



MEDIA RELEASE

RE: INVESTIGATION OF THE SEX VIDEOS

1. Since 13th June 2019, this Chambers and the Royal Malaysian Police (PDRM) have worked very closely in reviewing the investigation papers on sex videos that were alleged to involve political personalities. The standard investigation protocol between this Chambers and PDRM was followed. Numerous discussions were held to review the evidence gathered by PDRM at appropriate stages of investigation, and several instructions for further investigation were issued to PDRM to ensure the sufficiency of evidence before any prosecutorial decision can be made.

2. Investigation was conducted under Sections 377B and 377D of the Penal Code following several police reports lodged by different individuals on the sex videos. Many witnesses were interviewed by PDRM to ascertain the facts connected to the video and there had been arrest and remand of some of these witnesses in connection with the investigation.

3. Various reasons contributed to the delay in the completion of the investigation: primarily, the length of time involved before forensic reports were finalised. In the course of investigations, due process of law must be observed, procedures and technical requirements for proper forensic analysis must be complied with. This also includes working within governmental constraints and procedures to secure additional funding approval to enable PDRM to complete its investigations.

4. The videos were sent for authentication and face recognition analysis, both locally and abroad. The statements recorded by the police, documentary evidence gathered and the aforesaid forensic analysis all formed part of the Investigation Papers that were referred to this Chambers for decision.

5. Cyber Security Malaysia concluded that whilst the videos were authentic, facial recognition could not be achieved due to poor resolution of the video recordings upon which such analysis were performed.

6. Because of Cyber Security's inconclusive findings, PDRM sent the videos to be independently analysed by forensic experts in the United States of America. PDRM received the result of the second analysis in December 2019. This independent report confirmed Cyber Security's findings, amongst others, that "the inability to identify individuals in the viral videos is primarily due to the low resolution and quality of the viral

videos and the relatively few number of video frames in which the suspect is clearly visible”.

7. Separately, PDRM also received an unsolicited analysis report on the videos from a private individual. This report also confirmed the findings in the other 2 reports mentioned above that identification could not be conclusively made based on facial recognition analysis.

8. In these circumstances and upon reviewing evidence as presently gathered and submitted by PDRM to this Chambers, my Deputy Public Prosecutors unanimously recommended to me that no charges be proffered in connection with the videos. I have accepted their recommendation and have decided not to prosecute any person. Consistent with our normal practice, investigations may be reopened if and when new evidence becomes available.

9th January 2020

Tan Sri Tommy Thomas

Public Prosecutor/ Attorney General