

Mahathir makes bid to freeze Najib's assets worth RM2.6b

MalaysiaKini.com

Apr 19th, 2016

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Former Prime Minister Dr Mahathir Mohamad has filed an application for a mareva injunction against Najib Abdul Razak to freeze or prevent the prime minister from transferring, reducing (withdrawing) or dealing with assets worth RM2.642 billion.

Mahathir, 91, along with former Batu Kawan Umno vice-head Khairuddin Abu Hassan and former Langkawi Umno member Anina Saadudin, also filed an application for discovery, requiring Najib to inform and itemise his assets, including properties, credit balance, money and other assets kept in banks, financial institutions and as company shares.

The application was filed today at 10.40am through the firm of Haniff Katri at the High Court registry in Kuala Lumpur.

"The order for Najib to produce a list of his assets must be done within 10 days from the deliverance of this letter," the application states.

The application is based on all three of them having filed a civil action against Najib for tort of misfeasance in public office and breach of fiduciary duty, where they are seeking relief of exemplary damages of RM2.6 billion, and RM42 million in aggravated damages.

They said they have proven that RM2.6 billion had entered into Najib's personal account in Ambank in March 2013, and another RM42 million from SRC International Sdn Bhd, which was formerly a subsidiary of 1MDB.

All three further claimed that Najib has not denied the money entering into his personal accounts and that it was further confirmed, allegedly through attorney-general Apandi Ali in his press statement.

They further noted that Apandi's statement also verified that money had been transferred out of Najib's accounts allegedly to Saudi Arabia, and this proves that Najib has the tendency to transfer or shift his assets beyond the jurisdiction of the court.

Order to avoid plaintiffs being prejudiced

Mahathir, Khairuddin and Anina further contended that if no such order was given, there was a high probability such assets would be transferred outside the court's jurisdiction and that the plaintiffs would be prejudiced if there was no such order to prevent the disposal of Najib's assets as applied for.

The application filed today is against the backdrop of case management for the trio's suit tomorrow afternoon.

Previously, it was reported that Mahathir, Khairuddin and Anina who were formerly Umno members had on March 23, filed a suit against Najib for breach of fiduciary duty and misfeasance in public office to derail ongoing investigations against the sitting prime minister.

All three of them are part of the Citizens' Declaration movement to remove Najib as prime minister.

In their statement of claim, the plaintiffs said due to Najib's position as the "numero uno" of Malaysia, he controls, commands and instructs or insists omissions within the powers of each and every government machinery.

This includes ministries, ministers, parliamentary office (including the Public Accounts Committee) and legal enforcement agencies such as the Attorney-General's Chambers, the police, the Malaysian Anti-Corruption Commission (MACC) and the Malaysian Communications and Multimedia Commission (MCMC).

They further claimed that Najib had acted in bad faith to undermine, or cause to compromise various respective institutions involved in the probe of 1MDB scandals related to the remittance of RM2.6 billion and RM42 million or any other amount into the PM's personal bank accounts.

Mahathir, Anina and Khairuddin, claimed that 1MDB was set-up in 2009 but between 2010 and 2013, there were various reports on allegations of serious financial impropriety concerning 1MDB.

Sometime between 2014 and last year, the allegations became more serious where in several newspapers including The Wall Street Journal, it was reported or alleged that 1MDB had been used to siphon funds into Najib's account.

The trio are seeking a court order to declare Najib as having committed the tort of misfeasance in public office and breach of fiduciary duties by using his post as prime minister, chairperson of BN and Umno president to act in bad faith, to obstruct, intercede, impede and derail investigations and inquiries related to 1MDB.