I may respond?

25

26 **PK** Sure.

27

28 **SK** Actually, we don't have any evidence to support this. But we assumed
29 the, if that call received by Joshua Hilmy, then maybe the caller might
30 have used other medium, like WhatsApp, which is normally not
31 recorded in the call log. So, it could be any –

32

33 **PK** That's very helpful, En Simon. And this is not something that I want to,
34 it will be for submission, yes, for us. Basically, there seemed to be a call
35 that made some agitation to the spouse of my client, and therefore, they
36 left shortly after that. But it wouldn't seem to be a Munusamy call. I
37 mean, it's a submission, because if they are friends that would stay with

1 them, I can't see why Munu would make a call that would agitate my
2 client's spouse. But, En Simon made a pertinent comment, we don't
3 know where the caller called from and whether it's from a computer line
4 or some VPN caller, we do not know all those issues. It's something for
5 us to submit, for us as lawyers. I do appreciate this clarification, which
6 helps us very much. The second point I want to make while having the
7 floor is, it is appreciated that, again, the officers of SUHAKAM has
8 performed their duties very well and to try to understand Joshua Hilmy
9 Anu, the gentleman who –

10

11 **MFR** Hanim.

12

13 **PK** Hanim, whose family seems to want to avoid engagement with clarity
14 about what happened to their sibling, then, this is something, again, for
15 submission, I know. And although the sister did indicate some
16 willingness, now, if I understand you, Faiz, if I hear you correctly, you
17 were speaking so fast, and my Bahasa is tak begitu fasih, ya.

18

19 **MFR** Sorry, Mr Philip.

20

21 **PK** It's alright, it's alright. I think I grasped what you say. And although you
22 were talking to the sibling's spouse, I think, and later it doesn't seem to
23 want to take your call anymore. Alright. Seemed to be blocked. It will be
24 for us again, to be, to submit on this, why is it that, and even Dato' Seri
25 has asked that question very objectively and measuredly, it's so strange
26 that when individual suspending their time to find out what happened to
27 a family member, they seem to be anxiety on their part, if I may say, to
28 want to engage with the relevant regulatory authorities. And in this case,
29 it's a very neutral authority who just want to find the bottom of what
30 happened to a family member. So, if I hear you correct, En Faiz, the
31 number seemed to be blocked? You tried to call again and they seemed
32 to block you, yes?

33

34 **MFR** Yes, Mr Philip.

35

36 **PK** Although originally, you did try to engage and there was a willingness
37 to at least try to have a follow up.

1

2 **MFR** Yes.

3

4 **PK** The subsequent follow up, you met with obstruction or at least a
5 reluctance and we will make our submissions on that. On that note
6 alone, sufficient for me, whether my fellow colleagues, Audrey of Cyrus,
7 you want to add anything, perhaps, since we have the floor, before we
8 pass –

9

10 **CHM** Just a moment, Mr Koh.

11

12 **PK** Yes, Dato' Seri.

13

14 **CHM** En Faiz?

15

16 **MFR** Ya, Dato' Seri.

17

18 **CHM** Tadi saya dengar having not being successful, being blocked –

19

20 **MFR** Betul.

21

22 **CHM** I think, you got another of our officers to call by her number, ya, kan?

23

24 **MFR** Betul, Dato' Seri.

25

26 **CHM** So, what happened to that, again?

27

28 **MFR** Saya cuba, cuba hubungi dan memang tidak, dan tidak boleh access
29 lah nombor itu dan WhatsApp sayapun memang tak lepas.

30

31 **CHM** Tak, tak, your colleague itu.

32

33 **MFR** Betul. So, selepas itu saya minta bantuan daripada Pn Aida –

34

35 **CHM** Yes.

36

1 **MFR** Untuk cuba buat panggilan dan panggilan boleh dibuat. Cuma Pn Aida
2 tidak proceed lebih sebab, of course, this is my duty untuk bercakap
3 dengan dia, Dato' Seri. Cuma –
4
5 **CHM** Nobody picks up the call? Aida punya call? What really happened when
6 Aida called pula?
7
8 **PK** Did she call? She didn't call?
9
10 **MFR** Dia boleh menghubungi Sheikh Ammar itu, dia ringing, cuma tidak
11 berjawablah.
12
13 **CHM** Ok. Nobody picks up the phone. Ok, alright.
14
15 **MFR** Betul, Dato' Seri. Dato' Seri, before kita go further, sebab tadi saya,
16 beberapa dokumen saya telah tender. Yang pertama, kalau boleh saya
17 put on record, untuk maklumat daripada Maxis adalah Exhibit 126.
18 Dokumen daripada Digi adalah Exhibit 127. Maklumat, dokumen
19 daripada Umobile adalah Exhibit 128. Dan statement keterangan
20 daripada Mr Annanthan adalah Exhibit 129. Terima kasih, Dato' Seri.
21
22 **CHM** Ok. Alright. Yes, En Ahmad Dzaffir?
23
24 **ADY** Dato' Seri, berkenaan apa yang disampaikan oleh En Faiz, berkenaan
25 dengan the last caller pada 30.11.2016, I think this is something new to
26 us, from the PDRM, because sebelum ini kita tidak dapat laporan Maxis
27 sepertimana yang diperolehi oleh pihak SUHAKAM. Dan pihak PDRM
28 juga ada, telah menghantar kali keempat kepada pihak Maxis, namun,
29 masih belum memperolehi apa-apa sebarang jawapan daripada pihak
30 Maxis. So, memandangkan pihak SUHAKAM telah adduced something
31 new to us today, so, I think adalah menjadi tanggungjawab pihak PDRM
32 untuk, tak mengesan tapi untuk menemubual ataupun untuk, to
33 investigate further dengan saksi yang telah *diadducekan* oleh pihak
34 SUHAKAM iaitu En Munusamy A/L Arumugam, Munusamy A/L
35 Arumugam. So, di sini izinkan saya, Yang Arif, untuk mendapatkan satu
36 tarikh yang lain untuk kami membuat satu siasatan terperinci berkenaan
37 dengan saksi yang dinyatakan ini, sebab bagi saya, ataupun bagi

1 PDRM, ia adalah material, sebab mengikut rekod daripada saksi-saksi
2 yang lepas, bahawa Joshua Hilmy telah meninggalkan rumah tersebut
3 sejurus setelah mendapat panggilan yang terakhir ini, iaitu lebih kurang
4 jam 10:00PM. So, bila kita lihat balik pada rekod panggilan tadi,
5 panggilan yang terakhir adalah jam 21 ataupun 09:39PM dan
6 seterusnya sebelum itu, dua lagi panggilan telah dibuat oleh caller yang
7 sama ataupun nombor yang sama, saya percaya. So, ini menjadikan
8 dia adalah satu *materiallah*, material witness, sebelum kehilangan
9 Pastor Joshua dan juga isteri beliau. So, izinkan kami, pihak PDRM,
10 untuk menjalankan siasatan terhadap saksi ini sebelum apa-apa
11 submission boleh dibuat, Dato' Seri. Terima kasih, Dato' Seri.

12

13 **CHM** Terima kasih, En Dzaffir. Your request for another date and for the
14 interim period for PDRM to make further investigation, it's difficult for us
15 to accede for this reason, yes, our term as commissioner will end in
16 early April, yes, in early April. So, ini kita dah nak masuk Disember, so,
17 we have to wind up, to wrap up our report, kan. So, we are going to ask
18 for written submission, which we had in mind to give a deadline for it the
19 end of this month. And then, we are going to have, to, oral submission
20 pula. And then, dah lepas itu, barulah kita boleh prepare kita punya
21 report. And then, you know, it's massive evidence and we have to go
22 through, you know, line by line, with a toothcomb report, yes, perbetul
23 sana, perbetul sinikan, and that's going to take time. And we are going
24 to consume, we are going to consume the remaining part of January,
25 the whole month of February, and then we have to, we have to come
26 up with a report by early March. So, susah sikitlah, En Dzaffir.

27

28 [00:30:00]

29

30 Although, we will appreciate your concern but as far as the police is
31 concerned, you can carry on with your police report, investigation kan.
32 Because kita buat investigation ini secara, secara parallel kan.
33 SUHAKAM, SUHAKAM punya inquiry, polis, polis punya investigation.
34 Of course, it will be very, it would be very ideal kan, which we have, if
35 we can get as much as possible from police. And with due respect, on
36 this matter, En Dzaffir, we thought you are, will be earlier than us.
37 Macam mana ini, kita, SUHAKAM dulu ini, kan? You should earlier than

1 us, ya. Yes. So, you know, sorry about the slight, slight comment on it,
2 yes. We should be hearing it from you not the other way around, yes.
3 Yes. But, tak apa dah, dah terjadi macam inikan. So, itulah dia, masalah
4 dia, En Dzaffril. So, we had in mind, the Panel, we dah discuss with our
5 officers that today will be the last hearing date. Lepas itu, kita wrap up.
6 Ini last hearing date. And it is more of a, to give whatever remaining
7 evidence yang En Faiz dah bagi itu, kan. And case management, yes.
8 Itu sahaja, En Dzaffril. So, I think, I am very sorry lah, we can't accede
9 for the simple reason that, you know, kita dah tak ada time dah. Ya.
10 Hope you understand, ya? Ya.

11
12 **ADY** Ok, Dato' Seri. Saya faham.

13
14 **CHM** Yes.

15
16 **ADY** Just to put on the record of our request lah.

17
18 **CHM** Yes.

19
20 **ADY** And I'll leave kepada, apa, Yang Arif, untuk, apa, buat keputusanlah,
21 sama ada untuk membenarkan atau tidak, kita akan ikut. Thank you,
22 Yang Arif.

23
24 **CHM** Yes, yes.

25
26 **PM2** Sorry, SAC. Can I clarify what is the request you are making, SAC? I
27 am not very clear what's the actual request.

28
29 **ADY** Ya, Commissioner, what we want was, what we want is that to have, to
30 give us some, a little bit of time or ample time for us to interview the
31 witness, to see if there is anything, I mean, looking at the whole, the
32 broad, I mean, the broader view of the case, because this witness was
33 the one was in contact, the last person to be in contact with Joshua. So,
34 I mean, as the last person who been in contact with Joshua and there
35 was a commotion during that, apa, that call, then that led to Joshua to
36 leave the house to meet someone, which we don't know, so that's why
37 to us, for investigation wise, we feel, we think that it is material. So,

1 that's why we are, on my part for PDRM, we request a little bit more
2 time for us to have a session with the witness to basically what were is
3 it all about, what was, what transpired on that particular day itself, so
4 that we can, I mean, we have some lead, somewhere. Now, now, I
5 mean, in this case, we don't know where he is. So, at least we have
6 some lead, so that we can just bring in some evidence or something
7 new, for the whole, for the whole hearing. Thank you.

8

9 **PM2** Thank you. It's clear now, SAC. Thank you.

10

11 **CHM** Tapi En Dzaffir, you dah dengar tadikan, En Faiz kata, En Munusamy
12 lumpuh, ya. And the statement yang kita rekod is from the son, Mr
13 Annanthan. Ya.

14

15 **ADY** But to us, in 2016, tak tahu dia lumpuh ataupun tidak. So, that's why,
16 we think it's pertinent.

17

18 **CHM** Yes, yes. Yes, ok. Yes.

19

20 **PM2** So, I think as Chair was saying, SAC, I think, the investigation is
21 obviously an important factor now for the police to continue. But, the
22 inability to have a specific timeline, because you know, right, as you
23 said you want a good amount of time, I think it doesn't stop both tracks
24 lah, the Commission's inquiry to come to whatever conclusion we can
25 with the information, as well as the police, if you, and you got December,
26 you got January, because whatever you find, you know, will help the
27 overall, because, I think the objective of the police report and the police
28 investigation and the inquiry on the same track, to find out about the
29 disappearance. So, I think, it can still work on two tracks and that will
30 be helpful for both sides. But I think, time wise, I think, we are just
31 worried any slight delay, we'll be stuck in completing and submitting our
32 final recommendation before our term is completed. Thank you.

33

34 **CHM** Ok. Right. Any other, from the Bar Council? Yes?

35

36 **SPC** Yes. Honourable Panel member, Mr Chairman, I would like to ask En
37 Faiz this question. I would like to know that he said the 30.11.2016 call

1 was made from Maxis or Digi number? Because there was three
2 connection, service providers was given, Digi, Maxis and Umobile. So,
3 the 30.11.2016 call was made from Maxis or Digi?
4

5 **MFR** Thank you, Ms Chanra. Actually, saya sendiri, kalau ikutkan maklumat
6 daripada Digi, kalau maklumat yang kita perolehi daripada Digi, En
7 Munusamy mula mendaftar nombor tersebut pada 25.01.2006 dan
8 tamat perkhidmatan pada 19.11.2016.
9

10 **SPC** Yes?
11

12 **MFR** Ok. Dan berdasarkan maklumat daripada Digi juga, dia, En Munusamy
13 port out kepada Umobile. Dan hasil maklum balas daripada Umobile,
14 nombor tersebut hanya mula mendaftar pada 28.04.2017.
15

16 **SPC** Yes?
17

18 **MFR** So, to answer your question, kami tidak tahu nombor yang mana, tapi
19 we assumed that it's from Digi.
20

21 **SPC** Cannot be, because Digi, you said they disconnected on the
22 19.11.2016.
23

24 **MFR** Yes, betul.
25

26 **SPC** So, there is a, what do you call, a grey area from which number it was
27 called because not from Maxis, it's Digi, but Digi is ended on 19th of
28 November –
29

30 **MFR** Agreed.
31

32 **SPC** And Umobile only started on 28th April.
33

34 **MFR** Agreed. Just, maybe, what we can see in the document from Umobile,
35 the number is subscribed to post paid, not a prepaid.
36

1 **SPC** Yes, but we don't know exactly from which number the call went
2 through.
3
4 **MFR** Exactly. Ok.
5
6 **CHM** Paparkan balik, En Faiz, call logs tadi, paparkan balik. Let's have, yes,
7 this, this is the one, is it?
8
9 **SPC** Yes.
10
11 **CHM** But this is provided by Maxis, En Faiz?
12
13 **MFR** Baik, sebab, Dato' Seri, kalau maklumat daripada Maxis ini memang
14 tidak memberi sebarang maklumat pemilik nombor tersebut. Dia hanya
15 memberikan maklumat nombor sahaja.
16
17 **CHM** Yes?
18
19 **MFR** So, jadi, pihak urusetia telah membuat rujukan dengan Digi di mana the
20 first instance we assumed that 016 is Digi. Then, hasil maklum balas
21 daripada Digi, maklumat kita terima memang nombor tersebut pernah
22 didaftarkanlah di bawah Digi. Cuma, termination date –
23
24 **CHM** Sebentar, sebentar, En Faiz. Patah balik, patah balik tadi. Ok, let's look
25 at the first column. Wait. Incoming call, yes? Incoming call, ada tiga
26 nombor, on extreme left, ya?
27
28 **MFR** The same number, Dato' Seri.
29
30 **CHM** Yes? Incoming –
31
32 **MFR** From the same number.
33
34 **CHM** Calls, yes? Incoming calls, calling number itu, 016 itu, siapa punya itu,
35 Maxis punya number ke, Digi punya number itu? 016 [REDACTED] yang
36 extreme left number column itu?
37

1 MFR Bahagian inike, Dato' Seri?
2

3 CHM Ya.
4

5 MFR Ok. At first instance, bila saya dapat dokumen ini, saya assumed
6 adalah nombor Digi sebab it started –
7

8 CHM Digi?
9

10 MFR Ya, it started with 016, that's why yang saya telah membuat rujukan
11 dengan pihak Digi. Dan memang maklum balas daripada Digi
12 menyatakan nombor ini telah didaftarkan di bawah Digi.
13

14 CHM Bukan Maxis?
15

16 SK Dato' Seri, may I clarify?
17

18 CHM Yes.
19

20 SK Joshua Hilmy, he has been using a number subscribed to Maxis.
21

22 CHM Yes?
23

24 SK So, that's why we requested the call log from Maxis. So, that call log on
25 30.11.2016, which have, we obtained from Maxis shows that he has
26 received a call from this number, 016 [REDACTED] and this, he received a
27 call three times from the same number on 30th. So, he, Joshua was
28 using Maxis line, but the number that the call he received when we
29 checked, Faiz checked, it was from Digi, 016. So, although, there are
30 some gap in the date of registration opting out to Umobile and the
31 number was activated in Umobile, but the identity of the person using
32 this particular number is the same. Both are Digi and Umobile provided
33 the same person, with the same address.
34

35 CHM Sorry, Simon. I'm a bit slow this afternoon. Ok. We are done with the
36 first column itu. Then, there's the second column itukan, second column
37 itu, 016 [REDACTED] all are with [REDACTED] kan? Kan?

1
2 **SK** Yes.
3
4 **CHM** Under call number, call number. Ini, siapa punya number ini? Maxis
5 punya number ke atau Digi punya number?
6
7 **SK** Joshua Hilmy's number registered under Maxis.
8
9 **CHM** I see. So, that's why we contacted Maxis, ya?
10
11 **SK** Yes.
12
13 **CHM** Ok. I get it. So, what about yang dekat bawah itu? What is it, yang dekat
14 bawah ini?
15
16 **SK** Because we requested the call log for all the phone numbers that we
17 have. Joshua Hilmy had one number registered with Maxis and then,
18 Ruth Sitepu had, berapa nombor, Faiz, please assist?
19
20 **MFR** Ok. Boleh dengar, ya? Ok. Milik, nombor Joshua adalah 011, yang atas
21 ini, tapi didaftarkan atas nama isteri dia, Ruth. Dan ini adalah nombor,
22 yang kedua ini nombor isteri, nombor isteri dia dan didaftarkan atas
23 nama Ruth jugalah. Cuma nombor lagi 012 ini memang didaftarkan atas
24 nama Joshua Hilmy. Walaubagaimanapun, pada hari tersebut, 30
25 November, hanya nombor yang pertama ini sahaja yang terdapat rekod
26 panggilan.
27
28 **CHM** Ok. Right. Ms Chanra, carry on, do you have any further query?
29
30 **SPC** No. I just want to confirm that, actually, we do not know, we do not have
31 the exact confirmation of who actually was holding that phone number
32 on the 30th of November. Can we say that? Because he's, they said it's
33 Digi, Maxis does not have a connection on that day with Maxis on the
34 30th of November? Is that correct, Mr Simon?
35
36 **SK** Yes.
37

1 **SPC** You see, 30th of November, the number is not connected to Maxis. So,
2 Maxis would not have the identification of who is the person owning that
3 number. And if we go to Digi, that number is already not in service
4 because deactivated on the 19th of November itself. So, we have a gap.
5 What we have now is from 30th November, from 19.11.2016 up to
6 28.04.2017, we do not know who actually owned the number, where the
7 number was. Was it activated, not activated? I mean, it appears to be
8 so. That's what I am saying. That is all, Chairman.
9

10 **CHM** Thank you, Ms Chanra. Thank you for your observation. From other
11 observers, any question to ask or any comments to make?
12

13 **SB** Can I?
14

15 **CHM** Yes, Ibu. Yes.
16

17 **SB** Yes. My question is for SUHAKAM and I was wondering why
18 SUHAKAM doesn't provide like adhoc institution for protect witness of
19 Ruth Sitepu and family like further witness from the, Ruth Sitepu's side
20 and because one of the key from the investigation is clarification from
21 all the witness. That's why, probably, that's why Mr Faiz can source
22 from the witness or... and actually, what we are going to say is we need
23 SUHAKAM to provide. If SUHAKAM doesn't have the witness
24 protection, please provide the adhoc institution for witness protection so
25 the witness will less anxiety to talk about this case.
26

27 **CHM** En Simon, I would like you to respond to that.
28

29 **PM2** Now, Ms Banu?
30

31 **SB** Yes?
32

33 **PM2** Are you making the conclusion that the reason SUHAKAM's interview
34 on this phone numbers, we could not get much information is because
35 there is a lack of witness protection? Is that your submission?
36

1 **SB** Yes. I think, I am talking with some of the witness from the friend's family
2 of Ruth Sitepu in Malaysia and we could say they are worried to talk
3 openly about this case because they are worried with the, like, with the
4 other institution.

5

6 [00:45:00]

7

8 So, they are always anxiety if just to say, SUHAKAM called us or
9 SUHAKAM need our, our to, need, asked to be a witness, something
10 like that. So, it's based on our individual investigation on this case.

11

12 **PM2** But, that is nothing to do with what was presented by Mr Faiz. You are
13 talking about the family members. This was still witnesses long time
14 ago. Am I correct, Ms Banu?

15

16 **SB** Yes. I, yes. Yes.

17

18 **PM2** Ok. Alright. Thank you.

19

20 **CHM** Alright. We will take note, Ms Banu, about your, of your observation.

21

22 **TFW** Mr Chairman?

23

24 **CHM** Yes?

25

26 **TFW** Cyrus –

27

28 **CHM** Yes, Cyrus.

29

30 **TFW** In relation to the document provided by En Faiz today and also the
31 comment made by the PDRM in relation to the request for time to
32 interview the witness, so, I just want to put on record here that, is the
33 PDRM SAC suggesting that this is the first time that they hear about
34 this name, Munusamy? That's No.1. No.2, in relation to the police
35 investigation diary, previously, I think the Panel also requested and we
36 also have requested for the purpose of the Panel, not for the purpose
37 of the family members. As we know, under the law, the 119 diary is

1 available for the Magistrate for the purpose of looking into the process
2 and the stage of investigation for granting a remand, specifically. But in
3 this proceeding, we are, the Panel also are looking into the process of
4 investigation, but not for the purpose of granting remand or anything.
5 But rather, to investigate it under the SUHAKAM Act, for the purpose
6 that was set up under the SUHAKAM Act itself. And now, I would like to
7 put it on record whether or not the PDRM will produce it to the Panel for
8 the Panel to look into it while combing through all the evidence that have
9 been produced in this inquiry before coming up with their
10 recommendation. Reason being is that, so that the Panel will be well
11 informed, No.1, will be well informed of the process of investigation.
12 No.2, the Panel will be better, will have a better understanding of the
13 process of investigation and the things that have been put into the
14 investigation by the IO at every stage, while the Panel looking into all
15 the evidence. That is the purpose. I am not asking for the diary to be
16 produced to the observer. No. I am asking for SAC to confirm whether
17 or not the diary will be produced to the Panel for the Panel viewing only,
18 of confirmation. I hope that is clear. And whether or not, they are
19 refusing or agreeing to produce that, to the Panel, not to us. There's two
20 things here. No.1, whether or not this is the first time that PDRM is
21 hearing the word Munusamy A/L Arumugam, after En Faiz produced it.
22 They can confirm it now. Second, whether or not the diary, police diary,
23 under the 119 diary, will be produced to the Panel for the Panel to look
24 through it, while checking through all the evidence that have been
25 presented under this Panel for the purpose of coming up with a report.

26
27 **CHM** Produce only to the Panel, the 119 diary?

28
29 **TFW** Yes. Not to the, not to the –

30
31 **CHM** Observers?

32
33 **TFW** Not to the observers and not to the media. Just to the Panel under the
34 SUHAKAM Act. Because there is a –

35
36 **CHM** Within the prescribed –

37

1 TFW Yes.
2
3 CHM Within the prescribed –
4
5 TFW Yes.
6
7 CHM Under the SUHAKAM Act, which section is that?
8
9 TFW There is a section that allows SUHAKAM to, the Panel to ask for
10 document. I cannot remember it specifically. But there is a specific
11 section to allow SUHAKAM to ask for document, which I believe that is
12 the same section that En Faiz has used to request documents from
13 Maxis and Umobile and all that. That is, that's one thing. Second thing,
14 whether or not this diary can be produced to the SUHAKAM Panel for
15 the SUHAKAM Panel to check whether there is abuse of human right
16 under SUHAKAM Act.
17
18 CHM Right, thank you.
19
20 TFW Yes.
21
22 CHM Thank you, Cyrus.
23
24 TFW That's all.
25
26 CHM PDRM, En Dzaffir, would you like to respond to that?
27
28 ADY Yes, Dato' Seri. Firstly, first question was it on the, with regards to
29 remand? I heard something like, apa, on remand process?
30
31 CHM I think, to make it simple, I think, En Cyrus is referring to the diary kept
32 under Section 119, I think, you are familiar kan, En Dzaffir? 119? I think,
33 kena buka diary kan? Buka diary. Buka diary, hari ini buat apa, ini, ini,
34 buat apa, pukul berapa, kan? Ambil rekod daripada siapa,
35 begitulah kan?
36
37 ADY Ya, diary, Dato' Seri. Faham, saya faham.

1

2 **CHM** Yes. So –

3

4 **ADY** But I, yes, I was referring back to the question. Tapi tak apalah, Dato'
5 Seri. On the, apa, diary, investigation diary, kalau kita go for Court
6 proceeding, biasanya it's for refreshment of memory.

7

8 **CHM** Yes?

9

10 **ADY** So, kita akan minta, we will request, we will, apa, request from the Court
11 so that we would like to refer to our investigation diary on that particular
12 purpose sahaja, on that particular, particular instance sahaja on what
13 date ataupun to refresh of any evidence that we collected, on that
14 particular item sahaja. But for this request by, apa, Mr Cyrus tadi itu, so
15 far, we have, yes, we have not gotten any request from SUHAKAM. So,
16 in fact kalau ada request pun, we will see on which part of that
17 investigation diary that been requested to be viewed by SUHAKAM lah.
18 So, I mean, apa, there's always, apa, the opportunity for SUHAKAM to
19 make a request from us.

20

21 **CHM** Yes?

22

23 **ADY** But we want to know which particular date, which particular, what do
24 you call, entry that, apa, been, interested by SUHAKAM to view. Thank
25 you, Dato' Seri.

26

27 **CHM** Jadi, tak bagi semua begitu sahajalah kan?

28

29 **ADY** Yes, Dato' Seri.

30

31 **CHM** It has to be specific, ya?

32

33 **ADY** Specific, ya.

34

35 **CHM** Yes? So, there is, there is this problem lah kan, we have to be very
36 specific.

37

1 **ADY** Actually, in Court proceeding also, we will refer to as to refresh our
2 memory and with that particular, that particular entry sahaja yang kita
3 boleh produce kepada Mahkamah dan juga kepada Defence council,
4 on that particular entry sahaja, to refresh memory. Itu sahaja, Dato' Seri.
5

6 **CHM** Yes. I know, I know. Yes, I know. Simon, do you have anything to...
7

8 **SK** Dato' Seri, we have requested on the documents from PDRM, prior to
9 this. And I remember, we have written to the AG, the matter were
10 referred to DPP, then to AG, and we have received that documents that
11 we have requested from PDRM and that at the time the list provided,
12 the materials was provided. And I think, we did not list down the diary,
13 when we requested for the documents. So, there was no request made
14 before this.
15

16 **TFW** I, Dato' Panel, Dato' Seri, minta maaf. Why I am making this point is
17 that because I remember when the IO from Sg Way police station came
18 to give the evidence, Dato' Seri did mention whether or not he bring,
19 ada bawa diary, a few times? At least three times Dato' mentioned to
20 him. Then he say he didn't bring. Some he say he cannot remember
21 and all that. So, that is the reason why I mentioned about the diary.
22 Second reason is that the diary itself contains the progress of
23 investigation and that is crucial to the Panel's investigation in this case
24 itself. So, this is important. It's not about the section of it, but rather the
25 whole entire diary that is relevant in this case in itself as to whether, how
26 the investigation being carried out and what are the investigation and
27 whether or not it has correspond with the evidence given by the IO and
28 the witnesses, accordingly. So, to say that it is a section of it, I humbly
29 disagree on that point. So, I leave it to the Panel on this point. I just want
30 to bring out this issue lah. Thank you, Mr Panel, I mean, Dato' Seri.
31

32 **CHM** Thank you, Mr Cyrus. Well, we will consider lah, ya, the point that you
33 have raised kan, in the background that we are racing against time, ya,
34 to prepare our report kan. And we want to put the whole thing to a
35 closure, ya. Yes. But anyway, we will consider kan, whether we need to
36 write, kan, ya, to PDRM kan. Itupun we don't know what will be the
37 response of PDRM, ya?

1

2 **PK** Mr Chairman, may I, may I have a short words?

3

4 **CHM** Yes.

5

6 **PK** Thank you, Dato' Seri. I do appreciate my dear colleague, Cyrus
7 request, but I recollect in the first Panel under Raymond Koh and Amri,
8 even Dato' Mah was asking for PDRM sketched plan as to where Pastor
9 Raymond was abducted, that was not permitted and the Chairman has
10 to then say, let's go there physically then, right, and ask the police to
11 come along and say, is it this spot. So, I guess, this is part of, again, I
12 am not pre-empting our submission, but a part of our perhaps,
13 recommendation in our submission that SUHAKAM must be given
14 power to at least view the preliminary police investigation diary to assist
15 SUHAKAM in finding the matter, not to impair or obstruct or create
16 issues for PDRM. We do respect, Dzaffir, the, as the confidentiality and
17 sensitivity of police investigation. But in this matter, let's perhaps leave
18 it as our, part of our submission and recommendations, whether or not
19 the authorities and executive will take it up. Thank you, Dato' Seri.

20

21 **CHM** Thank you, Mr Koh. The Panel, we will confer on this issue whether we
22 should instruct Mr Simon to write to PDRM, ya. And I hope, in the event
23 we do, En Dzaffir will give whatever kan, cooperation, ya. If that request
24 is in line with, we've to check our SUHAKAM Act, the powers that we
25 have to ask for documents in this inquiry, ya.

26

27 **PM2** It's there, Dato' Seri.

28

29 **CHM** Ada, ya.

30

31 **PM2** It's always been there. That's how, our inquiry is all along. Yes, so I
32 don't think that's being questioned here.

33

34 **CHM** Yes?

35

36 **PM2** Actually the relevance of needing that information and it ties to the SAC
37 wanting the time to investigate on Munusamy, of course, if he

1 investigate and that can be submitted in, then of course, it will be part
2 and of our inquiry. So, I don't think it's about, but if they are not able to
3 complete their investigation by the time we close, that will also be
4 another consideration. Unless, we give a very specific time frame to
5 PDRM to get some initial information to submit to the Panel before the
6 final submission, then that will, that may still give us a bit of opportunity
7 to listen to PDRM on their round, it could be pair, they could also come
8 to the same conclusion or otherwise. That's all we need to ascertain. If
9 they've got more information than what our officers were able to do.
10 Yes.

11

12 [01:00:00]

13

14 **CHM** En Dzaffir, if you can, because kita punya investigation ini parallel kan,
15 police investigation, SUHAKAM kan, so, you carry on, police, PDRM
16 carry on with the investigation. I think we will provide you with the
17 particulars kan, address and all that, and PDRM will have, will have until
18 31st of December kan, we are giving deadline to everyone, 31st of
19 December, to submit the written submissions. So, you can provide that
20 extra information together with your written submission. Ok. So, but,
21 after this, I think I need to discuss with my colleagues lah, kan, and with
22 our officers about writing to PDRM for, based on the submission of Mr
23 Cyrus tadi, for the ID ya, because it's only the ID kan, kan, buat apa,
24 hari apa kan. I don't think, there's, you know, that's so sensitive kan,
25 just to know kan, hari ini buat apa, besok buat apakan?

26

27 **ADY** Itupun kalau IO ada catitlah, Dato' Seri.

28

29 **CHM** Yes?

30

31 **ADY** Itupun kalau IO ada buat catitan dalam investigation diary.

32

33 **CHM** Itulah, you go after your IO lah, ya. Kena ada sikit tindakan begitu, di
34 situ, ya. Alright. Ok. So, I will, we'll give the deadlines. Deadlines, ya.
35 So, we'll get the written submissions by the 31st, is it alright, 31st?

36

37 **PK** Dato' Seri, may I speak?

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CHM
PK
ADY
CHM
PK
CHM
PK
CHM
PK
CHM

Yes.

I know that we, in a way, anticipate that this is coming to the closing, could we have a brief longer period for submission because it's already December now, we have four weeks and of course we have all sorts of issues arising towards this month, including Christmas and all that, a little brief extension, maybe towards end of first week of 12 of January or 14th of January, maybe slightly more comfortable for some of us. Is it possible to consider the middle of January, maybe, by the middle of January, latest definitely 14th of January, let say, or find the date that is the Friday of the middle of January? Is it possible, Dato' Seri for the Panel to consider?

Dato' Seri, I must support Mr Phillip Koh because by next week, I will be busy with the PRN Sarawak. So, I'll be away for until the whole of, until the end of December. So, I must support Mr Philip Koh's request. Merry Christmas to you.

In as much as –

Middle of January, yes.

In as much we like to, we would like to accede to the request kan, there is, tak mahu, tak nak put pressure to our team lah kan, who will be preparing the report, yes. Of course, that will, of course, is it ok, Mr Simon, kita, not by the 14th lah, say by the 10th, tak boleh?

Ok.

Can? By the 10th, and then, immediately kita terima, we will call for oral submission.

Yes.

Yes.

1 **PK** We will just highlight in the oral, yes.
2
3 **CHM** Oral submission. So, deadline by the 10th of January. What day is the
4 10th.
5
6 **PK** Monday, Dato' Seri.
7
8 **CHM** Yes?
9
10 **PK** Monday.
11
12 **CHM** Monday, ok.
13
14 **PK** Ok. That's good.
15
16 **CHM** And then, the oral submission, next Monday? Yes?
17
18 **PK** Ok.
19
20 **SK** 17th.
21
22 **CHM** Can I check my diary, ya? I hope it won't clash, ya, with my other
23 commitments. What day, what day, is it, Simon?
24
25 **SK** Monday, Dato' Seri, 17th January.
26
27 **CHM** Ok, I have my January calendar here. 17th, ya? 17th?
28
29 **SK** Yes.
30
31 **CHM** Ok. That's fine. I am free on that day. So, we'll hear the oral
32 submissions, yes.
33
34 **PK** Dato' Seri?
35
36 **CHM** Yes.
37

1 **PK** May I request, could we do it the hybrid way, because I think it is good
2 that the Panel hear us physically and, you know, and, of course it would
3 be open session, of course it's hybrid, the media, some of them may
4 come in, or some may sit in the other room, I think it's good to have a
5 hybrid, if it is possible, unless the omicron or some, you know, viral
6 variant becomes very, very serious. Of course, we will observe our
7 protocol. We could also wear our mask when we submit, its fine. I would
8 request for hybrid, that means both physical and stream, if it is possible.
9 If it is not too burdensome for SUHAKAM.
10
11 **CHM** So, as a rule, it will be hybrid, as a rule, ya. As a rule, but if situation
12 becomes not too good –
13
14 **PK** Yes.
15
16 **CHM** Then it's 100% -
17
18 **PK** Online.
19
20 **CHM** Zoom, ya.
21
22 **PK** So, hybrid means we can, the parties –
23
24 **CHM** Physical or –
25
26 **PK** Can come physically –
27
28 **CHM** Or by Zoom.
29
30 **PK** Or if Dzaffir, because you are in Sarawak still, hopefully not –
31
32 **CHM** Yes.
33
34 **PK** We would like to see saudara Dzaffir and at least we meet each other
35 and have a proper closing in collegial professional friendship,
36 regardless of our submissions, which may be highly contentious but
37 that's part of our duty, ya, for us, yes.

1
2 **CHM** But, if situation becomes bad, the omicron and all that, so, hybrid is not
3 possible, then, it will be 100% Zoom, ya.
4
5 **PK** Ok. Yes.
6
7 **CHM** Ok.
8
9 **PK** And it will be in the morning, Dato' Seri, it will start in the morning, I
10 think, at 09:00AM or 09:30AM, maybe latest, yes, will be good.
11
12 **CHM** Ok. 09.30AM lah, ya.
13
14 **PK** Ok.
15
16 **CHM** 09:30AM, and see how it goes, it might take the whole day, isn't it? It is
17 on the 17th, right. And deadline is the 10th, yes, 10th January, deadline.
18
19 **PM2** Dato' Seri, may I suggest? I mean, we put there as tentatively, tentative
20 date because I think, with the submission there on the 10th, all counsels
21 is actually ready to submit already, because the submissions already
22 done. So, we don't need a one week window just for the oral
23 submission. On the 10th, they are ready for, actually, oral. So, I am
24 suggesting just two three days after the 10th, we complete it that week
25 is far better rather than stretching it for another week. So, either we try
26 to look for a date now or I think the Panel can discuss and then inform
27 the rest, like we usually do, within the same week in order to save time,
28 a little bit, yes.
29
30 **CHM** I am free. Mr Jerald?
31
32 **PM2** Yes.
33
34 **CHM** If I can get you correct, instead of on the 17th –
35
36 **PM2** Yes, we could look –
37

1 **CHM** We can start earlier?
2
3 **PM2** Yes, we could do a Wednesday or Thursday, Dato' Seri, within that
4 week to complete it because it's –
5
6 **CHM** Wait, yes.
7
8 **PM2** Yes.
9
10 **PK** Ok. That's sound alright.
11
12 **CHM** Yes? 12th, I am free on the 12th. That is on the 12th or on the 13th of
13 January.
14
15 **PM2** Yes, I am ok. I am good. Yes.
16
17 **PK** Maybe 12th, Dato' Seri, that is Wednesday. Let's do on Wednesday and
18 complete the –
19
20 **CHM** On Wednesday –
21
22 **PK** After all, it's highlighting the written submissions. We are not going to
23 read the whole submissions, yes. It's more for public and the
24 stakeholders who want to listen to the salient points, yes.
25
26 **TFW** Dato' Seri, can we make it on the 13th, lah, because I have a matter on
27 the 12th. So sorry, Dato' Seri.
28
29 **PK** Sure.
30
31 **CHM** 13th, ya? So, it's not on, it is not on the 17th, but now it is on the 13th, ya?
32 13th?
33
34 **TFW** Yes.
35
36 **CHM** 13th, ya?
37

1 **PK** That's a good number, we are not in taboo, we don't, we don't worry
2 about 13th or 17th.
3
4 **CHM** What day is that? 13th is a Thursday.
5
6 **PM2** Thursday.
7
8 **TFW** Thursday.
9
10 **PM2** SAC, you are ok?
11
12 **SPC** Dato' Seri, I have a matter in the Court of Appeal but I think my
13 colleagues from Bar Council should be able to come in on the day.
14
15 **PK** Yes, we'll miss you, Chanra, but Andrew and Roger will do the
16 necessary –
17
18 **SPC** Sure. That I think they will be happily doing it.
19
20 **PK** But I am sure you are doing all the hard work. But, it's ok.
21
22 **SPC** No, not really.
23
24 **PK** Lembu punya susu, sapi dapat nama.
25
26 **SPC** I have missed in between also.
27
28 **CHM** So, we are expecting a written submission and oral submission from all
29 observers. I think, that will include Kontras, ya?
30
31 **PM2** Yes.
32
33 **PK** Bahasa Indonesia pun bolehlah, Banu, ya. Jangan kkuatir.
34
35 **SB** We will submit in English.
36
37 **PK** Alright. Yes.

1
2 **SB** So, email is good? If Malaysia have some quarantine and its hybrid, if
3 not quarantine, I will attend to Kuala Lumpur. But if quarantine, no, I will
4 not quarantine long.
5
6 **PK** It will be good to see you, if you can, yes. It will be good.
7
8 **CHM** Ok. Members of my Panel, after this, can we have a brief discussion?
9 It's basically on the point raised by Mr Cyrus about the request from
10 PDRM the diary, ya. Diary, yes. Just a quick one, yes. So, with that, I
11 would like to thank, kalau tak ada apa-apa lagi, nothing, tak ada apa-
12 apa lagi, I would like to thank everyone for turning up today. Yes. And
13 we look forward to your written submissions and your oral submissions,
14 yes. Yes, ok. Merry Christmas to all those, yes, going to celebrate
15 Christmas. And end of the year greetings and holidays, everything, yes.
16 Take care and stay safe. So, ok.
17
18 **TFW** Alright, Thank you.
19
20 **SB** Thank you, Dato' Seri.
21
22 **PM2** Happy and merry Christmas.
23
24 **SPC** Merry Christmas and a happy new year to all the Panel members.
25
26 **PK** Salam to everybody –
27
28 **ADY** Salam.
29
30 **PK** Salam, Dzaffir. Salam.
31
32 **CHM** How do I leave now? Do I leave because we want to –
33
34 **PM2** Wait.
35
36 **PK** You don't leave, we leave.
37

1 **CHM** Ok. We'll stay. Ok. Bye-bye to everyone. Yes.
2
3 **PK** Don't leave, don't leave, Dato' Seri,
4
5 **SB** Bye, thank you.
6
7 **PK** Thank you, Dato' Seri. Thank you, Madeline and Jerald.
8
9 **PM2** Ok, bye.
10
11 **SB** Stay safe.
12
13 **PM2** Are we alone?
14
15 **SK** Let me check. Yes. Dato' Seri, we can proceed, Dato' Seri.
16
17 **CHM** Ok. Just to seek your view lah. But I think, on this request, but I think, I
18 think, there's merit in the request.
19
20 **END**
21
22 **TIME :** [01:13:13]