

## **Court strikes out affidavit on 1MDB money trail in forfeiture suit**

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Editor's note: An earlier copy of this article had erroneously reported that the court had struck out an affidavit regarding Umno's secret account. This has been corrected.

The Kuala Lumpur High Court today struck out an affidavit that purportedly showed a monetary trail involving funds from 1MDB.

The court allowed the application from the legal teams of former prime minister Najib Abdul Razak and Umno.

The affidavit, filed yesterday, was intended to be used by the prosecution in its RM680 million 1MDB-linked forfeiture suit against Obyu Holdings Sdn Bhd.

In a brief ruling, judge Muhammad Jamil Hussin said the affidavit in question was filed after all other affidavits have been filed and without the court's leave.

The judge ruled that such filing might prejudice the third party claims in the present proceedings.

"I rule that the affidavit cannot be used in the proceedings. I will not consider the affidavit in support," Jamil said.

Earlier during proceedings, Najib and Umno's legal teams raised their objections to the filing.

The former prime minister and the political party are third party claimants for RM114 million out of the total RM680 million being sought to be forfeited by the government via the forfeiture suit.

During proceedings before Jamil, Najib's lead counsel Muhammad Shafee Abdullah argued that the affidavit by police investigating officer R Rajagopal should not be allowed as it was filed at the last minute.

The lawyer noted that they had the affidavit since 2015 and yet only filed it for the current forfeiture suit yesterday.

Umno's lawyer Hariharan Tara Singh informed the court that they adopted the submissions by Shafee.

Hariharan said the prosecution was taking advantage of filing the affidavit after having gone through the earlier submissions by the third-party claimant (Umno).

"If this (affidavit on 1MDB monetary trail) is allowed, we would not know where to draw the line.

"They (prosecution) may file another affidavit after our submissions.

"The court should not allow this as it would be prejudicial to parties, especially third parties (staking part of the funds sought to be seized in the forfeiture suit)," Hariharan said.

No proof funds seized at Pavilion Residences from 1MDB

Meanwhile, during the main forfeiture suit's hearing against Obyu, Najib's counsel Tania Scivetti argued that no link had been shown between funds from 1MDB and the monies found at Pavilion Residences.

The government's 1MDB-linked forfeiture suit is centred around the funds and assets seized from the Pavilion Residences in Kuala Lumpur in 2018.

Obyu is the owner of several condominium units at Pavilion Residences.

Scivetti said an earlier affidavit by Rajagopal (not the one filed yesterday) failed to show evidence of a link between money from 1MDB and that of the funds seized at the Pavilion Residences.

She contended that Rajagopal failed to identify among others how respondent Obyu was ever entrusted with or had dominion over funds from 1MDB.

She argued that the investigating officer into the 1MDB affair also failed to show evidence to link Obyu to the offence of criminal breach of trust under Section 409 of the Penal Code or that of receiving stolen property under Section 411 of the same code.

"There is no evidence before this court to show nexus of the money alleged from 1MDB and those seized from the Pavilion Residence.

"The (forfeiture) application (against Obyu) ought to be dismissed and the cash seized (part of the RM680 million) returned to Najib," the lawyer contended.

Proceedings before Jamil will resume on Monday, with Hariharan expected to submit on behalf of third party claimant, Umno.

On Feb 10 this year, prosecutors submitted before the court that Umno has a

secret unaudited account to receive political donations.

The prosecution was rebutting claims that RM114.16 million cash, sought by third party claimants Najib and Umno in the government's 1MDB-linked forfeiture suit against Obyu, had belonged to the political party.

On Sept 3, 2019, it was reported that Najib and Umno were among several third parties seeking to stake a claim in the forfeiture suit involving cash and jewellery seized by the authorities from Pavilion Residences in 2018.

The other third-party claimants in the forfeiture suit are Najib's wife Rosmah Mansor and Lebanese jeweller Global Royalty Trading SAL.

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