

## **'Umno' sues Najib to retrieve chunk of RM2.6b**

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EXCLUSIVE Things are heating up in Umno, as a member who claims to represent the party has filed a suit against its president Najib Abdul Razak to reclaim a portion of the RM2.6 billion alleged party donations said to have left the country.

A large portion of the funds, which The Wall Street Journal had exposed was deposited into Najib's personal accounts, were allegedly transferred to Singapore two years ago.

Langkawi Umno's Anina Saaudin (photo) named Najib and Umno executive secretary Abdul Rauf Yusof as defendants in the suit filed at the Kuala Lumpur High Court registry this morning.

The vocal member, who recently accused Najib of "cheating" Umno's three million members, claimed that the legal action is for the benefit of and on behalf of the party and its members.

The US\$650 million is said to be the balance from the original US\$681 million (RM2.6 billion) the prime minister had received in his personal accounts.

The transfer happened sometime in Aug 30, 2013, the same day Najib closed the account, as alleged by whistleblower website Sarawak Report.

It is understood that the suit was filed today by the law firm Messrs Hanif Khatri after no action had been taken on the alleged complaints made against Najib with the party disciplinary board.

Anina is seeking an injunction against Najib and Abdul Rauf or their agents in the disciplinary board, state liaison body, divisions, and branches to be restrained from removing, suspending, and taking disciplinary action on her, pending the disposal of this action.

The complainant is also seeking a repayment amounting to US\$650 million - the amount reportedly deposited by Najib in a Singapore bank - and an account of all monies that he had received in the form of donations.

Also sought are details of all monies in the AmPrivate Banking Account No 2112022009694 allegedly belonging to Najib, along with damages, costs, and other reliefs.

### **Unaccounted for in Umno's books**

The complainant further argued in the claim that the monies said to have been donation from a Middle Eastern source for the party's benefit allegedly did not appear in the party's

audited accounts.

The sum of RM2.6 billion allegedly did not appear in Umno's audited accounts for the financial years 2013 and 2014, according to the statement of claim sighted by Malaysiakini.

The document said that between March 21 and March 25, 2013, US\$680,999,976.00 (RM2.6 billion) made its way into Najib's two private accounts in AmBank, through Falcon Private Bank in Singapore.

The claim argued that since Najib has admitted receiving the amount and that he was not the personal beneficiary to the funds but Umno, he is only acting as a trustee of the funds.

It was reminded that Umno, and hence Najib, is governed by the Societies Act 1966 and party constitution over matters related to finance and accounting.

Under Section 14(d) of the Act, Umno is required to provide the audited accounts every financial year to the Registrar of Societies.

Umno's financial year is from Jan 1 to Dec 31 every year, and monies belonging to Umno are to be deposited in a commercial or savings bank.

The complaint stated Najib as a trustee has breached the Umno constitution, the provisions of the Societies Act, and common law as a trustee of the donations.

### **Singapore account not Umno's**

It further claimed that Najib allegedly did not inform or declare the sum of RM2.6 billion to Umno.

The Singapore account to which the portion of the RM2.6 billion was transferred on Aug 30, 2013 also allegedly did not belong to Umno.

The statement of claim said Najib had paid or removed from the party an original sum amounting to US\$650 million, and this is in direct violation of the Umno constitution.

It further alleged that the Umno president had utilised or retained part of the monies for his own benefit and without regard for Umno.

For these reasons, Ainina argued Najib had acted in breach of trust and confidence reposed in him as an Umno trustee.

For this, the complainant said the Umno president and the supreme council had acted ultra vires (beyond its power) of the party constitution and committed fraud.

The complainant further stated that because Najib is the alleged wrongdoer in control of the party, Umno is in no position to make a claim for its own benefit against Najib.

## **Supreme council unwilling to act**

It also said the supreme council is unable or unwilling to act against the Umno president following his power and influence over the party.

Najib was also accused of abusing his power as prime minister in removing his deputy Muhyiddin Yassin, who remains as party deputy president.

The complainant claimed Umno and its organs have been co-opted by Najib, resulting in the party being unable or unwilling to bring action against him for the party's benefit.

As a result of Najib's position of power, as well as the manner in which Umno is governed by the supreme council, state liaison committees, divisions and branches would not sue or seek an account of the RM2.6 billion, the claim said.

This legal action is the second faced by Najib in his personal capacity.

PKR and several opposition members have also filed a suit against Najib, BN secretary-general Tengku Adnan Tengku Mansor, 1MDB, and the Election Commission, linked to the RM2.6 billion allegation.

Najib had claimed that the money was a political donation.

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