

Dr M's lawyer explains why MO1 not named in DOJ documents

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The Malaysian Official 1, who clearly is Prime Minister Najib Abdul Razak, is not named in the United States court documents because he does not own any of the assets to be forfeited and the investigators are bound by international convention, said lawyer Mohd Haniff Khatri Abdulla.

He said despite the Department of Justice report not naming Najib directly, it does not absolve the prime minister from allegations of fraud or kickbacks with regard to the 1MDB funds.

Haniff, who is appearing for former Prime Minister Dr Mahathir Mohamad in several court proceedings against Najib, said similarly, the 1MDB officials who were not directly named are also not cleared of fraud.

He said the DOJ court action shows that the basis of its action is on fraud in 1MDB, with the fund being located in Malaysia.

The proceeds of the funds were transferred out of the country, including to the US, where the assets were purchased.

"The court documents also show there is kickback, or that the funds make their way back to Malaysia. It is within the Malaysian jurisdiction and its agencies to determine whether there is corruption or kickback and action should be taken against them.

"Can the US take action on fraud or allegations of corruption? No, as it involves only money-laundering there, they cannot take the action (against fraud) there. They cannot take action on the 1MDB officials 1, 2 or 3 or the Malaysian Official 1 there.

"This does not mean those implicated are not involved in fraud or kickback. Malaysians must understand this from the court papers," Haniff said.

Action can be taken on them here in Malaysia, the lawyer added.

Haniff (*photo*) said this in three video recordings on the 1MDB issue and the DOJ documents, which were recorded by blogger Dinturtle and posted on his blog and also on the lawyer's Facebook.

From the DOJ court papers it was reported that the Malaysian Official 1 received US\$731 million in kickbacks, allegedly from 1MDB funds.

Only those owning assets are named

Haniff added that this is a quasi-civil and quasi-criminal proceeding for the forfeiture of the assets and named in the cause papers are the assets the US authorities want to seize from the people stated in the court documents.

"They are named based on who bought the properties or assets. There are none of the properties registered under Malaysian Official 1 or 1MDB.

"It is also by international convention that if the country's leader still holds the post that he has, or has not taken leave or is not toppled, the convention remains that the name is not mentioned."

So, Haniff added, Malaysians should not be shocked, or let others within the ruling government argue that if the name is not mentioned, then he (Najib) is not involved.

He said those who state that the DOJ documents do not relate to Malaysian Official 1 or to Najib would be abusing the facts.

"We cannot be unjust to our people by hiding this fact which is contained in the report.

"If the Malaysian government is not satisfied with the report, it can be challenged (in the US) or we do our own investigation," he said, adding that the previous investigations into 1MDB should also be made public.

Haniff also lamented that Malaysians have to rely on the US court documents to know what is happening, since the investigation papers in Malaysia are classified under the Official Secrets Act (OSA) and likewise, the final audit report on 1MDB.

Under the law, he said, attorney-general Mohamed Apandi Ali could also order that the investigations be re-opened, based on new evidence from the DOJ documents.

He said the AG should keep in contact with the DOJ so that they would know of developments on the matter.

However, the lawyer also raised this question: whether Malaysia wants to cooperate with the US in such matters?

It is the responsibility of Apandi, he added, to contact his counterpart in the US to re-open the 1MDB investigation files in Malaysia.