

## **Court allows ex-1MDB CEO witness statement in trial**

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1MDB TRIAL | The Kuala Lumpur High Court has allowed former 1MDB CEO Mohd Hazem Abdul Rahman's witness statement in former premier Najib Abdul Razak's RM2.28 billion graft trial.

Judge Collin Lawrence Sequerah made the ruling during open-court proceedings this afternoon.

He also directed for the witness to take the witness stand on Monday next week.

During proceedings on Sept 7, lead defence counsel Muhammad Shafee Abdullah made the application to remove certain disputed parts of the witness statement on grounds that it contained various hearsay allegations.

Under the law, hearsay refers to testimony by a witness of what is purportedly told to the witness by another person, and that this other person is not available

to be cross-examined in court about it.

In effect, today's ruling paves the way for 10th prosecution witness Hazem to read out the full contents of his 118-page witness statement when he takes the stand during the prosecution's examination-in-chief on Monday.

In reading out his brief ruling today, Sequerah said that the court will wait until the end of the prosecution's case before it makes a ruling on whether the disputed parts of the witness statement are admissible or not.

The judge noted that certain documentary or oral evidence may at a later stage of the prosecution's case be rendered admissible due to it falling within the exception of the rule against hearsay evidence.

"The court is not in a position at this juncture to determine whether the evidence in the witness statement (contains alleged hearsay) as it has yet to hear the other evidence (to be introduced by the prosecution later on during the trial).

"It is premature at this stage for the court to decide on the admissibility issue, whether to exclude the passages (in the witness statement), because the prosecution may then be deprived of the opportunity to render the passages admissible.

“(If the disputed portions of the witness statement are allowed to be removed now) the prosecution may be prejudiced from rendering its narrative as it unfolds (during the prosecution stage of the trial),” Sequerah said.

The judge noted that the defence would not be prejudiced if the entirety of Hazem’s witness statement is allowed in proceedings now because the defence can still later cross-examine the witness over the disputed parts.

“The witness statement is to be allowed in its entirety,” he ruled when dismissing the application.

Sequerah then adjourned proceedings this afternoon to be resumed on Monday.

Najib is on trial over four counts of abuse of power and 21 counts of money laundering involving RM2.28 billion of funds from sovereign wealth fund 1MDB.

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